Planning Inspectorate

Appeal Decision

Inquiry held 8-11 September 2026, 15 September 2026 and 18 September 2026

Site visits made on 1 July 2026, 7 September 2026 and 14 September 2026

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th September 2026

Appeal Reference: 6008238
Land North of A507, West of A10, Buntingford, SG9 9ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Hallam Land Management Limited against the decision of East Hertfordshire District Council.
- The application reference is 3/24/0966/OUT.
- The development proposed is an outline planning application for development of up to 600 dwellings (C3), up to 60 units of elderly accommodation (C3), a mixed-use local centre (including flexible use E and F), first school, informal and formal open space, associated works and infrastructure including a new access from the A507 and bridges over the A10, with all matters reserved except access.

Decision

1. The appeal is allowed and outline planning permission is granted for development of up to 600 dwellings (C3), up to 60 units of elderly accommodation (C3), a mixed-use local centre (including flexible use E and F), first school, informal and formal open space, associated works and infrastructure including a new access from the A507 and bridges over the A10, with all matters reserved except access, at Land North of A507, West of A10, Buntingford, SG9 9ER, in accordance with application reference 3/24/0966/OUT, subject to the conditions in the attached schedule.

Preliminary Matters

2. A case management conference was held with the main parties on 17 June 2026. This was to discuss only procedural matters.

3. A revised National Planning Policy Framework was published on 17 August 2026 (the Framework). It is a material consideration of *'critical importance'* in decision making terms. The main parties were afforded the opportunity to provide written comments about the implications of the Framework in respect of their appeal positions prior to the opening of the inquiry. In reaching my decision, I have considered all written comments received as well as the aural comments made at the inquiry.

4. It has been drawn to my attention that a separate planning application for employment development (planning application 3/24/1255/OUT) has been submitted on land to the south of the appeal site. This is the subject of a separate appeal to be considered by another Inspector in due course. I have determined this appeal on the basis that such nearby land does not have a planning permission in place for its development.

5. The description of the proposed development in the banner heading above was agreed by the main parties at the inquiry. This differs from the agreed position of the main parties prior to the inquiry commencing in so far that it correctly refers to 'bridges' over the A10, as distinct from just 'pedestrian bridges' over the A10. This is because the proposal includes a bridge over the A10 which would be used by cyclists. It also omits reference to 'sui generis' uses in respect of the mixed-use local centre because that is not precise and, if approved, could in principle approve harmful or inappropriate development.

6. The proposed development has been screened on behalf of the Secretary of State under section 14(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. It has been concluded that the development is not Environmental Impact Assessment development.

7. A completed planning obligation made under section 106 of the Town and Country Planning Act 1990 (as amended) accompanies this appeal. It was executed on 23 September 2026. If outline planning permission is approved, it will take effect.

Main Issues

8. The main issues for consideration are:

   (i) 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;

   (ii) 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;

   (iii) the effect of the proposal on the character and appearance of the area including landscape character;

   (iv) whether the proposal would provide the necessary infrastructure to make the development acceptable including affordable housing, custom/self-build housing, active travel provisions, education, and public transport provisions, and;

   (v) given policy S5 of the Framework, (a) if the development proposal falls within one of the categories in such a policy whether the benefits of the proposal would be substantially outweighed by any adverse effects when assessed against the national decision-making policies, and b) if the development proposal does not fall within one of the categories in such a policy, whether exceptionally the benefits of the proposal would substantially outweigh any adverse effects, including any possible adverse

effects on the character of the countryside and in relation to promoting sustainable patterns of movement.

Reasons

Proposal

9. The proposal is submitted in outline with all detailed matters reserved for subsequent consideration apart from access. The application site is just over 50 hectares. An indicative masterplan accompanies the application, and I have considered this from the point of view of considering the planning merits of the proposal in land use principle terms.

10. Up to 600 dwellinghouses are proposed of which 240 (40%) would be affordable and 1% would be made available for custom and self-build purposes. Based on the appellant's building heights parameters plan in its Design Principles Document dated May 2025, identified lower slopes would have buildings up to 12.5 metres in height and identified upper slopes would have buildings up to 10.0 metres. The proposal would also include an element of elderly accommodation (60 units) as well as a mixed-use local centre and community hub (0.53 hectares). A 2-form entry first school is proposed as well as green infrastructure totalling some 24.67 hectares including also the provision of a country park.

11. Access into the site would be off the A507 Baldock Road to the south and off Throcking Lane to the north. Active travel improvements are proposed on the A507, including provision of a shared use footway/cycleway from the site towards the town centre of Buntingford. A new active travel bridge would be constructed adjacent to the existing pedestrian bridge over the A10 linking public rights of way 36 and 40 where improved lighting would be in place. A new pedestrian bridge would be provided over the A10 which would connect public rights of way 41 and 35 and hence links into the town.

12. It is proposed that two 'mobility hubs' would be provided on the site with one located in the local centre and with a bus stop (including shelter). The mobility hubs would include pedestrian and cycle facilities, charging facilities, and real time bus information boards. The appellant's bus strategy is for bus services 18, 331 and 386 (now 37) to connect directly into the site. Such provision would be enabled by means of a financial contribution which would allow bus service 331 to be delivered at a 30-minute frequency with further complimentary service provided by bus services 18 and 386 (now 37). A further contribution of £500 per dwelling is proposed for the Buntingford Community Transport Scheme.

13. Existing trees and hedgerows would be retained, unless necessary to be removed to enable development, and new planting and wildlife areas would be provided. The appellant's evidence indicates a biodiversity net gain of 11.22%.

Land use principle - Development Plan and the Framework

14. There is no dispute between the parties that the appeal site falls outside the settlement of Buntingford. I have applied the definition of a settlement in Annex B of the Framework and taken the settlement of Buntingford to be that which is shown by way of a settlement boundary in the East Hertfordshire District Plan 2018 (LP). In this regard, the settlement boundary for Buntingford is for the most part up to and/or close to the eastern edge of the A10.

15. The main parties agreed at the inquiry that the proposal would not lead to the provision of isolated homes in the countryside and hence that national decision-making policy HO11 of the Framework was not applicable in this case. On the evidence that is before me, I do not disagree with these common ground positions.

16. As the appeal site falls outside of the settlement of Buntingford, it is necessary that I determine the acceptability of the principle of the development against national decision-making policy S5 of the Framework. It states that only certain forms of development should be approved outside settlements, as set out in a list, and that proposed development *'should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the Framework'.*

17. In this case, the main parties agree that the proposal should be considered specifically against policy S5(1)(j) of the Framework. In principle, this permits development outside a settlement where it would *'address an evidenced unmet need (including, but not limited to , development proposals involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test) and where the development would (i) be physically well related an existing settlement (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure'.*

18. There is no dispute between the main parties that the Council cannot demonstrate a deliverable five-year supply of housing sites. The appellant says that the supply is 2.21 years, and the Council says that it is 2.88 years. I have determined this appeal based on a housing land undersupply range of between 2.21 years and 2.88 years, and for the purpose of my final balance and conclusion below, have opted for the Council's best-case scenario of 2.88 years. The housing aspect of the proposed development is sufficient to satisfy national decision-making policy S5(j) from the point of view of *'addressing an evidenced unmet need'* for housing. I deal with the other aspects of the proposed development later in my decision and from the point of view of the consideration of general benefits in the overall planning balance.

19. I concur with the common ground position of the main parties that the development would be of a scale that could be accommodated considering the existing and proposed availability of infrastructure (see my findings relating to the completed planning obligation later in this decision). In this regard, the proposal also satisfies national decision-making policy S5(j) of the Framework.

20. In respect of the above policy, the principal issue in dispute between the main parties relates to whether the proposed development would be *'physically well related'* to the settlement of Buntingford. In terms of this matter, I have considered all the comments made at both the inquiry and in terms of the written correspondence received.

21. In my judgement, the proposed development would be seen as being physically well related to the settlement of Buntingford owing to existing and proposed bridges and other transport connections (including active travel links and proposed toucan crossing on the A10 which I later conclude are acceptable in all respects); the intervisibility between the site and existing residential/other development close to and off Neale Drive (including also some consented development that has not been

built out); the fact that there is no intervening countryside between the settlement edge and the proposed development; the proximity of Buntingford Business Park (where the roofs of such development can be seen from parts of the appeal site); the site's existing association with the adjacent proposed employment allocation (accepting that this is yet to be developed); the promotion of sustainable patterns of movement between the site and the settlement utilising roads, paths and services; the avoidance of isolated development; and the overall close proximity of the development to the edge of the existing settlement of Buntingford as defined by its boundary in the LP.

22. I acknowledge that the A10 does physically separate the appeal site from land immediately to the east of it and which falls within the defined settlement boundary. Even accounting for the view expressed by the Council's landscape witness that the A10 is of itself a *'landscape break'*, there is common ground that the site is adjacent to the settlement of Buntingford. It is noteworthy that large parts of the A10 which are close to the appeal site are confined to land within a cutting. Hence, it is my judgement that in this location it constitutes a soft connection bridging the settlement of Buntingford with the proposed development rather than being perceived as being a hard boundary, or a prominent landscape break.

23. I acknowledge that in respect of historic planning decisions, a view has generally been taken that, overall, the A10 represents a physical barrier to the settlement of Buntingford. That may be the case, but the point is that policy S5(j) does, in principle, permit development proposals outside of settlements and, in this case, subject to such development being physically well related to the settlement of Buntingford.

24. The A10 is not very wide as it passes the appeal site: it is not four lanes and a verge as can be seen along other parts of the A10 further afield. Part of it is experienced as being visually within a cutting. When travelling along part of the A10 and near to the appeal site (e.g., just after or before Neale Drive), the motorist is obliquely aware of existing residential development. Such development is also experienced from parts of public rights of way (PROW) Nos. 40 and 41. I also consider that owing to the proximity of the appeal site to the defined settlement boundary, the overall pattern of development within the locality, land topography, and the presence of existing and proposed urban influences, the proposed development would be physically well related to the settlement of Buntingford for the purposes of applying national decision-making policy S5(j) of the Framework.

25. I turn now to consider the principle of the proposal against development plan policies. The appeal site is within an area designated as a 'Rural Area Beyond the Green Belt' in the adopted LP. There is no dispute between the main parties that the proposal does not accord with policies DPS2 and GBR2 of the DP. The former seeks to direct development in accordance with a hierarchy and the latter permits specified development types. The proposal does not meet any of the requirements of the hierarchy and does not meet any of the specified development types for the 'Rural Area Beyond the Green Belt'. Therefore, I conclude that the proposal would conflict with the requirements of policies DPS2 and GBR2 of the LP.

26. Moreover, the proposal does not accord with the requirements of policy HD1 of the 2017 Buntingford Community Area Neighbourhood Plan 2014-2031 (NP) which states that where development schemes are consistent with policies HD2 to HD7 of the NP, they '*will be permitted in the form of small scale infill development within*

or immediately adjoining significant clusters of development; affordable housing on rural exception sites to meet an identified local need which cannot be met in any other way; development for which there is a demonstrable need for a location in the countryside. The need for this policy to be updated will be assessed when the emerging District Plan has been adopted and the strategic context in terms of the scale of new housing development has been determined'.

27. The proposal is not a small-scale infill development. While the site is adjacent to Buntingford Business Park and an employment allocation (identified under policy BUNT3 of the LP), it is not in my judgement adjoining a 'significant' cluster of existing development. It does not comprise affordable housing on a rural exception site. I therefore conclude that the proposal would conflict with policy HD1 of the NP. I emphasise, however, that the NP was adopted in 2017 and therefore it is more than five years old. Therefore, national decision-making policy S6 of the Framework is not applicable in this case.

28. The above development plan policies are placing a constraint on the delivery of houses in the context that the Council cannot demonstrate a five-year supply of deliverable housing sites. The spatial housing strategy as contained with the adopted development plan for the area relates to a housing requirement which is materially different to the one that is in place now. Moreover, such policies are materially inconsistent with national decision-making policy S5 which relates to the principle of development outside settlements, including housing development.

29. It is noteworthy that Annex A, paragraph 2 of the Framework states that *'development plan policies (or parts of those policies) which are materially inconsistent with national-decision making policies in this Framework should be given very limited weight'*. I afford the above development plan policies limited adverse weight in decision making terms because they materially conflict with national decision-making policy S5. The development plan for the area does not accord with the requirements of Plan-making policy HO3 of the Framework because it does not seek to ensure that a sufficient supply and mix of housing sites is identified to meet the most up to date housing requirement for the area.

30. Given that there is at least an agreed housing land supply range amongst the main parties, it has not been necessary in this case for me to reach a detailed finding about the actual housing land supply position. Either way, I agree with the position of the main parties that substantial positive weight should be afforded to the proposed delivery of dwellinghouses on the land. In the context of national decision-making policy HO7, and the very significant undersupply position, I afford the delivery of a significant number of dwellinghouses on the site substantial positive weight.

31. For the above reasons, I conclude that the housing led proposal does amount to a form of development that can in principle be approved in this location as it accords with the criteria in national-decision making policy S5(j) of the Framework. I afford national-decision making policy S5(j), as recent national planning policy, more weight as a material planning consideration than the above development plan policies to which I afford only limited weight in decision making terms.

32. Consequently, I conclude that the proposal would be acceptable in principle subject to satisfying the additional requirement of national decision-making policy S5 which is that it '*should be approved, unless the benefits of doing so would be*

substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the Framework'. I deal with this as part of my overall planning balance.

Highway safety

33. There is no dispute between the parties that the proposed accesses into and out of the site from Baldock Road and from Throcking Lane would be safe and that the surrounding road network has capacity to accommodate the additional vehicles associated with the development. Moreover, the main parties consider that the appeal site could be developed in such a way that suitable road and car parking infrastructure could be provided on-site and in conjunction with the provision of bus service infrastructure and walking and cycling routes. I have no reason to disagree with these common ground positions, and, in this regard, the proposed access details are acceptable.

34. The primary issues of concern between the Highway Authority/Local Planning Authority and the appellant relate to whether the evidence indicates that the proposed toucan crossing with a new 40 mph zone would be safe for cyclists, wheelers and pedestrians alike taking into account vehicular speeds; likely driver behaviour relating to the character of the environment and particularly from a speed point of view; whether a toucan crossing on the A10 could be provided without vehicles queuing back to the roundabout when travelling in a northbound direction; whether motorists using the A10 would likely mistake a green light at the toucan crossing as meaning that it related to a signalised roundabout and hence that it was safe to enter the Baldock roundabout without giving way; and the extent to which the proposed toucan crossing would be acceptable and safe in respect of its staggered arrangement and its central island as a space to be shared between pedestrians, wheelers and cyclists alike.

35. In considering the above matters, I have considered the appellant's two options relating to the location/design of the toucan crossing ('option 1' drawing No. 23161 0046 P2 or 'option 2' drawing No. 23161 043 P2). I have also considered the various local and national guidance relating to the provision of toucan crossings as outlined by the main parties. In some respects, they are conflicting, although it is fair to say that when the technical guidance is considered as a whole, it does not normally support shared and staggered toucan crossings.

36. Notwithstanding the above, I do not consider that there is an automatic prohibition in terms of the provision of a shared staggered toucan crossing in this location and where a 40mph limit is being proposed. Indeed, LTN 1/20 authorises the use of a signalised crossing such as those which I am asked to consider for speed limits up to and including 50mph. It is noteworthy that there was no specific objection in principle to the provision of a shared staggered toucan crossing over the A10 (i.e., close to the Baldock roundabout) from the point of view of the completed independent Road Safety Audits (RSA).

37. I find that a shared toucan crossing within a 40mph zone is acceptable in principle on this part of the A10. While the highway safety witness representing the Highway Authority raised some criticism of the appellant's speed survey (a 57m set back from the roundabout) in terms of it not being conducted on two separate months, I am nonetheless satisfied that in this case the data can reasonably be relied upon as an indicator of average 85th percentile speeds, i.e. about 30 mph in the given

speed measurement locations. I find that the 85th percentile speed rating is acceptable from the point of view of the consideration of the suitability of the proposed 40mph zone. In considering this matter it is noteworthy that there is significant visibility of the proposed signals from the southbound A10 and there is comfort in the measurements between the circa 30mph 85th percentile speed and the 50mph speed limit at which LTN 1/20 would support a signalised crossing.

38. I do accept that the speed survey findings should not only be relied on when considering the acceptability of the proposed toucan crossing. Other evaluation criteria should be considered which I consider later. While the highway safety witness representing the Highway Authority indicated a preference to see traffic speed data taken from further along the A10 (perhaps up to Neale Drive), I am nonetheless persuaded that in this case the speed survey undertaken by the appellant is sufficiently robust. Indeed, I concur with the appellant's highway safety witness that traffic speeds nearer to the Baldock Road roundabout were always likely to be relatively low because motorists would need to be slowing down for it or because they were just leaving it. This is indeed something that I witnessed on my site visits, albeit that they were snap shots in time. In other words, it is my judgement that the roundabout itself seeks to slow vehicles down.

39. At the inquiry there was much discussion about whether drivers would abide by the new 40mph limit. The view of the Council and Highway Authority was that drivers would not always slow down because there would not be a change in the character of the road environment on the A10. Indeed, it was stated by the Council's highway safety witness that drivers would not have had to give way for several miles when travelling on the A10 from Royston.

40. I do not agree with the claim made that the character of the A10 would not be different between Neale Drive and the Baldock roundabout. The A10 at this point is straight and there is very good forward visibility. The Baldock Road roundabout already represents a change and a visual break for drivers. Moreover, new signalling infrastructure would be visible to drivers. In addition, road markings, signage, a change in road surface etc could be provided along the A10 and would be capable of being addressed as part of a planning condition.

41. In conjunction with the above, it is my judgement that the Neale Drive and Throcking Lane junctions do already alert drivers to some extent that there is some change in the character of the environment. Moreover, motorists travelling in a southbound direction are already aware, albeit at an oblique angle, to the existing of dwellinghouses off Neale Drive and it is noteworthy that additional consented residential development in this area is yet to be built out.

42. This is an outline application, but it is the case that the master plan proposals for the site do show areas of landscaping (including sustainable urban drainage) on land immediately fronting the A10. However, I find that even accounting for the indicative planting reaching maturity, it is likely that there would at least be some glimpses of buildings, structures and lighting on rising land and which would be apparent to passing motorists.

43. Even if one were to disagree with me on the above point, it is not in any event determinative. This is because the other matters addressed above, coupled with the provision of new bridges over the A10, are sufficient in my judgement for me to conclude that motorists would perceive that there was a material change in the

character of the A10 from Neale Drive to the Baldock roundabout. Consequently, I find that southbound motorists would adjust their speed to be in accordance with the proposed 40mph speed limit.

44. In respect of northbound traffic, the evidence is that the 85 percentile traffic speeds are already below 40mph. However, to ensure that queuing is avoided, which could impact on the flow of the roundabout, I consider that the option 2 toucan crossing proposal offers, on balance, the best highway safety and active travel solution. This proposal has a greater set back distance from the roundabout and, in my judgement would suitably ensure broad accordance with technical guidance.

45. At the inquiry, the Council's witness raised some concern about the toucan crossing being set back further away from Baldock Road from the point of view of cyclists, wheelers or pedestrians potentially circumventing it to the detriment of highway safety. I am not persuaded that this would be a common occurrence and, in any event, some form of hard landscaping feature (e.g., railings) could be put in place to prevent such unsafe crossings from happening. There is no objective evidence before me to suggest that people would seek to climb over railings. There is scope for this to be addressed as part of the agreed conditions.

46. While it is the case that local and national technical guidance does generally suggest that shared and staggered toucan islands should normally be avoided, I find that based on forecasted cycling and pedestrian trips (AM and PM peak times) arising from the development, the proposed central refuge/island would be large enough (i.e., that shown in the option 2 drawing) to accommodate shared use and without unacceptable conflict between cyclists, wheelers and pedestrians within it. A staggered toucan crossing would be appropriate in this location in so far as it would suitably balance the needs of cyclists, wheelers and pedestrians while minimising the potential for traffic back-ups or tailbacks within the highway network, including the Baldock roundabout.

47. I note the concern raised by the Council about the width of the toucan crossing island (option 2) from the point of view of part of it being 3.0 metres wide. I deal with this matter as part of the sustainable transport main issue below (an interrelated matter) and conclude that it would be safe and would be acceptable from an active travel point of view.

48. In this case, and notwithstanding the views expressed by the Council's highway safety witness, I consider that it would be appropriate to have guard rails in place in respect of the proposed toucan crossing. This would address some of the concerns raised by the Council's highway safety witness (representing also the Highway Authority) who raised the point about pedestrians potentially stepping out into the road. It is my judgement that in this environment (i.e., a relatively busy 'A' road which distributes traffic from the north to the south of the district and vice versa), most users would find that the provision of guard rails made them feel safer. Indeed, the guard rails would give all users the feeling of some protection from traffic flows as they waited to cross to the other side of the toucan crossing.

49. In this case, and notwithstanding the views expressed by the Council's highway safety witness, I am of the view that the provision of guard rails would therefore be likely to encourage more use of the proposed toucan crossing. It is also noteworthy that under cross examination, the Council's highway safety witness commented

that they can *'occasionally be useful, but it is rare'*. This at least indicates to me that such a witness was not saying that they could never be acceptable.

50. Moreover, with traffic markers, signage and potentially a change of road surface (including a polish stone value assessment) as part of the detailed planning stage, I am satisfied that motorists would be alive to the fact that the speed limit had changed within the A10 (i.e. to 40mph). These are final detailed matters that could be secured as part of a planning condition. In my judgement, it would be appropriate to introduce the 40mph limit on the A10 from just north of Neale Drive.

51. On the evidence that is before me, I consider that motorists would slow down to safe speeds prior to reaching the toucan crossing and, as is common on many highways now (including motorways), motorists would be alive to the fact that there would be variable speed limits on this part of the A10. If it was subsequently found that motorists were not obeying the proposed 40mph speed limits, there are of course separate law enforcement measures to deal with this. However, I do not find that there is any objective evidence to support the contention that such law enforcement measures would likely be necessary.

52. I do not find that with the provision of the above measures it would be the case that motorists, whether familiar or not with the area, would interpret a potentially 'constant green light' associated with the proposed toucan crossing as either meaning that it related to the roundabout junction and that they could proceed without giving way, or that they would opt to ignore red lights. With a reasonable separation distance between the toucan crossing and the roundabout (i.e. the position as broadly shown on the option 2 toucan crossing drawing), coupled with suitable signage before the roundabout (give way etc), the proposal would be capable of mitigating any possible risks and conflicts in terms of the safe use of roundabout. In respect of the phasing and timing of the traffic lights (even if not in use), this is a matter that could be considered more fully as part of future road safety audit stages and as part of the s.278 agreement process.

53. In reaching the above finding, I have considered 85th percentile speed data provided by the appellant. I find that this presents an acceptable/robust basis for concluding that existing traffic speeds are acceptable within the vicinity of the proposed toucan crossing. At this point, the evidence indicates that even without a toucan crossing motorists are slowing down for the roundabout. I noticed this on my site visits although I do acknowledge that they were only snap shots in time.

54. At the inquiry, concern was raised by a local resident in Throcking about the potential for the A507 (Baldock Road) to be closed when the proposed new roundabout was being constructed. I acknowledge the concern raised given the nature and width of the roads running though Throcking and the consequent effect that diverted traffic and/or heavy goods vehicles could have on this village. It need not, however, be the case that the A507 (Baldock Road) would have to be fully closed when the new roundabout giving access into the appeal site was being built. It is often the case that a new roundabout can be built out in phases, thereby keeping sections of an existing road still open and without the need to divert traffic.

55. The above is not therefore a matter that justifies refusal of planning permission. It is a matter that can be suitably controlled by way of the submission of a construction management plan and by condition. Upon approval of such a construction management plan, it could be enforced in the event of a breach. Ultimately, the

Highway Authority would have input into a construction management plan by way of being consulted upon it once received by the Council and as part of a discharge of condition planning application. Put another way, the evidence does not lead me to conclude that in respect of this proposal the use of roads in Throcking from the point of view of either construction vehicles accessing the site and/or traffic being diverted from the A507, would necessarily have to take place, or that the proposal would result in any material harm being caused to Thistly Vale Brook.

56. Overall, and for the above, reasons, I therefore conclude that the proposal would not cause unacceptable harm to highway safety. This relates to the proposed vehicular accesses, the operation of the Baldock roundabout, the provision of a proposed toucan crossing (i.e. option 2 – see highway safety and active travel assessment below), and the proposed 40mph zones on the A10 and Baldock Road. This is of course subject to the imposition of conditions and the completed planning obligation which would control matters of detail.

57. In reaching the above conclusion, I have also considered the conclusions reached by J Bartlett Consulting Ltd in respect of the independent Road Safety Audits. Moreover, and, for the avoidance of doubt and as per the common ground position of the main parties with reference to the highways statement of common ground, I find that the evidence indicates that the proposed development would not cumulatively have a severely adverse impact on the transport network in terms of capacity and congestion, or indeed lead to *'pressure on the local highway network'.*

58. Subject to the imposition of conditions, I therefore find that the proposal would accord with the highway safety, traffic management and sustainability requirements of national decision-making policy TR6 of the Framework, and policies TRA1 and TRA2 of the LP, all of which are consistent with one another.

Whether a sustainable/accessible location

59. There is no dispute between the main parties that the proposal would ensure that it was possible to walk or cycle to day-to-day amenities and services in the centre of Buntingford (all within 2 km of the centre of the appeal site) and based on the indicative active travel improvements within and outside the site and the proposed bridges over the A10. The 2 km distances would be possible if cyclists or pedestrians were to use any of the proposed active travel routes.

60. There is also no dispute between the parties that excluding driving, the appeal site has a connectivity score of 45, meaning that it is 45% as well connected as the best-connected place in the country, which is a grid square within Tower Hamlets. When scored relative to areas within the same District, the appeal site falls within band B (excluding driving), on a scale from A to J, where A is the best-connected category. That indicates to me that the appeal site is already well connected from an active travel point of view. In other words, this is a very good baseline to start with when considering the proposed active travel proposals.

61. The appellant's sustainable transport witness acknowledged at the inquiry that some may decide at certain times of the day (e.g., hours of darkness), or if there was inclement weather, that they may want to use alternative active travel routes from the site and to the town centre/amenities (and vice versa). This is a reasonable position to take. It is noteworthy that this proposal does provide alternatives in terms of active travel options for those that would visit and occupy the proposed development.

62. Several measures are proposed to facilitate access and connectivity to and from the appeal site including a new vehicle main access junction to the site from the A507 Baldock Road with a footway/cycleway. Vehicular access is also proposed from Throcking Lane.

63. There would be a toucan crossing over the A10 leading to a shared pedestrian/cycling route within Baldock Road which would stretch to the east and towards the town centre. There would be additional financial contributions in the completed planning obligation which would be used to make sustainable transport improvements to Bowling Green Lane and Monks Close.

64. At this point, it is worth me emphasising that some of the active travel improvements would also be of benefit to existing members of the local community (and visitors alike), as well as to those who travel on foot or bicycle to Buntingford Business Park.

65. It is also noteworthy that some additional employment units have recently been approved within the Buntingford Business Park complex (i.e., an extension to existing provision) and there is in principle support through the allocation for the building out of more employment development adjacent to the appeal site. In other words, it is reasonable that I conclude that the proposals would have at least some in principle potential for reducing car journeys relating to visits to and from Buntingford Business Park and the adjacent employment allocation.

66. In addition to the above, improvements are proposed to Public Right of Way 36 in the form of a widened, better surfaced and lit footpath. At the inquiry, the appellant's sustainable travel witness indicated that the provision of an 'up to' 3.0 metre width footpath would also have the potential to be used at a future date as a shared pedestrian/cycle route, and in accordance with the existing aspirations of the Hertfordshire Rights of Way Improvement Plan (2017/18-2027/2028). However, it was made clear, and not disputed by the Council, that the Highway Authority felt that it could not permit a change in the legal status of PROW 36 at this moment in time. I deal with this matter later.

67. Finally, it is also proposed to improve footpath connectivity in respect of the widening and lighting of PROW 35 to the east of the site and via a new footbridge over the A10 (with steps) leading to the north eastern part of the appeal site (PROW 41). This bridge would replace the existing at grade crossing over the A10 between the appeal site and PROW 35. The new bridge would represent an enhancement to PROW 35 and its safe connectivity to the appeal site.

68. The point of dispute between the main parties relates to whether the proposed residents of the site would seek to use the walking and cycling links from the site and to the centre of Buntingford. The Council's view is that given the routes that residents would have to use, they would not be attractive or feel safe. It is stated that this would particularly be the case at night and where there is a claimed lack of surveillance from existing development. Consequently, the Council's view is that the private motor vehicle would be used for most journeys as distinct from walking and cycling.

69. The appellant disputes the above claims and is of the view that the proposed active travel improvements would be safe and feel safe and would have the effect of materially reducing the number of car journeys in association with the proposed development. Moreover, the appellant points out that it is proposed that the site

would include some on-site facilities such as a mixed-use local centre, sports/recreation facilities and a country park. The latter would encourage more sustainable patterns of movement and would seek to reduce reliance on the private motor vehicle.

70. In respect of proposed footpath links, I am satisfied that the appellant has suitably explored all reasonable options and has sought to prioritise pedestrians in terms of the design strategy for the scheme. Good on-site links could be secured at reserved matters stage in conjunction with the consideration of layout matters. Moreover, I find that the provision of bus services and infrastructure within the site would enable convenient access to and from the site to the town centre, as well as to nearby towns where there is additional choice in terms of employment, shopping or other leisure opportunities. This would constitute a realistic and sustainable choice for residents in terms of not using the car for such journeys.

71. At the inquiry, there was much discussion about whether the proposal would be acceptable in terms of making provision for cyclists from an active travel point of view. Concern was raised by the Council's sustainable transport witness about the fact that cyclists using the new active travel bridge over the A10 would have to turn right into Skipps Meadows where there is a hard surfaced 'alleyway' of about 1.8 metres in width and where it would be necessary for cyclists to dismount. The view expressed was that cyclists would be unlikely to dismount at this point and that sharing this route with pedestrians would lead to conflicts. Moreover, it was claimed that this was an area which felt vulnerable.

72. I do agree that it would be ideal if cyclists could continue down PROW 36 as a shared pedestrian and cycle route. Based on the appellant's evidence, it does appear that there may be enough land to achieve this aim should the Highway Authority decide that it is prepared to permit a change in its legal status, and that there is final and sufficient legal certainty that all the land is within public control as distinct from in the ownership of a private party. However, in the absence of the Highway Authority confirming that it is in a position to allow a change in the legal status of PROW 36 to permit also its use by cyclists, I am satisfied that the appellant has done as much as it could to explore and prioritise cycling provision along this route.

73. In the context of the above, and while the route via Skipps Meadow would not reach the level of being perfect because cyclists would have to dismount, I emphasise that this would only be for a very short distance. On balance, I consider that cyclists would look to dismount and that the link would be acceptable, convenient and safe for cyclists and pedestrians alike. I accept that this may be minor annoyance for some but nonetheless do not find that it would be a disincentive from a regular use point of view. My findings are also reached in the context of the matter pertaining to PROW 36, by the fact that the 'alleyway' is lit in the form of a street lamp, and because Skipps Meadow is traffic calmed. I also emphasise that that those using a cycle adapted to their needs and with a disability, would be able to lawfully use PROW 36 (and other footpaths) in accordance with section 20 of the Chronically Sick and Disabled Persons Act 1970.

74. I experienced on my site visits that traffic was light in Skipps Meadow. This route would link into a new shared pedestrian and cycling route in Baldock Road and with convenient access to many amenities, services and facilities in Buntingford

and within 2km of the site. While the Framework refers to 800 metres or a 10 minutes' walk time to railway stations as being a *'reasonable walking distance'*, this is in the context of considering proposals against specific proposals around well-connected railways stations. This appeal does not relate to such a proposal.

75. While Manual for Streets states that *'walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes' (up to about 800 m) walking distance of residential areas which residents may access comfortably on foot'* it goes on to say that '*this is not an upper limit and PPS13 states that walking offers the greatest potential to replace short car trips, particularly those under 2 km'*. In this case, I am satisfied that the walking routes to the many amenities and services in Buntingford (i.e., less than 2km) would, from a pure distance point of view, be acceptable to encourage many to travel by foot.

76. While PROW 36 is not being proposed by the appellant as a shared cycle and pedestrian route (i.e., it is proposed only as an improved footpath), it is nonetheless noteworthy that there would be a proposed active travel bridge over the A10 and to the appeal site. This includes cycling provision which is to be commended. In time, and on the evidence that is available to me including the appellant's counsel opinion, I consider that there may be a prospect of PROW 36 also becoming a cycle route. This would be in accordance with the aspirations in the Hertfordshire Public Rights of Way Improvement Plan (HPROWIP) relating to PROW 36. This would be ideal from a convenience point of view for those cyclists who wanted to reach Freeman college or other facilities towards its eastern end.

77. Notwithstanding the above, I do not find that in this case a shared cycle/pedestrian facility along the route of PROW 36 is strictly necessary to make the development proposal acceptable from an overall active travel point of view. The improvement of this route for pedestrians (including lighting) is in itself a very positive matter. While it is the case that some parts of the route have less surveillance than others, I find that many would use it on a day-to-day basis. It is also the case that improvements to this footpath (e.g., lighting and surfacing) would have benefits for those that currently use it. I do not find that it would be unsafe or feel vulnerable for most users. However, for those pedestrians that did not want to use this route at certain times of the day, it is noteworthy that there would be other options available to them in terms of conveniently (i.e., travels distances) reaching facilities, amenities and services in Buntingford.

78. At the inquiry, the Council's sustainable transport witness raised concerns about the toucan crossing from the point of view of its staggered design (requiring cyclists to turn four times), as well as to the amount of shared space that would be available within parts of the island for both cyclists, wheelers and pedestrians alike. In addition, the same witness raised some concerns about the proposed shared pedestrian/cycle route along the Baldock Road corridor both in terms of the claimed lack of surveillance to the west of the Baldock Road roundabout, and in terms of some technical matters to the east of the Baldock Road roundabout. I deal with each of these points below in turn.

79. In this case, I do not find that a staggered toucan crossing (option 2) would in principle be an unsafe option to facilitate walking or cycling across the A10. I acknowledge that a minimum of 4.0 metres is recommended for islands in paragraph 14.12 of Part 3 of Hertfordshire County Council's Place & Movement Planning and Design Guidance for Hertfordshire (P&MP&DG). However, it is my

judgement that as the proposed island widens beyond the 3.0 metres annotation on the option 2 drawing, users of the island as a whole would be sufficiently alert to the space that they had around them from the point of view of reacting, waiting and/or sharing such space as a whole.

80. In reaching this view, I have noted that 3.0 metres would be more than enough space to accommodate a typical 'maximum' length cycle of 2.8 metres and a 'maximum' typical width of 1.2 metres as identified in table 5-1 of the 2020 Department for Transport Local Transport Note 1/20 (LTN 1/20). Furthermore, I consider that very long cycles would likely take a diagonal approach to ease turning movements. I do not therefore envisage the sort of conflict as alleged by the Council's sustainable transport witness.

81. I therefore find that the option 2 toucan crossing would not cause unacceptable harm to highway safety and that it would be regularly used by all users as an active travel route. Consequently, I find that there is justification in this case for departing from the minimum island width distance as advocated in paragraph 14.12 of Part 3 of P&MP&DG.

82. It is noteworthy that the main parties have agreed a condition which requires *'general accordance'* with either the option 1 or 2 toucan crossing proposals. This means that there is a degree of flexibility or 'wiggle room' in terms of the final approval of the design of the toucan crossing. On balance, I find that toucan crossing option 2 is the preferred solution because it is set well back from the roundabout and hence would seek to avoid queuing or claimed concerns about drivers suddenly having to break. Moreover, it is my judgement that general accordance would be capable of meaning a 4.0 wide island/refuge, should the appellant or indeed the controlling authority want that option to be explored, or indeed a degree of movement in terms of the final position of toucan crossing. This is in the context that it is not disputed that there is some spare highway land to accommodate any possible 'general accordance' changes.

83. For the avoidance of doubt, and for the reasons outlined, I am satisfied that the option 2 toucan crossing would not lead to unacceptable harm being caused to highway safety. Moreover, and despite some conflict with the technical guidance, it would comprise a quality and suitably convenient active travel facility over the A10 and leading conveniently into other proposed active travel routes.

84. While parts of the shared cycle/pedestrian route to the east and west of the Baldock roundabout would not, in the words of the appellant's sustainable transport witness, be *'perfect'* in all respects from a cycling point of view, and fully in accordance with the guidance in LTN 1/20, it is noteworthy that the proposals along this route are not fully detailed at this stage. Furthermore, at the inquiry it was accepted by the Council's sustainable transport witness that several of the more minor concerns would be capable of being addressed at detailed design stage and subject to the imposition of a planning condition. It was stated that these matters were not *'showstoppers.'* I agree with that position. Moreover, LTN 1/20 permits a degree of flexibility and does not require perfection.

85. As regards the shared cycle/pedestrian route to the west of the Baldock roundabout, I do not find that the route would be unsafe or that users would have the perception of it being unsafe. The route could include lighting and other security features/permeable landscaping and hence would be likely to be well used. To this

extent, I do not find that users would likely experience it as a vulnerable, quiet or intimidating environment. It is also proposed to be a wide shared route at this point (including in part a 'buffer' from Baldock Road): the feeling of space along this part of the proposed route would assist in minimising any possible anxiety about using it. In my judgement, the absence of surveillance from surrounding buildings would not therefore prohibit regular use. Put another way, there is no reason why this active travel route could not be finally designed so that it felt safe and was safe for all users.

86. I find that the proposal to include cycle parking to the far east of the Baldock Road shared pedestrian/cycle route (i.e., close to the town centre and as shown on the submitted plans) should be secured at detailed design stage. This is so that less experienced cyclists would have the option of 'parking up' and walking into the town centre at this point, rather than transitioning into the main road with cars/other vehicles.

87. I am mindful that the completed planning obligation includes a financial contribution to make changes to Bowling Green Lane and Monks Walk. I have no reason to doubt the appellant's sustainable transport witness who commented that discussions were underway with the Highway Authority to make Bowling Green Road 20mph. This is likely to be a well-used route by residents of the proposed development. The introduction of such a speed limit would provide some positive and acceptable assistance, in safety and route attractiveness terms, for those cyclists using Bowling Green Lane which leads to education and other facilities.

88. I note the comments made by the Council about the fact that the proposed northern footbridge over the A10 would be stepped and that it would not therefore allow for access by all. This is acknowledged, but the proposal is not reliant on this bridge as the only means of connectivity to the settlement of Buntingford. There would be several other active travel links available to those occupying or visiting the site, including those that were not able bodied. Put another way, the proposed bridge to the north would seek to offer an acceptable alternative link for many residents and visitors to the appeal site, but there would be other options available to those who may have difficulties using steps.

89. I see the provision of a new northern pedestrian bridge over the A10 as a positive aspect of the proposal overall. It would represent a very significant improvement from the point of view of the at grade connectivity of the public rights of way and over the A10 which I do not consider to be safe. I am satisfied that along with the other package of on and off-site active travel proposals, it would have the effect of encouraging many to travel to Buntingford on foot. The provision of a lit environment on PROW 35 would offer a suitably safe environment for most users and, again, there would be other routes available for any pedestrian that chose not to use it.

90. I afford very positive weight to the fact that the proposal would include bus infrastructure and services within the appeal site itself. Such bus infrastructure and services would enable residents of the site conveniently to reach Buntingford by such a sustainable mode of transport, and/or to travel further afield to other towns where there is additional choice of employment, shopping and other facilities.

91. Given the above, the development would therefore offer a choice to residents and visitors of the development alike in respect of travel by sustainable modes of

transport. In my judgement, this is a further proposal that would reduce reliance on the private car. In reaching this finding, I also note there is agreement between the main parties regarding the imposition of a travel plan condition should outline planning permission be approved. This would also ensure that sustainable transport is actively encouraged, including acceptable modal shifts, in association with the proposed development.

92. In conclusion, subject to the imposition of conditions the proposed on and off-site active travel measures would be acceptable in this case. I find that the appellant has reasonably explored all opportunities to give priority to walking, wheeling and cycle movements and with access to good public transport. With the proposals in place, the location of the development would limit the need to travel by private car, and it would offer a genuine choice of sustainable, quality and safe transport modes for residents and users. Overall and subject to the imposition of conditions and the completed planning obligation, I find that the development would therefore be sustainably located and with a good choice of sustainable modes of transport.

93. Moreover, I consider that when the active travel proposals are considered as a whole, they would offer alternative routes for cyclists, wheelers and pedestrians alike. It is also noteworthy that the active travel proposals would bring forward some of the cycling route improvement aspirations as contained within both the HPROWIP and the East Herts Local Cycling and Walking Infrastructure Plan. This is therefore a positive consideration to weigh in the overall planning balance.

94. I acknowledge that in terms of the active travel proposals, they do not always reach a level of *'perfection'* from the point of view of compliance with every aspect of local and national technical guidance (including LTN 1/20). This is particularly the case in terms of some aspects of the proposed cycling infrastructure. However, an absolutists approach to the application of LTN 1/20 is not warranted when the guidance is considered as a whole. I have reached an on balance finding in terms of this main issue and conclude that in this case the proposal would suitably accord with the active travel, climate change, sustainable transport, and public rights of way requirements of national decision-making policies CC2, TR3, TR4 and TR8 of the Framework, and policy TRA1 of the LP all of which are sufficiently consistent with one another.

95. In reaching the above conclusion, I have had due regard to the public sector quality duty contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I note the concern raised by the Council's active travel witness in respect of the use of shared cycle/pedestrian routes by those who are visually impaired. In my judgement, there would be some areas where it would be practical to address such concerns as part of the approval of the final detailed design for routes (e.g., the use of tactile paving and route clarity).

96. Having regard to the various proposed cycle, wheeler and pedestrian route options available to users of the appeal site and given the imposition of conditions and the completed planning obligation, I find that the development would reasonably and proportionately provide an inclusive active travel package of measures.

Character and appearance (including landscape character)

97. While the appeal proposal is submitted in outline, I have nonetheless been able to consider the design principles and parameters as outlined in the submitted design and access statement, the indicative masterplan, the parameter plans, as well as the overall quantum and type of development proposed.

98. The appeal site is to the west of the settlement of Buntingford which is currently the smallest town within East Hertfordshire District. It is a historic market town which lies in the shallow Rib river valley at the centre of a large rural area in the agricultural north-east corner of Hertfordshire.

99. The appeal land falls within the South Suffolk and North Essex Clayland National Character Area (National Character Area 86). It is an area described as being a dispersed settlement pattern of scattered farmsteads and the agricultural landscape is predominantly arable with a wooded appearance. The site is on an undulating topography, at 130m AOD in the west and centre, descending gradually eastward toward Buntingford, to 110m AOD on the north-eastern boundary. To the west, the landform descends and then rises gently towards Cottered with the wider rural context in the west sitting largely above the site. Public right of way Cottered 40 crosses the site and is accessible to the east from a footbridge across the A10 at Buntingford and connecting to the wider network of public rights of way via public right of way Cottered 39 and Cottered 46 to the west.

100. At the more local level, the site falls within the 'Cherry Green Arable Plateau' landscape character area (LCA 141) in the Council's Landscape Character Assessment' Supplementary Planning Document 2007 (SPD). It is adjacent to the High Rib Valley landscape character area (LCA 142) which retains a distinctive valley form and associated land uses. The SPD states that for the High Rib Valley character area *'the A10 corridor is a strong feature of the area and the traffic is locally intrusive as are some of the built features within Buntingford'* and *'The most extensive visual impact comes from the adjacent residential developments, which in some cases lie adjacent and unscreened e.g., northern edge of Buntingford overlooking Corney Bury. The A10 is also locally intrusive but contains sections in cutting'.*

101. LCA 141 is located on an elevated plateau between the valley of the River Rib to the east and the more settled plateau to the west and stretches from Throcking in the north to Nasty in the south. The key characteristics of this character area are identified as an open arable plateau with some very large field units; minimal settlement, restricted to individual farmhouses; a remote isolated feel; minimal woodland cover; degraded landscape pattern with few hedgerows and associated trees; organic winding lanes with few direct connections across the plateau (except for A507), water towers, electricity cables and aerial masts locally prominent features due to open countryside and open views across plateau and to the valley of the Rib. LCA 141 is described as *'not rare or highly distinctive within the country'.*

102. The landscape character area Ardeley/Cottered Settled Plateau (LCA 140) is situated immediately to the north of the site. Its keys characteristics include a dispersed settlement pattern; strong sense of historic continuity in structure; a range of field sizes including many smaller fields around settlements; a strong hedgerow pattern including mature trees; mixed land use with arable and range of pasture for horses, sheep and cattle; organic winding lanes with few direct

connections across the plateau (except for the A507); village greens and commons, wide range of vernacular domestic buildings; moderate woodland cover, particularly to the west; widespread rights of way network; a tranquil area; and minimal visual detractors.

103. The appeal site forms part of a transitional landscape and there is no dispute between the main parties that it is of medium value. The plateau landscape is visible from both the neighbouring plateau and the upper slopes of the Rib Valley. The landscape has, in the main, exposed views and apart from those parts of the landscape close to the A507 and A10 (such as the appeal site), are remote and quiet. The SPD states that *'the major visual impact on the area comes from the perimeter of Buntingford with significant impact arising from both industrial and residential developments on the upper slopes of the Rib Valley. The widest reaching single impact is caused by the Sainsbury's warehouses, which are major structures on the skyline to the east'*. The overall strategy for the Cherry Green Arable Plateau includes that of promoting a *'strategy for reducing the visual impact of development on the upper slopes of Buntingford including the Sainsbury's warehouses' (my emphasis).*

104. The site comprises just less than 50 hectares of arable land delineated centrally into two irregular parcels by a line of partially denuded hedgerow and hedgerow trees. A series of power lines run in a north-south direction through the site. The boundaries of the site are formed by overgrown hedgerows, scrub vegetation, hedgerow trees and vegetated road verges. The appeal site is bounded to the east and south by the presence of the A10 and A507 (Baldock Road), which serve the neighbouring town of Buntingford, whilst the minor road Throcking Lane borders part of the site's northern edge. To the south-east, a combination of mature hedgerow, scrub and trees provide a buffer to the Buntingford Business Park and associated built form, which ranges in scale and massing. To the west, the degraded hedgerow pattern allows unfiltered views across the undulating rural landscape toward Cottered, comprising arable fields, pasture and scattered woodland.

105. The appellant has submitted a Landscape and Visual Impact Assessment (LVIA). This includes a May 2025 addendum. The assessment of impacts reflects the design strategy outlined in the appellant's submitted design and access statement as well as the implementation of the appellant's illustrative masterplan after 15 years. I have considered the LVIA and have considered the effects of the development on sensitive receptors including an assessment of the proposed development relative to the viewpoints outlined in the LVIA and as part of my site visit.

106. Policy ES1 of the NP states that *'development on the fringes of Buntingford which extends on to the higher ground surrounding the Rib Valley could have harmful effect on the landscape of this area and part of the Cherry Green Arable and Wyddial Plateaux'* (my emphasis). Given the wording of the above policy, it is not the case that all development in this area would automatically cause harm to the character and appearance of the area.

107. Policy HD2 of the NP states that *'all new housing development should be sensitive to the landscape and be of a height that does not impact adversely on views from the surrounding countryside. All development proposals should demonstrate how they conserve, enhance or strengthen the character and distinctive features of the*

BCA landscape' and appendix 1 of the NP states that *'there does seem to be a degree of support for ensuring that the future development of Buntingford is carried out in such a way that the landscape views across the Town are not adversely affected. This requires that building on higher ground is limited in height and that any further housing is developed within the valley setting'.*

108. On my site visit, I experienced that open views of the site are available from the public rights of way that cross the appeal site. There is a mixture of glimpsed and more open views into the site from users of part of the A10 and from Throcking Lane.

109. In terms of the quantum of development proposed, there is no doubt that the development would result in a very sizeable urban extension into the otherwise mainly open and undeveloped countryside. While there would be change, it is worth emphasising that this does not automatically equate to significant harm.

110. I acknowledge that a relatively small business park (Buntingford Business Park) is close to the appeal site. This is located on the west side of the A10. In addition, there is an employment allocation adjacent to Buntingford Business Park. This has not yet been 'built out' and there is no live planning application submitted for determination by the Council. There is an earth bund around this employment allocation although it is not clear whether it is lawful. Currently, there is a relatively limited amount of development on this side of the A10 and, overall, the area is predominantly experienced as being of a more rural and undeveloped landscape character. Moreover, Buntingford Business Park is not very conspicuous when viewed from either the A10, the public footpaths (apart from the roofs of the buildings), or further afield, owing to land topography and the provision of planting to its boundaries.

111. I note that the appellant has sought to minimise the effects of the proposed built form on the character and appearance of this mainly undeveloped landscape from the point of view of the position and height of the proposed buildings (as detailed on the submitted parameter plans). Nonetheless, the proposal would be seen and experienced as departing from the otherwise more open and agricultural character of the countryside and when judged particularly against its immediate surroundings to the west. Indeed, there is some visual difference between the existing settlement to the east of the A10 (where further development has been approved but not yet built out) and land to the west of the A10.

112. Such a change would be very apparent when experienced from those travelling along parts of Throcking Lane and when using PROW 40 and 41. These users currently appreciate a more open and undulating rural landscape. In respect of PROW 40, my site visit revealed that large parts of it (mainly to the west) are experienced by walkers as being quiet and where the presence of the A10 is not visually or audibly as apparent when compared to those using PROW 41. This is because the A10 is positioned within a cutting at its point closest to PROW 40. I noticed on my site visit that there was a very distinctive open, rural, and quiet audible character to large parts of the appeal site when appreciated from the most westerly extent of PROW 40.

113. While the proposed planting would, in time, help to soften/mitigate the effects of the proposed development from certain viewpoints, I do not find that it would be capable of fully mitigating the essentially localised adverse harm which would be

caused to the character and appearance of this part of the countryside, or indeed to the way that users of the on-site existing public rights of way would experience the site in relative terms. Given the quantum and scale of the development proposed, I do not find that the proposed planting would have the effect of ensuring that the urbanising effects of the development were fully screened from public view. Even by year 15, it is my judgement that limited localised adverse harm would be caused by the proposal to the overall character and appearance of the countryside.

114. In reaching the above conclusion, I note that the appellant has sought to control the position and proposed height of buildings on the land, as detailed on the proposed parameter plans. In this respect, controlling development in accordance with the parameter plans would ensure that built development was kept away from the plateaux or ridge top of this undulating landscape. In this regard and noting that the development overall would be a large extension to the existing settlement of Buntingford and into the countryside, I reach an overall position that some limited localised harm would be caused to the rural character of the area when seen from parts of the A10, Throcking Lane, properties, and from PROW 40 and 41.

115. In reaching a finding of limited localised adverse harm, I nonetheless acknowledge that the proposal would avoid higher ground surrounding the Rib Valley and that built development would be confined to that within the *'Rib valley landscape cell'* as named by the appellant. In other words, built development would be confined to the valley slopes below the western and northern spurs of landform and, in this regard, would preserve and value the Rib Valley setting of the Buntingford Community Area. In this regard, I do not find that the proposal would conflict with the NP which seeks to maintain the town's valley setting and which seeks the objective of '*limiting development on higher ground*'.

116. The proposed development to the south/south west of the appeal site would be well screened from the A10 owing to existing vegetation and the location of Buntingford Business Park. It would also be well screened by boundary planting along Baldock Road. Even accounting for the proposed new access into the site from Baldock Road (reserved matters landscaping details would need to be sensitively considered in this area), which would partly open up the site to some public views, I find that development on this part of the site would nonetheless be experienced as being well contained from surrounding public views. I also noticed on my site visit that some of the roofs of the employment buildings at Buntingford Business Park were visible from this part of the appeal site and from the western edge of PROW 40. Hence, the development proposed on this part of the appeal site would have some visual affinity with the existing built form adjacent to this part of the appeal site.

117. The proposed development further to the north/north east of the appeal site would be partly viewed in the context of the A10 and other urban influences such as the proposed pedestrian bridge, as well as existing and consented development near to Neale Drive. Even, accounting for such intervisibility, I find that limited harm would nonetheless be caused to the character and appearance of the countryside by year 15 particularly when experienced by users of the on-site public rights of way and from parts of Throcking Lane.

118. As the built development would avoid ridge top or plateau land, it would not in this regard be highly prominent or visually overbearing. Built form would not occupy a skyline location. Therefore, it would not generally assert itself as a significantly

discordant or intrusive feature that would cause very significant and lasting harm to the character and appearance of the landscape. That said, I do find that there would be a material change to the way that the users of parts of the public rights of way through the site currently enjoy the open and tranquil nature of this part of the countryside (particularly to the western section of PROW 40). In my view, this is a matter to which I afford greatest harm in respect of the effect of the development on important receptors.

119. I find that limited harm would be caused to LCA 141 and limited harm caused to the surrounding LCA areas. I acknowledge that LCA 141 is '*not rare or highly distinctive within the country'* and that the appeal site does not lie within a National Landscape designation. However, this does not mean that it does not have landscape character value.

120. Overall, and notwithstanding the proposed landscaping, I do not find that the development would fully conserve the character and distinctive features of the landscape and, even with landscaping, users of parts of the public rights of way through the site would experience a much more urban and less tranquil environment. I recognise that efforts have been made to keep the proposed development confined to the valley slopes and, in this regard, there would be suitable compliance with policy ES1 of the NP. Nonetheless, and, even with the proposed indicative landscaping maturing by year 15, I find that limited localised harm would be caused to the character and appearance of the countryside, including to landscape character, particularly when the resultant development is experienced by users of the public rights of way running through the site.

121. I therefore conclude that when the proposal is considered as a whole, it would not fully accord with the landscape character, countryside natural beauty, and public right of way requirements of policies GBR2 and DES2 of the LP, policy HD2 of the NP, and national decision-making policy TR8 of the Framework.

122. It is a point of dispute between the main parties in terms of whether, in view of my conclusion above, the proposal would conflict with national-decision making policy N2 of the Framework which states that proposals should *'consider the environmental qualities of land proposed for development including…landscape character and the natural beauty of the countryside, and identify opportunities for those qualities to be conserved and enhanced'.* While the appellant has identified opportunities from a conservation and enhancement point of view, these are not sufficient to fully conserve in the context of the limited localised harm that I have identified.

123. There is a difference of opinion between the main parties in terms of whether decision making policy DP3(1) of the Framework is of relevance in terms of considering the above main issue. I find that it is not relevant from a landscape character point of view because this is specifically addressed in national decision-making policy N2 as listed above.

124. In my judgement, national decision-making policy DP3(1) relates to matters such as on-site scale, layout, landscaping and appearance rather than to the effect of a proposal on the landscape character and visual attributes of the countryside. In other words, I find that it relates to matters which would be considered at reserved matters stage from the point of view of the consideration of on-site detailed proposals. It would be at this stage that a reserved matters proposal(s) would need

to ensure that the development suitably integrated with and enhanced its surroundings. Notwithstanding my conclusion in respect of the above main issue, the parameter plan proposals demonstrate to me that in principle the proposal would be capable of meeting the objectives of national decision-making policy DP3(1). In my judgement, this is not a relevant policy from the point of view of the above main issue.

125. If one was to disagree with me on the above point, I have decided to opt for an *'even if'* approach in my overall planning balance and conclusion. In other words, I have also reached a finding based on national decision-making policy DP3(3) being of relevance to my conclusion on the landscape character and visual effects main issue. This is in so far that the policy says that *'development proposals should be refused if, without clear justification they conflict with paragraph 1 of this policy*'. This has implications in terms of the application of national decision-making policy S5 which I deal with later.

126. Overall, I afford the harm to the character and appearance of the area, including to landscape character, limited adverse weight in the overall planning balance.

Infrastructure

127. Both the completed planning obligation and imposed conditions below ensure that the proposal would provide necessary infrastructure to make the development acceptable from a planning point of view.

128. I deal with matters relating to PROW 36 and the provision of land and contributions for a first school later in this decision. However, there is common ground between the main parties that the Council's fourth reason for refusal of planning permission relating to infrastructure matters has now been resolved owing to the completed planning obligation and the agreed conditions. I do not disagree with this common ground position.

129. I therefore conclude the proposal would accord with the infrastructure and planning obligation requirements of policies TRA1, DPS4, DEL1, DEL2, HOU3, CFLR1, CFLR7 and CFLR9 of the LP.

Other considerations – other harms

130. The proposal would result in the loss of best and most versatile agricultural land (BMVAL). This weighs against allowing the appeal, although this must be considered in the context of the amount of BMVAL that would be lost as a proportion of the significant amount of other BMVAL that exists in the wider area.

131. Moreover, the Council falls significantly short of being able to demonstrate a deliverable five-year supply of housing sites. There is a pressing need to release more land for housing: it is conceivable that this will likely have to result in the loss of some BMVAL. I do not find that the proposal would have a materially adverse impact on the UK to be food self-sufficient. Notwithstanding these views, the proposal would not fully accord with national decision-making policy N2(1)(b) of the Framework, or policy ED2 of the LP. This is a common ground position. I attribute this matter limited adverse weight in the overall planning balance.

132. Holy Trinity Church is located about 1km to the west of the site. It is a grade II* listed building and hence has more than special interest. The Framework states that great weight should be given to a heritage asset's conservation and that any

harm to heritage assets requires clear and convincing justification. Where harm would occur (i.e., not at the level of substantial harm), this should be weighed against the public benefits of a scheme. In this case, that exercise takes place in the context of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It states that, when considering whether to grant permission for a scheme which affects a listed building's setting, the decision maker shall have special regard to the desirability of preserving that setting. It sets a strong presumption against permission for a development that would harm that setting.

133. The significance of Holy Trinity Church derives from is historic and architectural special interest. In respect of its built fabric, its special interest relates to its construction methods and materials, together with its decorative elements and retention of original internal features. It is a small late medieval parish church with a tower. It is mainly flint rubble plastered with stone dressings to the nave and chancel. The base courses of the tower are in coursed unknapped flint and pebbles and there is knapped flint facing around the windows and with stone quoins and dressings. The upper part of the tower is finished in red brick. Internally, there are 17th century benches in the nave (with 19th century copies) and heraldic floor slabs.

134. I find that the significance of Holy Trinity Church is also derived from the contribution that is provided from its mainly undeveloped, rural and tranquil setting which extends to and includes the appeal site. I was able to experience the relative intervisibility as part of my site visit, albeit acknowledging that the appeal site is quite some distance from the listed church. As per the position of the main parties, I find that harm would be caused to the overall significance of Holy Trinity Church arising from the proposed urban form of development falling within its setting.

135. The above harm would not be substantial. It would be a level of harm which is at the lower end of the spectrum of less than substantial harm. I find that the public benefits of the proposal, as outlined elsewhere in this decision (including below), would collectively present a clear and convincing justification to outweigh the harm that would arise to the significance of Holy Trinity Church through the harm caused to its setting. In this regard, the proposal would not conflict with national decision-making policy HE6(4) of the Framework.

136. I find that there is justification for some main town centre development on the appeal site (i.e., the mixed-use local centre). In fact, that is perhaps to be expected from a proposal of some 660 residential units. I am satisfied that there is justification for the inclusion of the quantum of 'main town centre' type development on the appeal site and as part of the housing led proposal. The sequential test as outlined in national decision-making policy TC3 of the Framework is passed. I do not find that the proposal would cause any material harm to the vitality and viability of any town centre.

Other Considerations – Benefits

137. There is no dispute between the parties that the local planning authority cannot demonstrate a five-year supply of deliverable housing sites relating to the 31 March 2025 base date. There is a very significant shortfall in housing land supply in the area and hence there is a critical need to release more land for housing. The adoption of a new development plan for the area, which would consider the new/increased housing requirement for the area (i.e., a requirement to deliver 1237

homes per annum rather than 839 per annum in the LP), is not proposed until April 2029. Therefore, a plan led strategy for delivering economic growth, including housing, would not be in place until at least two and half years' time.

138. The Council's planning witness also agreed at the inquiry that the new development plan for the area would be likely to have to include sites outside existing settlement boundaries. There is common ground between the main parties that whether I consider the lower or upper end of the undersupply position, substantial positive weight should be afforded to the delivery of the proposed dwellinghouses on the land.

139. The proposal also includes a significant number of affordable homes, homes for the elderly, and 1% custom self-build housing on the appeal site. The substantial positive weight that I afford to each (my emphasis) of these benefits is necessary given the wording in national decision-making policy HO7 of the Framework which links to national decision-making policy HO1. Put another way, I find that the appellant has correctly disaggregated these benefits rather than considering them as one single benefit. I emphasise, however, that this is not a matter which makes a difference to my overall conclusion to grant outline planning permission.

140. The proposal would deliver a biodiversity net gain of 11.25% and hedgerow benefits of 49.78%. I afford this matter moderate positive weight in the overall planning balance. For the avoidance of doubt, it is not the case, as claimed by other interested parties, that the proposal would cause harm to biodiversity.

141. The development would deliver sports facilities: a cricket pitch, two football pitches, a multi-use games area, and an associated pavilion to meet the wider needs of Buntingford. These are matters to which I also afford moderate positive weight.

142. The proposed country park and the very significant amount of proposed open space (about 25 hectares) would be provided in the context of a deficit of facilities in Buntingford. Hence, they should be attributed moderate positive weight in decision making terms.

143. The financial contribution in the completed planning obligation to be used towards bus services and sustainable transport initiatives in the town would be a very welcome benefit from a wider community perspective. Hence, I attribute each of these matters moderate positive weight.

144. The proposal would include footpath, cycle and wheeler improvements more generally within Buntingford which would have wider community benefits. This is also a matter to which I afford moderate positive weight in decision making terms.

145. I acknowledge that PROW 36 is not proposed to be used by cyclists. However, the appellant's proposals seek to widen the footpath by some 3.0 metres. To the extent that the appellant's proposed improvements would at least make the option of using this route for cycling more likely than not in the future (noting that there is currently a dispute about changing its legal status), and in accordance with strategic aspirations to create a cycle route in this area more generally, I afford this matter some limited positive weight in decision making terms.

146. There would be economic benefits associated with the proposed development including construction employment, employment associated with the on-site mixed-

use local centre, and increased expenditure within the local economy arising from a significant number of people living on the appeal site. In respect of the proposed mixed-use local centre, I find that there is at least some prospect of this coming forward as part of the development proposal. Specific controls are suggested to deal with this matter. However, at this stage it cannot be absolutely guaranteed that it would be delivered on the land. That is, however, the case for most speculative proposals. Overall, I attribute the various economic benefits moderate positive weight in decision making terms.

147. Decision making policy HC4(1) of the Framework states that substantial positive weight should be given to proposals for new or improved public service infrastructure or community facilities. The mixed-use local centre, sports facilities and country park would seek to minimise car journeys and to encourage more sustainable travel movements (e.g., waking and cycling) for those that live on the appeal site and/or visit. In this regard, they can be considered a benefit as part the overall mixed-use proposal. I attribute limited positive weight to such benefits.

148. I note the point made by the Council about the lack of need for a GP surgery, but other health facilities (e.g., physiotherapist etc) may be capable of being provided on the site. Again, this is a speculative proposal at this stage and so I afford this matter only limited positive weight in the overall planning balance.

149. I deal with the provision of land for a first school as part of my assessment of the completed planning obligation below. For the reasons given, up to date forecasting and a falling roll/decline in birth rates demonstrate that there is not currently a need for a first school. Moreover, the evidence is that there is a low likelihood of there being a need in the future. The provision of a first school on the land is not therefore a matter to which I afford any material weight as a benefit. However, this does not alter or outweigh the very substantial weight that I collectively afford to the other benefits outlined above, and in the overall planning balance.

Other Matters

150. I have considered the very significant number of representations made by other interested parties made at both planning application and appeal stages. This includes the representation made by Chris Hinchliff MP. Some of the comments made by other interested parties have already been addressed in my reasoning above and owing to the completed planning obligation.

151. Some third parties have raised a concern about the capacity of the sewage treatment works, the ability to provide suitable sewerage drainage facilities for future residents, and whether a suitable water supply for residents and the wider community would be available. It is noteworthy that Thames Water do not object to the proposal.

152. It is also important that I emphasise that water companies have a legal obligation under the Water Industry Act 1991 to properly maintain, cleanse, and upgrade their sewers and to ensure that there is sufficient water supply for new development. Developers and householders can legally connect to the existing sewer network. Ofwat has significant statutory powers (including enforcement powers) under the Water Industry Act 1991 and the Water (Special Measures) Act 2025 to ensure that water companies fulfil their duty to maintain and upgrade sewer systems.

153. Given the statutory requirements imposed on water companies in respect of the provision of a suitable off-site sewage network and treatment facilities, coupled with the provision of adequate water supplies, it has not been necessary for me to impose conditions requiring the specific approval of off-site foul and water supply details. National decision-making policy DM7(2) of the Framework states that *'Planning decisions should not seek to duplicate or extend controls imposed by separate regulatory regimes.'*

154. While I note the concerns raised by members of the public about existing foul drainage capacity, as well as water supply issues, there is no objective evidence before me to indicate that Thames Water would not be able to address matters appropriately and in accordance with its statutory responsibilities. The main parties have, however, agreed to the imposition of a condition to ensure that dwellings are not occupied until all necessary upgrades to the foul water network to accommodate additional flows from the development have been completed.

155. I note the requests of Westmill Parish Council in terms of financial contributions for claimed highway safety concerns at the northern and southern exists of Westmill, to clear alleged blockages in the River Rib, to improve a recreation ground operated by the Greg Trust, and for foul network upgrades. Save for my comments made above about foul water treatment and capacity, these requests are not necessary to make the proposed development acceptable. It is the statutory responsibility of each water company to ensure that the sewage network/infrastructure can accommodate proposed and consented development proposals. This is not the responsibility of a developer.

156. I am satisfied that the SUDS and swale proposals would be capable of adequately managing flood risk and would be capable of according with policy WAT1 of the LP. A condition could be imposed to deal with surface water drainage.

157. I acknowledge that several housing proposals have been granted planning permission in Buntingford, including on appeal. However, I have determined this appeal on its individual planning merits, based on existing site conditions and the specific proposals, and considering the most up to date local and national planning policies. The circumstances and site conditions relating to other proposals and decisions elsewhere in Buntingford are not directly analogous to this appeal proposal and, in any event, I have exercised my own professional planning judgement.

158. Comments have been made that the proposal does not include sufficient employment opportunities on the site. Some employment is proposed on-site in the form of a mixed-use local centre. Moreover, the site is adjacent to Buntingford Business Park as well as to a proposed employment allocation.

159. I acknowledge the concern raised by some interested parties that the site should only be released for development if a development plan review process indicates that it would be acceptable to do so. The development plan for the area is now of some age, and the evidence is that a new development plan will not be adopted for a few years. It has been necessary for me to determine this appeal on its individual planning merits and against current local and national planning policies. It is of note that the outline planning application was not refused on grounds of prematurity.

160. There is no objective evidence before me to indicate that below-ground archaeology would be a constraint to the development of the appeal site. A planning condition could be imposed to deal with this matter.

161. At the inquiry, Councillor Nicholls raised concerns in relation to ecology and a nearby chalk stream. Priority habitats including chalk rivers have been plotted by the appellant. I have no reason to doubt the appellant's assessment which concludes that through standard pollution control measures there would be no significant residual effects.

162. None of the representations made by other interested parties alter or outweigh my overall planning balance and conclusion below.

Planning Balance and Conclusion

163. Collectively, I attribute very substantial positive weight to the benefits outlined earlier on in this decision. Moreover, I have found that the proposal constitutes an acceptable development type listed in national decision-making policy S5 (in particular because of the evidenced unmet need for housing in the context of a five-year undersupply position) and hence can be approved in principle. The Framework is a material consideration of 'critical importance' for making decisions on development proposals. I afford the Framework very significant weight as a material planning consideration.

164. Weighed against the above benefits are some identified harms. I conclude that by year 15 the proposal development would cause limited localised harm to the character and appearance of the countryside, including to landscape character. As a connected point, there would be some limited localised harm caused to the way that the existing PROW crossing the site would be subsequently experienced by users. There would also be less than substantial harm caused to the significance of the grade II* Holy Trinity Church from a setting point of view. Such harm would be at the lower end of the spectrum of less than substantial harm and so it is afforded limited adverse weight in the overall planning balance.

165. There would be conflict with identified development plan policies in terms of the principle of the proposed development in this countryside location. However, these policies are materially inconsistent with national decision-making policy S5 of the Framework. Therefore, I afford the conflict with such development plan policies limited adverse weight in decision making terms.

166. Subject to the imposition of conditions and the completed planning obligation, the proposal would not cause harm to matters of highway safety; would provide the necessary infrastructure to make the development acceptable; would suitably promote and prioritise active travel; would provide a choice of sustainable modes of transport including socially safe and quality walking, wheeler and cycling routes; and would make a suitable modal shift towards reducing car usage. Given the package of proposals, the development would not result in reliance on the private car for day-to-day journeys. Some of these matters are necessary to make the development acceptable, although to the extent that they lead to wider community benefits I have attributed positive weight to them in the overall planning balance.

167. In this case, I conclude that the benefits associated with the proposed development would not be substantially outweighed by the identified adverse

effects of the proposal (including the conflict with the identified development plan policies) when assessed against the policies in the Framework.

168. As outlined earlier on in this decision, I have also considered a scenario whereby if I was wrong in terms of the applicability of national decision-making policy DP3(1) to the consideration of the landscape character and visual effects main issue. If it were the case that the proposal would not accord with national-decision making policy DP3(1) of the Framework (i.e., a refusal type policy) in terms of this main issue, it is noteworthy that national decision making policy S5(2) states that *'the circumstances in which the benefits of approving development are likely* (my emphasis) *to be substantially outweighed by adverse effects include, but are not limited to, situations where the development proposal would fail to comply with one of the national-decision making policies which state that the development proposals should be refused in specific circumstances'*.

169. To the extent that one was correct in asserting that national decision making policy DP3(1) of the Framework was applicable to the landscape character and visual effects main issue (which I say it is not), I would, in any event, have concluded that the very substantial benefits of approving the development would not have been substantially outweighed by the identified adverse effects, including the claimed conflict with national decision-making policy DP3(1) of the Framework.

170. Consequently, and, either way, I find that the proposal would accord with the requirements of national decision-making policy S5 and so is acceptable in principle. Moreover, access details are acceptable subject to the imposition of conditions. It therefore follows that the proposal would accord with national decision-making policy S3 and therefore it would deliver a sustainable form of development.

171. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. In this case, there are material considerations which outweigh the proposal's identified conflict with the development plan. I therefore conclude that the appeal should be allowed.

Planning Obligation

172. An agreed and completed section 106 agreement has been submitted as part of this appeal. In summary, the planning obligation includes covenants and obligations relating to affordable housing; elderly accommodation; custom/self-build housing; education/childcare/youth services; public infrastructure; public transport; health facilities; sports facilities; and a sports pavilion.

173. I have considered all the contributions and obligations in the completed section 106 agreement against Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) which states that they should be '*necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development'*. Apart from matters relating to the provision of a first school and the financial contribution towards changing the legal status of PROW 36 which I deal with below, I am satisfied that all other covenants and obligations in the completed section 106 agreement meet the tests for planning obligations as contained within Regulation 122(2) of the CIL Regulations.

174. The evidence is that most recent forecasting evidence submitted from Hertfordshire County Council Education Authority to the Government demonstrates that there is a surplus of first school places and hence a first school would not currently be needed on the site. In respect of forecasting, each Education Authority should not consider outline planning permissions for housing. In addition, the evidence is that there are falling rolls in schools in the administrative area and indeed this is a national trend.

175. While the appellant considers that there may in time be a need for a first school on the site when outline planning permissions are considered against the most up to date Hertfordshire County Council's Education Authority submitted forecasts (at the inquiry the view expressed by the appellant's witness was that a one form entry as distinct to a two form entry school would still be needed), I am nonetheless persuaded by the evidence of Hertfordshire County Council's Education Authority that there is no need for first school on the site now, and, based on forecasting, there would be a low prospect of one being needed on the site in the future. In my judgement, the evidence does not support the contention that there would likely be a requirement for a first school on the site upon the construction of the 270th dwelling on the land.

176. Given the above, the provision of a first school on the site is not needed to make the development acceptable. Hence, the obligations within the planning obligation relating to a first school are not needed in respect of the appeal proposal. In other words, any related obligation in the completed planning obligation is not CIL Regulation 122(2) compliant: a first school is not necessary to make the development acceptable in planning terms. Hence, section 4 (conditionality) of the planning obligation is applicable in terms of this matter.

177. The evaluation of a planning obligation is of course different to the consideration of the land use planning merits of a development proposal. It is noteworthy that the Council does not raise an objection, in land use principle, to the fact that a first school is shown on the submitted master plan, or indeed that it is included in the description of development. I do not disagree that such a proposal would be suitable in principle as part of a mixed-use and residential led scheme. However, as it is not needed to make the development acceptable, or to address a forecasted shortfall in school places, it is not a matter to which I have been able to afford any material positive weight in the overall planning balance.

178. In respect of the proposed development, I do not find that it is necessary to pay the 'PROW financial contribution' of £1500 towards the cost of an application to change the legal designation of Public Right of Way 36 to include a cycleway. A cycle route is not being proposed by the appellant and so this is not directly related to the development proposal. Moreover, it is not necessary to make the development acceptable. Put another way, this obligation is not CIL Regulation 122(2) compliant and hence section 4 (conditionality) of the planning obligation is applicable in terms of this matter.

Conditions

179. The conditions set out in the accompanying schedule are based on those suggested by the Council and agreed by both main parties at the inquiry. The appellant has expressly agreed in writing to the imposition of the pre-commencement conditions. I am satisfied that there is clear justification for the pre-

commencement conditions. All the conditions meet the tests as outlined in national decision-making policy DM6(1) of the Framework.

180. For the avoidance of doubt, I have provided reasons why each condition is necessary after each condition in the schedule of conditions attached to this decision. I have also referred to relevant planning policies.

Overall Conclusion

181. For the reasons outlined above, I conclude that the appeal should be allowed.

D Hartley

INSPECTOR

Schedule of Planning Conditions

1. **In accordance with approved plans**

The development hereby approved shall be carried out in accordance with the approved plans listed below:

- Location Plan - HLM082/021 RevB
- Building Heights Parameter Plan – HLM082/036 RevC
- Land Use Components Plan – HLM082/018 RevR
- Residential Density Plan – HLM082/037 RevD
- Tree Retention and Removal Plan (within Barton Hyett AIA) - BHA_5798A_02

REASON: To ensure the development is carried out in accordance with the approved plans, drawings and specifications.

2. **In general accordance with approved plans and documents**

The development hereby approved shall be carried out in general accordance with the approved plans and documents listed below:

- Baldock Road Roundabout – Northern Access – 23161 SK 029 P5
- Northern Parcel Throcking Lane Access – 23161_SK_T_025 P4
- Northern Bridge Crossing – 23161_SK_T_032 P1 / 23161_SK_T_033 P1
- Southern Bridge Crossing – 23161_SK_T_021 P1 / 23161_SK_T_022 P2

REASON: To ensure the development is carried out in general accordance with the approved plans, drawings and specifications.

3. **Approval of reserved matters prior to development**

No phases of the development (other than Preliminary Works) (as set out in the approved Phasing Plan) shall be begun until Reserved Matters approval for that Phase, Subphase or Development plot has been obtained from the local planning authority in writing. The development shall be carried out fully in accordance with the details as approved.

REASON: The application as submitted does not give particulars for some phases sufficient for consideration of the Reserved Matters.

4. **Submission of reserved matters within 3 years**

Applications for approval of Reserved Matters, in general accordance with the Design Principles (May 2025) namely details of layout, scale, appearance, and landscaping (hereinafter called "the Reserved Matters") for all phases shall be made to the Local Planning Authority no later than 3 years from the date of this permission.

REASON: To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

5. **Commencement within 2 years of last reserved matters approval**

All phases of the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last Reserved Matters.

REASON: To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

6. **Planning permission limited**

The outline element of the development hereby permitted is for no more than 600 Residential Units (Use Class C3), no more than 60 elderly accommodation units (Use Class C3) and no more than 2,000m² Mixed Use Local Centre (Flexible Use E and F). The mixed-use local centre hereby permitted does not grant outline planning permission for hot food takeaway.

REASON: To comply with the provisions of the outline planning permission including the parameters assessed considered and established by this permission.

7. **Caps on housing occupation until infrastructure provided**

No more than the following number of dwellings shall be occupied until the following onsite infrastructure is completed and available for use by future occupiers of the development:

- Prior to first occupation/use - 23161 SK 029 P5, Baldock Road Roundabout, Northern Access (works on Baldock Road)
- Prior to occupation of no more than 50 dwellings served solely by the southern access onto Baldock Road - 23161_SK_T_021 P1 / 23161_SK_T_022 P2, Southern Bridge Crossing
- Prior to occupation of no more than 50 dwellings served solely by the southern access onto Baldock Road - Mobility Hub (to include proposed bus stop with shelters with real time bus information, cycle parking, electric charging facilities, car club spaces)
- Prior to any occupations of dwellings served solely by the northern access onto Throcking Lane or the occupation of no more than 400 dwellings whichever is the sooner - 23161_SK_T_032 P1 / 23161_SK_T_033 P1, Northern Bridge Crossing
- Prior to occupation of no more than 50 dwellings served solely by the northern access onto Throcking Lane - Mobility Hub (to include proposed bus stop with shelters with real time bus information, cycle parking, electric charging facilities, car club spaces)
- Prior to occupation of no more than 500 dwellings - 23161_SK_T_025 (P4) Northern Parcel Throcking Lane Access

REASON: In order to ensure that future occupiers have the potential to access local services and active travel infrastructure and reduce reliance on private car. Thereby ensuring that the development can function in a sustainable manner in accordance with policies DPS1 and TRA1 of the East Herts District Plan.

8. **Phasing Plan**

Site-wide phasing proposals (hereinafter called the "Phasing Plan") for the development shall be submitted for approval by the local planning authority prior to commencement of any part of the development. The Phasing Plan shall include the following: a) A plan of the site showing the extent of each proposed Phase and Sub-Phase of the development; b) A timetable for the delivery of the development and associated infrastructure, including active travel connections (footpaths, bridges, A10 crossing, other highway improvements); and, c) Mechanisms for monitoring the implementation of and delivery of the development and its associated infrastructure. No development (except Preliminary Works) shall be begun until the Phasing Plan has been approved in writing by the local planning authority. The development shall accord with each approved Phasing Plan.

REASON: To ensure that the development is delivered and developed in a manner which is coherent and compliant with Development Plan policies.

9. **Design Code**

No further reserved matters shall be approved until a Design Code has been submitted and approved by the Local Planning Authority. The Design Code shall be produced in general accordance with the approved documents, Design Principles Document, DAS, and associated planning conditions. The Design Code will provide a set of simple, concise, illustrated design requirements to provide specific, detailed parameters for the physical development of the site. As a minimum the code shall include principles for the following:

- Design
- Block structure
- Public Realm
- Green and blue infrastructure including multifunctional SuDS
- Routes and movement network, integrating with the wider movement network
- All modes parking typologies
- Street hierarchy and character types
- Land uses
- Density ranges
- Building heights
- Edges, nodes, and gateways
- Frontage, access, and servicing
- Built form
- Identity
- Areas that will be publicly lit, including streets, recreation areas and other public spaces in accordance with the lighting design principles in the Development Specification

- Indicative materials palette
- Indicative Planting strategy
- Reporting of the Design Code Testing process including how the outcomes have informed the final Design Code
- Design Code Compliance Checklist

All subsequent Reserved Matters shall accord with the approved Design Code and shall be accompanied by a completed Compliance Checklist which demonstrates compliance with the Code.

REASON: In order to achieve a coordinated approach to development and high-quality design outcomes in accordance with policies, DES1 and DES4 of the East Herts District Plan.

10. **Construction Traffic Management Plan**

Prior to the commencement of all phases of the development hereby approved, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority. The 'Construction Traffic Management Plan' shall set out: the phasing of construction and proposed construction programme; the methods for accessing the site, including wider construction vehicle routing; the numbers of daily construction vehicles including details of their sizes, at each phase of the development; the hours of operation and construction vehicle movements; details of any highway works necessary to enable construction to take place; details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway; details of any hoardings; details of how the safety of existing public highway users and existing public right of way users will be maintained; management of traffic to reduce congestion; control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels; the provision for addressing any abnormal wear and tear to the highway; the details of consultation with local businesses or neighbours; the details of any other construction sites in the local area; and waste management proposals. Thereafter, the construction phase of the development shall only be carried out in accordance with the approved Construction Traffic Management Plan.

REASON: In the interests of highways safety, in accordance with Policy TRA2 of the East Herts District Plan 2018.

11. **Ground contamination investigation works**

No development within each phase or sub phase of development shall commence until the following are submitted to and approved by the local planning authority:

1) Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.

2) A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be

determined. The relevant phase/sub phase of development shall thereafter be undertaken in accordance with these approved details.

REASON: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework, and to protect human health and the environment in accordance with policy EQ1 of the adopted East Herts District Plan 2018.

12. **Archaeological Investigation works**

No development shall take place within each phase or sub phase of the proposed development site, until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority for each phase. This condition will only be discharged when the Local Planning Authority has received and approved an archaeological report of all the required archaeological works, and if appropriate, a commitment to publication has been made.

REASON: To secure the protection of, and proper provision for, any archaeological remains, in accordance with Policies HA1 and HA3 of the East Herts District Plan 2018.

13. **Drainage details**

Prior to or in conjunction with the submission of each reserved matters application, in accordance with the submitted FRA and Drainage Strategy (23161-FRADS(N)-01 v5, May 2024) and Applicant Response to Hertfordshire County Council LLFA Consultation Response (24 January 2025), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development within that phase or sub phase and thereafter retained as approved. The scheme shall address the following matters:

i) Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth of the proposed infiltration feature/s, or If infiltration is proven to be unfavourable, then surface water runoff rates will be attenuated to QBAR as stated within section 6.2 of the FRA and Drainage Strategy. The discharge location for surface water runoff will be confirmed to connect with the wider watercourse network.

ii) Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100) rainfall events (both including allowances for climate change).

iii) Detailed designs, modelling calculations and plans of the drainage conveyance network in the: 3.33% AEP (1 in 30 year) critical rainfall event plus climate change to show no flooding outside the drainage features on any part of the site; 1% AEP (1 in 100 year) critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any flooding outside the drainage features, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. It will also show that no runoff during this event will leave the site uncontrolled.

iv) The design of any infiltration or attenuation basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% AEP (1 in 100) rainfall event plus climate change allowance. This will include surface water exceedance which may enter the site from elsewhere in excess of the 1 in 100 (1% AEP) rainfall event.

v) Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.

vi) Details of how all surface water management features will be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.

vii) A maintenance and management plan detailing the activities required and details of who will adopt and maintain all the surface water drainage features for the lifetime of the development. This will also include the ordinary watercourse and any structures, such as culverts, within the development boundary.

REASON: To prevent flooding in accordance with National Planning Policy Framework Policy F8 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

14. **Hydraulic Modelling**

Prior to, or in conjunction with any Reserved Matters application, detailed hydraulic modelling of the surface water flow path which runs through the site shall be carried out and submitted to and approved in writing by the Local Planning Authority. The modelling shall demonstrate that the development will not result in an increase in flood risk elsewhere, incorporating all watercourses, upstream exceedance flow routes and flows through the site. The modelling should include proposed ground levels and site layout and demonstrate that the development will not increase flood risk for all events up to and including the 1% AEP (1 in 100 year) plus climate change event. It should also demonstrate that any culverts have capacity for both the development discharge and overland flow paths as not to cause an increase in flooding elsewhere.

REASON: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF Policy F8.

15. **Interim temporary drainage measures**

Each phase or sub phase of the development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and

construction phase shall thereafter be carried out in accordance with approved method statement.

REASON: To prevent flooding and pollution off-site in accordance with the NPPF Policy F8.

16. **Site Waste Management Plan**

Prior to the commencement of each phase or sub phase hereby approved, a Site Waste Management Plan (SWMP) for the site shall be submitted to and approved in writing by the Local Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to, for that phase. The development shall be carried out in full accordance with the approved SWMP.

REASON: To ensure that measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document 2012.

17. **Off-site highway improvements**

No development shall commence until a detailed scheme for the off-site highway improvement works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with Manual for Streets and shall generally accord with the details indicated on drawings below and shall thereafter be undertaken in accordance with the approved details and in accordance with the trigger points specified below:

- Drawing showing Proposed offsite works on Baldock Road (Southern Route) – Drawing 23161 0044 P3, and Drawing 23161 043 P2
- Drawing showing Proposed Active Travel Improvements to Monks Walk Road - Drawing 23161 042 P2
- Drawing showing offsite improvement works PRoW 36 and Skipps Meadow (Central Active travel route) - Drawing 23161 0045 P3 Drawing showing offsite improvement works to Northern PRoW routes (Northern Active Travel Route) – Drawing 23161 0047 P2

No more than the following number of dwellings shall be occupied until the scheme is completed and available for use by future occupiers of the development:

- Proposed offsite works on Baldock Road (Southern Route) and Proposed Active Travel Improvements to Monks Walk Road – prior to first occupation
- Offsite improvement works PRoW 36 and Skipps Meadow (Central Active travel route) – prior to 50th occupation
- Offsite improvement works to Northern PRoW routes (Northern Active Travel Route) – prior to any occupations of dwellings served solely by the northern access onto Throcking Lane or the occupation of no more than 400 dwellings whichever is the sooner

REASON: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

18. **Design details of estate roads**

Prior to the commencement of each phase or sub phase of the development, full details in relation to the design of estate roads (in the form of scaled plans and/or written specifications for each phase/sub phase) shall be submitted to and approved in writing by the Local Planning Authority to detail the following:

a. Roads;

b. Footways;

c. Cycleways (compliant with LTN 1/20);

d. External public lighting;

e. Minor artefacts, structures and functional services;

f. Foul and surface water drainage;

g. Visibility splays (in accordance with Manual for Streets);

h. Access arrangements including temporary construction access;

i. Hard surfacing materials;

j. Parking areas for vehicles and cycles (in accordance with LTN1/20);

k. Loading areas; and

l. Turning and circulation areas.

The approved details shall be implemented in full prior to first occupation of each phase/sub phase.

REASON: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan 2018.

19. **Public rights of way improvement works**

Notwithstanding the details indicated on the submitted drawings, no works shall commence on site within the relevant phase/sub phase unless until a Rights of Way improvement plan for the off-site and on-site Rights of Way improvement works for that phase/sub phase has/have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented in full prior to first occupation of that phase/sub phase and shall be retained and maintained thereafter.

REASON: To ensure that the highway improvement works are designed to an appropriate standard in the interests of highway safety and to protect the environment of the local highway corridor and in accordance with Policies 5 and 21 of Hertfordshire's Local Transport Plan (2018).

20. **External materials**

Prior to the commencement of any above ground construction works for each phase/sub phase of the development, details and specifications of all the external materials of construction and finishes for that phase/sub phase of the development hereby approved shall be submitted to and approved in writing by the Local Planning

Authority. Thereafter, the development shall be implemented, in accordance with the approved details.

REASON: In the interests of amenity and good design, in accordance with Policy DES4 of the East Herts District Plan 2018.

21. **Sustainability measures**

Prior to the commencement of any above ground construction works for each phase or sub phase, details of energy and water sustainability measures to be incorporated within each phase of the development shall be submitted to and approved in writing by the Local Planning Authority. These sustainability measures shall be based on the recommendations of the Energy Strategy Statement (Sustainable Construction Energy and Water Statement by Turley revD) and shall include details of:

o Energy efficient construction techniques;

o Energy efficient lighting and fittings;

o Services and controls;

o Efficient energy supply (including details of air source heat pumps);

o Water efficiency measures, which demonstrate compliance with the water consumption target of 110 litres, or less, per head, per day; and Compliance with the Future Homes Standard (unless otherwise agreed)

o BREEAM rating for non-residential buildings (no less than 'excellent' unless otherwise agreed)

Thereafter, the development shall be implemented and maintained, in accordance with the approved details.

REASON: In the interests of minimising carbon emissions and promoting the principles of sustainable construction, in accordance with Policies CC1 and WAT4 of the East Herts District Plan 2018.

22. **Drainage maintenance and management**

Each phase or sub phase of the development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme approved under Condition 13 shall be implemented prior to the first occupation of each phase or sub phase of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

I. a timetable for its implementation.

II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.

III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme

throughout its lifetime. This will include the name and contact details of any appointed management company.

REASON: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of East Herts District Council.

23. **Drainage Verification**

Prior to completion of each phase or sub phase of the development a detailed verification report (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme) should be submitted to and approved in writing by the Local Planning Authority. The verification report shall include a full set of "as built" drawings plus photographs of excavations (including soil profiles/horizons), any installation of any surface water drainage structures and control mechanisms.

REASON: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of East Herts District Council.

24. **Estate roads maintenance and management**

No phase or sub phase of development shall be occupied until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within the development. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.

REASON: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policies 5 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

25. **Travel Plan**

No phase of the development hereby permitted shall be occupied prior to the implementation of the approved Framework Travel Plan and dated May 2024 for that phase (or implementation of those parts identified in the approved Travel Plan as capable of being implemented prior to occupation). Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented for a period of 5 years following occupation of the residential or commercial development, or 7 years following occupation of the school.

REASON: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

26. **Lighting details**

Prior to the first occupation of each phase or sub phase of the development hereby approved, details of any external lighting proposed in connection with each phase of the development shall be submitted to and approved in writing by the Local Planning

Authority. Thereafter, the development shall be implemented in accordance with the approved details.

REASON: In order to ensure inappropriate light pollution does not occur, in line with Policy EQ3 of the East Herts District Plan 2018.

27. **Contaminated land verification report**

Prior to first occupation / use of each phase or sub phase of development the following shall be submitted and approved by the local planning authority: A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted to and approved by the Local Planning Authority prior to first occupation of the development/the development being brought into use. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

REASON: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework, and to protect human health and the environment in accordance with policy EQ1 of the adopted East Herts District Plan 2018.

28. **Vehicle / cycle parking details**

Prior to first occupation/use of each phase/sub phase of the hereby approved development, details of car/cycle parking provision for each phase/sub phase, which shall have regard to the Councils Vehicle Parking SPD, shall be submitted for approval by the local planning authority. No building/use shall be first occupied unless and until on-site cycle and car parking for that building/use has been provided. The approved car/cycle parking shall thereafter be retained.

REASON: In order to promote sustainable transport and reduce environmental impacts in the District in accordance with Policy TRA1 Sustainable Transport, EQ4 Air Quality, DES4 Design of Development of the adopted East Herts District Plan 2018 and the East Herts Vehicle Parking Standards SPD 2007.

29. **Waste recycling details**

Prior to the commencement of any above ground construction works for each phase/sub phase of the development, details of waste and recycling stores consistent with the reserved matters shall be submitted for approval to the local planning authority. No building/use shall be first occupied unless and until waste and recycling stores for that building/use has been provided. The approved waste recycling details shall thereafter be retained and maintained.

REASON: To ensure adequate refuse storage is provided, in accordance with Policy DES4 of the East Herts District Plan 2018.

30. **Thames Water infrastructure phasing plan**

The development shall not be occupied until confirmation is provided that either:

1. All necessary upgrades to the foul water network to accommodate additional flows from the development have been completed; or

2. A phasing plan for development and infrastructure, agreed with Thames Water and the Local Planning Authority, is in place. Where such a plan exists, no occupation shall occur other than in accordance with the approved phasing schedule.

REASON: Network reinforcement works may be required to accommodate the proposed development.

31. **Details of play provision**

Prior to the first occupation of each phase or sub phase of the development hereby approved, details of the proposed play provision, including Locally Equipped Area for Play (LEAP) and Local Area for Play (LAP) if appropriate for that phase, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

o a site plan showing the detailed layout of the play spaces;

o scaled drawings of new play equipment and furniture;

o scaled drawings of any boundary treatments; and information on any surface

coverings.

o implementation timetable of no later than the occupation of 60% of the dwellings within that phase.

No dwelling within the phase hereby approved shall be occupied until the approved play provision for that phase has been installed in accordance with the approved details and implementation timetable. The approved play provision shall thereafter be retained and maintained.

REASON: To ensure the provision of high-quality play spaces, in accordance with Policies DES4 and CFLR1 of the East Herts District Plan 2018.

32. **Details of landscaping**

Prior to the commencement of any above ground construction works for each phase/sub phase of the development, full landscaping details for that phase/sub phase consistent with the reserved matters shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

o Hard surfacing materials;

o Soft landscaping proposals;

o Retained landscape features;

o Planting plans detailing schedule of plants, species, planting sizes and density of planting

o Areas for community gardens for food growing / edible landscaping if appropriate for that phase, and

o An implementation timetable.

Thereafter, the site covered by that phase/sub phase shall be landscaped in full accordance with the approved details and implementation timetable.

REASON: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with Policies DES3 and DES4 of the East Herts District Plan (2018).

33. **Details of landscape maintenance**

Prior to the first occupation of each phase/sub phase of the development hereby approved, a schedule of landscape maintenance for a minimum period of five years, following completion of that phase/ sub phase of the development, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the landscaping shall be maintained, in accordance with the approved schedule.

REASON: To ensure the maintenance of landscaping, in accordance with Policy DES3 of the East Herts District Plan 2018.

34. **Habitat Management & Monitoring plan**

Prior to the first occupation / use of each phase or sub phase of development hereby approved, a Habitat Management & Monitoring Plan (HMMP), in line with the statutory HMMP template and informed by the Statutory Metric, shall be submitted to and approved in writing by the Local Planning Authority for that phase. This HMMP shall demonstrate that a biodiversity net gain would be achieved on the site and shall also include:

o Descriptions and evaluations of features to be managed;

o Aims and objectives of management;

o Appropriate management options for achieving target condition for habitats as

described in the metric;

o Details of management actions;

o Details of the body or organisation responsible for implementation of the plan;

o Ongoing monitoring plan and remedial measures to ensure habitat condition targets are met;

Details of species and mixes selected to achieve target habitat conditions as identified in the metric.

The phase of development shall be implemented and retained in full accordance with the approved HMMP. A Biodiversity Gain Plan is required separately to discharge the general biodiversity gain condition prior to commencement. A draft of this BGP will be produced alongside the above HMMP.

REASON: To ensure that a biodiversity net gain is delivered and habitats are appropriately managed, in accordance with Policies NE2 and NE3 of the East Herts District Plan 2018 and Schedule 14 of the Environment Act (2021).

35. **Ecological enhancements**

Prior to the commencement of each phase or sub phase of development hereby approved, details of the ecological enhancements on that phase of the site and timetable for implementation, including bat boxes, bird boxes, swift boxes, bee bricks and hedgehog nest domes, as outlined in the submitted Ecological Appraisal and

consistent with the reserved matters, shall be submitted to, and approved in writing by the Local Planning Authority.

No occupation / first use for that phase shall take place until the approved details have been implemented in accordance with the approved details. The approved ecological enhancements shall thereafter be retained.

REASON: In order to create opportunities for wildlife, in accordance with Policy NE3 of the East Herts District Plan 2018.

36. **Details of housing mix and tenure**

Concurrent with the submission of reserved matters for each following phase or sub phase, the housing mix for that phase shall be submitted to and agreed in writing by the local planning authority. This shall include a schedule of the mix of house types and sizes to be provided within the reserved matters, which shall take account of the latest Strategic Housing Market Assessment and any additional up-to-date evidence, unless otherwise agreed. The approved details shall be adhered to in the reserved matters applications submitted for that phase or sub phase.

REASON: To ensure that an adequate mix of housing by unit/tenure/position is provided

37. **Details of fire hydrants**

Prior to occupation / use of each phase or sub phase of development details of fire hydrant provision for that phase shall be submitted to and approved in writing by the local planning authority. The approved details shall thereafter be implemented in full prior to first occupation / use of the development and thereafter retained and maintained.

REASON: In order to make adequate provision for fire hydrants and to ensure fire safety for future occupiers.

38. **Noise mitigation**

Prior to first occupation / use of each phase or sub phase of development, details of noise mitigation measures, to ensure internal noise levels within that part of development accord with relevant standards (BS 8233:2014), shall be submitted to and approved by the local planning authority. The hereby approved details shall thereafter be implemented and thereafter retained and maintained in perpetuity.

REASON: To safeguard the amenity of future occupiers.

39. **M4(2) dwellings**

All dwellings within the development (except those completed to M4(3) requirements) hereby approved shall be completed in compliance with Building Regulations Optional Requirement Part M4(2) 'accessible and adaptable dwellings' (or any subsequent replacement) and shall be retained as such thereafter.

REASON: To ensure that the proposed development is adequately accessible for future occupiers.

40. **M4(3) dwellings**

At least 10% of all dwellings within the development hereby approved shall be completed in compliance with Building Regulations Optional Requirement Part M4 (3) 'wheelchair user dwellings' (or any subsequent replacement) prior to first occupation and shall be retained as such thereafter.

REASON: To ensure that the proposed development is adequately accessible for future occupiers.

41. **NDSS compliance**

Reserved Matters Applications shall demonstrate that all the residential units hereby approved will be designed and constructed to meet the standards contained within the Nationally Described Space Standards.

REASON: To ensure that reasonable living conditions are provided for future occupiers

42. **Trees and hedgerows retained**

All existing trees and hedges shall be retained, unless shown on the approved drawing BHA_5798A_02 as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority, in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, or any subsequent relevant British Standard, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

REASON: To ensure the continuity of amenity afforded by existing trees and hedges, in accordance with Policies DES3 and NE3 of the East Herts District Plan 2018.

43. **Pre commencement**

Prior to the commencement of each phase/sub phase of the development, a Tree Protection Plan showing how retained trees and hedgerows will be protected in accordance with Condition 43 shall be submitted to and approved in writing by the local planning authority. The construction phase of the development shall be undertaken in full compliance with the Tree Protection Plan.

REASON: To ensure adequate protection of trees during construction, in accordance with Policies DES3 and NE3 of the East Herts District Plan 2018.

44. **Unexpected contamination**

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the remediation strategy shall be implemented as approved.

REASON: To ensure that the development does not result in risk of water pollution and in the interests of ensuring that the occupiers of the development are not at risk from unidentified contamination sources, in accordance with Policies WAT3 and EQ1 of the East Herts District Plan 2018.

45. **Pavilion**

Notwithstanding the details shown on the Building Heights Parameter Plan approved under condition 1, the Sports Pavilion identified on the Land Use Components Plan shall be no greater than 8m in height.

REASON: To comply with the provisions of the outline planning permission including the parameters assessed, considered, and established by this permission.

46. **Local Centre**

Prior to commencement of the development, full details in relation to the marketing and delivery of the Local Centre identified on the Land Use Components Plan shall be submitted to and approved in writing by the Local Planning Authority to detail the following:

a. Details of how and when the units in the Local Centre will be marketed (to include marketing of the units prior to first occupation of any approved residential dwelling and for the duration of the construction of the development (unless fully occupied), and the submission of evidence of marketing to the local planning authority to allow for 6 monthly reviews by the local planning authority;

b. Details of the size, location and timetable for provision of the temporary retail/community provision within the Local Centre (to include the construction of the temporary provision prior to the occupation of the 100th dwelling and its removal only when the permanent facilities are established).

Thereafter, the development shall be implemented, in accordance with the approved details.

REASON: To ensure that future occupiers have the potential to access local services on site and reduce reliance on private car. Thereby ensuring that the development can function in a sustainable manner in accordance with policies DPS1 and TRA1 of the East Herts District Plan.

47. **Local Centre**

Prior to the occupation of the 500th dwelling, the buildings proposed to accommodate at least 435 square metres of retail floorspace (Use Class E) shall be erected in their approved location with only internal works remaining to these buildings to enable them to be occupied.

REASON: To ensure that future occupiers have the potential to access local services on site and reduce reliance on private car. Thereby ensuring that the development can function in a sustainable manner in accordance with policy TRA1 of the East Herts District Plan.

48. **No change of use class E to residential**

Notwithstanding the provisions of Article 3(1) and Class MA of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order

2015 (or any order revoking and re-enacting that Order with or without modification), no local centre class E floorspace shall be occupied at any time for purposes within class C3.

REASON: To ensure that future occupiers have the potential to access local services on site and reduce reliance on private car. Thereby ensuring that the development can function in a sustainable manner in accordance with policy TRA1 of the East Herts District Plan.

- End of Conditions -

APPEARANCES

For the Local Planning Authority:

Josef Cannon KC

He called:

- Kate Carpenter, Jacobs
- Richard Lewis, ActivePlanning
- Phillip Hughes, PHD Chartered Town Planners Limited

Round table landscape discussion – Robert Browne, Wynne-Williams Associates

Round table planning obligation discussion – Mr Neil Button, East Hertfordshire District Council; Steve-Frazer Lym, East Hertfordshire District Council; Jamie Glazebrook, Hertfordshire County Council Education Authority, Kate Ma, Hertfordshire County Council Education Authority; Oliver Sowerby, Hertfordshire County Council Highway Authority

Round table planning conditions discussion – Phillip Hughes, PHD Chartered Town Planners Limited

For the Appellant:

Stephanie Hall, Barrister

She called:

- Peter Blaire, Tetra Tech
- James Duffy, Ridge and Partners LLP

Martin Carter KC

He called:

- Gary Stephens, Marrons

Round table landscape discussion – Natasha Jones, Stantec

Round table planning obligation discussion – Cairo Nickolls, Freeths LLP, and Ben Hunter, Education Facilities Management Ltd

Round table planning conditions discussion - Gary Stephens, Marrons

Other Interested Persons:

Councillor Duncan Wallace – Buntingford Town Council

Councillor Sue Nicholls – Buntingford Town Council

Chris Berry – CPRE Hertfordshire

Tracey Russ (resident of Throcking)

Documents Submitted at the Inquiry

ID1 – Appearances on behalf of the appellant

ID2 – Appearances on behalf of the Local Planning Authority

ID3 - Opening statement on behalf of the Local Planning Authority

ID4 – Opening statement on behalf of the appellant

ID5 – written statement from Chris Berry of CPRE Hertfordshire

ID6 – written statement and photographs from Tracey Russ and including comments from the Development Management Forum

ID7 – Education statement of common ground

ID8 – Written summary position of Robert Browne, Wynne-Williams Associates as part of the landscape round table discussion

ID9 – Written summary position of Natasha Jones, Santec as part of the landscape round table discussion

ID10 – East Hers District Local Plan inset map 1 showing the settlement boundary for Buntingford

ID11 – Grid reference Automatic Traffic Survey locations to the north and south of the Baldock Road roundabout - annotated on Google maps

ID12 – Correction and replacement for pages 137 and 139 of Peter Blaire's proof of evidence

ID13 – Summary of agreed draft section 106 agreement prepared by Freeths

ID14 – Hertfordshire County Council Education Authority note relating to the need for a fist school on the site

ID15 – Draft agreed planning obligation submitted on 11 September 2026

ID16 – Council's closing submissions

ID17 – Appellant's closing submissions