

Rebuttal

Proof of Evidence

of

Vic Hester

Land East of the A10

Buntingford

Hertfordshire , SG9 9SQ

July 2024

Appeal Ref: APP/J1915/W/24/3340497

LPA Ref: 3/23/1447/OUT

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Appeal Site: Land East of A10, Buntingford

Appeal by: Countryside Partnerships Ltd and Wattsdown Developments Ltd

1. My name is Vic Hester. I have submitted a Proof of Evidence in respect of the appeal by Countryside Partnerships Ltd and Wattsdown Developments Ltd for development at Land east of A10, Buntingford. This short rebuttal proof is submitted in response to certain paragraphs in the evidence of Hannah Albans on behalf of the appellant.
2. The documents that have been submitted by the appellant (including the Proof of Evidence by Hannah Albans, the draft S106 Agreement and commentary by the appellant on the draft Schedule of planning conditions) provide no assurances that the proposed quantum of employment and retail floorspace within buildings on the site will be delivered, and delivered in a timely manner.
3. As I understand it, this matter had been raised with the appellant team before, but I raised the issue of how to secure delivery of these buildings with the appellant team by suggesting that this could be through the S106 Agreement. It is not in the S106 Agreement.
4. The wording of a condition was drafted by the local planning authority (LPA) so that the scheme would ensure the delivery of a minimum level of employment and retail floorspace - a range was proposed to provide at least 4,000 sq m to 4,400 sq m of employment floorspace and at least 400 sq m to 500 sq m of retail floorspace. Although the wording was removed by the appellant, with justification provided, the minimum floorspace requirement was not reinserted back in the Draft Schedule as a stand-alone condition. This may have been an over-sight and so I do not apportion blame in any way.
5. The final draft Schedule of Conditions is being sent to the appellant and PINs today, with a condition re-inserted by the LPA to ensure the floorspace is delivered and in a timely manner. I trust that this condition, or a wording that arrives at the same end result, will be accepted as important to achieving a suitably sustainable form of development

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6. Hannah Albans attaches 'substantial' weight to the proposed floorspace. Without the ability to ensure its provision, the stated benefits of the proposal are reduced.

7. In my opinion, without the certainty that the commercial floorspace will be delivered the level of benefit diminishes – as set out in paragraph 6.61 of my Proof of Evidence.