



dynamic development solutions™

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended)
APPEAL BY: Countryside Partnership Ltd and Wattstown Developments Ltd**

STATEMENT OF COMMON GROUND

An Appeal against the refusal of planning permission by East Hertfordshire District Council under Section 78 of the Town and Country Planning Act 1990

To be agreed between the Appellant, Countryside Partnership Ltd and Wattstown Developments Ltd and Hertfordshire County Council acting as the Education, Waste Disposal, and Highways Authority

Land East of the A10, Buntingford, Hertfordshire

LPA Reference: 3/23/1447/OUT

PINS REFERENCE: APP/J1915/W/24/3340497

**Prepared by
DLP Planning Ltd
Bedford
And
Hertfordshire County Council**

June 2024



dynamic development solutions TM

CONTENTS	PAGE
1.0 Introduction	3
2.0 Undisputed Issues.....	4
3.0 Areas of Disagreement.....	6
 Appendices	
Appendix 1 – Indicative Development Mix	8
Appendix 2 – Table of Agreed Financial Contributions	9
Appendix 3 – Table of Contributions.....	10

1.0 INTRODUCTION

1.1 This Statement of Common Ground (SoCG) has been prepared by DLP Planning Ltd on behalf of Countryside Partnership Ltd and Wattsdown Developments Ltd ('the Appellant'), and its contents have been agreed with Hertfordshire County Council ('HCC').

1.2 It relates to an appeal against the refusal by EHC of an application for planning permission with respect to a development on land west of Buntingford ('the Appeal Site') also known as Buntingford West.

1.3 An outline planning application (with all matters reserved except for points of access) was submitted to EHC on the 27 July 2023 and was made valid by EHC on 1 August 2023 (Application reference 3/23/1447/OUT).

1.4 The description of development is as follows:

"Outline planning application (with all matters reserved except for access) for up to 350 dwellings, up to 4,400 sqm of commercial and services floorspace (Use Class E and B8), and up to 500 sqm of retail floorspace (Use Classes E) and other associated works including drainage, access into the site from the A10 and Luynes Rise (but not access within the site), allotments, public open space and landscaping."

1.5 **Paragraph 13.2.2** of the Planning Inspectorate's Procedural Guidance for Planning Appeals in England (January 2024) ('the Procedural Guide') acknowledges that:

"A statement of common ground is essential to ensure that the evidence considered at a hearing, or an inquiry focuses on the areas of disagreement between the appellant and the LPA. This should help to focus the parties' statements of case and, if the appeal is following the inquiry procedure, proofs of evidence, on areas of disagreement."

1.6 This SoCG has been prepared with reference to the above guidance issued by the Planning Inspectorate and sets out matters which are agreed and matters which remain in dispute, to assist the forthcoming appeal which relate solely to the HCC S106 contribution requests.

2.0 UNDISPUTED ISSUES

- 2.1 The County Council and the Appellant (the parties) agree as follows:
- 2.2 The parties agree to enter into an agreement or provide an undertaking under section 106 of the Town and Country Planning Act 1990 to mitigate the impact of development.
- 2.3 The parties agree the table provided at **Appendix 1** is the indicative development mix for the outline application and that the actual development mix will be determined as reserved matters should the Inspector be minded to grant planning permission.
- 2.4 The parties agree that the Appellant shall pay to the County Council under an agreement or undertaking the financial contributions listed in the table at **Appendix 2** with the included project definitions as mitigation of the impact of development.
- 2.5 The parties agree that the contributions shall be calculated based on the actual development mix by reference to the table included at **Appendix 3** and the illustrative contributions listed in the table are illustrative based on the indicative development mix.
- 2.6 The parties agree that the indexation to be included in the agreement or undertaking shall be as provided in the table at **Appendix 2**.
- 2.7 The parties agree the Appellant (or their successors of the employment land) shall make available for sale or lease, built space for a childcare facility (for children aged from 0-4 years) within one of the Use Class E commercial units.
- 2.8 The specification of which shall be agreed by the County Council but shall include circa 275m² gross floor internal area floorspace together with not less than 50m² of suitable, enclosed outdoor play space (overall not less than 325m² of useable space) whereby the building shall be constructed to a suitable and reasonable standard to provide a lettable space finished empty and suitable for occupation by a childcare operator including floor, wall and ceiling finishes, appropriate lighting, ventilation and heating, windows and doors, staff and children's toilets but excluding information technology fittings and fixtures.
- 2.9 A marketing strategy for the childcare facility is to be agreed by the County Council and will start from the submission of reserved matters with active marketing for at least six months. There will then be a further, additional period of passive marketing whereby the childcare

facility remains exclusively available until such time as 200 dwellings are occupied, after which the obligation to carry out the Marketing Strategy shall end if there is no identified childcare facility operator. The marketing will be for the sale or lease of the childcare facility at market value on viable commercial terms.

- 2.10** The parties agree for clarity that the Eastern Waste Transfer Station in Ware and the recently delivered Ware Recycling Centre are separate facilities and projects, and the Waste Transfer contribution towards the Eastern Transfer Station therefore cannot be allocated towards Ware Recycling Centre.
- 2.11** The parties agree the principle of contributions towards first education, first education land costs, middle education, and upper education.
- 2.12** The parties agree to contributions in the form of the 'Sustainable, Active and Accessibility Transport Contribution' of £1,987,488 to active travel initiatives within Buntingford and the 'Public Transport Contribution' of £810,000 (at £162,000 per year for five years) to enhance the existing public transport provision in the area and directly serving the site.
- 2.13** The parties agree the payment of a monitoring fee to the County Council of £340 per distinct trigger point (index linked to RPI July 2021).
- 2.14** The parties will seek to agree the terms of a planning obligation under Section 106 of the Town and Country Planning Act 1990 to support the appeal.
- 2.15** The parties agree to enter into an agreement under section 278 of the Highways Act 1980 to deliver the Luynes Rise/Aspenden Road Sustainable Transport Corridor as a condition of development and that this should be secured by Grampian condition if the Inspector is minded to grant planning permission.

3.0 AREAS OF DISAGREEMENT

3.1 The areas of disagreement in respect of the following matters, relate solely to the level of contributions based on the level of pupil yield from the Appeal Site:

- First Education Contribution
- Middle Education Contribution
- Upper Education Contribution
- First Education Land Contribution

Agreed on behalf of Hertfordshire County Council by



Signature:

Name: Roger Flowerday

Position: Group Manager Local Plans and Strategic Development

Date: 07/06/2024



Signature:

Name: Antony Proietti

Position: Growth Area Team Leader North East

Date: 07/06/2024

Agreed on behalf of the Appellant by



Signature:

Name: Hannah Albans MRTPI

Position: Director (DLP Planning Ltd)

Date: 07/06/2024

Appendix 1 Indicative Development Mix

HOUSES			FLATS		
Number of bedrooms	A) Open Market / Shared Ownership	B) Affordable Rent/ Social Rent	Number of bedrooms	A) Open Market / Shared Ownership	B) Affordable Rent / Social Rent
1	0	0	1	7	21
2	40	28	2	15	14
3	134	33	3	0	0
4+	49	9	4+	0	0
Total	223	70	Total	22	35

Appendix 2 Table of Agreed Financial Contributions

Contribution	Project Definition	Illustrative Cost	Indexation
SEND Education Contribution	The new East Severe Learning Difficulty School and/or provision serving the Development	£426,725	BCIS Q1 2022
Childcare (0-2) Contribution	The provision of a new early years setting within the development and/or provision serving the development	£26,470	BCIS Q1 2022
Childcare (5-11) Contribution	Childcare provision at Buntingford First School and/or provision serving the development	£4,094	BCIS Q1 2022
Libraries Contribution	The reconfiguration of the existing Buntingford Library by expanding the library floorspace into the staff work area and/or provision serving the development	£77,850	BCIS Q1 2022
Youth Contribution	Detached youth work in Buntingford and/or provision serving the development	£61,727	BCIS Q1 2022
Waste Transfer Contribution	The new provision at Ware Transfer Station and/or provision serving the development	£36,897	BCIS Q1 2022
Public Transport Contribution	To enhance the existing public transport provision in the area and directly serving the site.	£810,000 (at £162,000 per year for five years)	CPT (from signing the agreement of the S106)
Sustainable, Active and Accessibility Transport Contribution	To allocate to active travel initiatives within Buntingford.	£1,987,488	SPONS Price Adjustment Formulae Indices (Civil Engineering) Series 2 January 2019

Appendix 3 Agreed Table of Contributions

Service	Type	Tenure	Bedrooms			
			1	2	3	≥4
Childcare Services 5 - 11 years-old	Flat	Affordable Rent and/or Social Rent**	£0.40	£5.14	£16.05	£17.42
Childcare Services 5 - 11 years-old	Flat	Open Market and/or Shared Ownership*	£0.61	£2.97	£6.60	£10.19
Childcare Services 5 - 11 years-old	House	Affordable Rent and/or Social Rent**	£0.36	£7.29	£28.67	£43.84
Childcare Services 5 - 11 years-old	House	Open Market and/or Shared Ownership*	£0.76	£3.39	£10.55	£17.78
Childcare Services Aged-2	Flat	Affordable Rent and/or Social Rent**	£3.64	£29.67	£61.06	£17.67
Childcare Services Aged-2	Flat	Open Market and/or Shared Ownership*	£2.53	£12.60	£16.30	£16.18
Childcare Services Aged-2	House	Affordable Rent and/or Social Rent**	£1.09	£33.05	£65.04	£55.20
Childcare Services Aged-2	House	Open Market and/or Shared Ownership*	£3.72	£13.07	£26.82	£39.33
Childcare Services Under-2	Flat	Affordable Rent and/or Social Rent**	£10.24	£79.11	£62.19	£81.30
Childcare Services Under-2	Flat	Open Market and/or Shared Ownership*	£9.51	£24.28	£24.21	£26.59
Childcare Services Under-2	House	Affordable Rent and/or Social Rent**	£3.59	£65.15	£74.05	£93.71

Service	Type	Tenure	Bedrooms			
			1	2	3	≥4
Childcare Services Under-2	House	Open Market and/or Shared Ownership*	£11.90	£26.19	£43.56	£49.18
Library Services	Flat	Affordable Rent and/or Social Rent**	£110.49	£197.55	£257.15	£273.67
Library Services	Flat	Open Market and/or Shared Ownership*	£126.41	£166.85	£220.74	£300.67
Library Services	House	Affordable Rent and/or Social Rent**	£117.54	£204.00	£268.43	£362.19
Library Services	House	Open Market and/or Shared Ownership*	£140.87	£172.95	£229.28	£283.78
SEND Primary Education	Flat	NA	£193.76	£193.76	£193.76	£193.76
SEND Primary Education	House	NA	£653.75	£653.75	£653.75	£653.75
SEND Secondary Education	Flat	NA	£66.45	£66.45	£66.45	£66.45
SEND Secondary Education	House	NA	£752.03	£752.03	£752.03	£752.03
Youth Services	Flat	Affordable Rent and/or Social Rent**	£17.38	£101.81	£303.12	£360.15
Youth Services	Flat	Open Market and/or Shared Ownership*	£14.07	£42.59	£129.35	£192.83
Youth Services	House	Affordable Rent and/or Social Rent**	£16.90	£151.53	£356.23	£617.24

Service	Type	Tenure	Bedrooms			
			1	2	3	≥4
Youth Services	House	Open Market and/or Shared Ownership*	£31.51	£49.19	£157.66	£296.98
Waste Transfer Station	Flat	Affordable Rent and/or Social Rent**	£105.42	£105.42	£105.42	£105.42
Waste Transfer Station	Flat	Open Market and/or Shared Ownership*	£105.42	£105.42	£105.42	£105.42
Waste Transfer Station	House	Affordable Rent and/or Social Rent**	£105.42	£105.42	£105.42	£105.42
Waste Transfer Station	House	Open Market and/or Shared Ownership*	£105.42	£105.42	£105.42	£105.42
<p>The tenure terms set out in the tables reflect the terminology used with the submitted Application. Should alternative definitions/types of tenure of units be applicable in the future (e.g. at such time that Reserved Matters applications are submitted and/or as reflected in updated Hertfordshire County Council guidance) then they should be characterised and included as follows:</p> <p>* Tenure characteristics similar to open market dwellings and dwellings provided for sale that offers a route to ownership for those who could not achieve home ownership through the market (or other tenures which display these types of characteristics)</p> <p>** Tenure characteristics of 100% rented, reflecting needs assessed dwellings for which the rent is set below local market rents (or other tenures which display these types of characteristics)</p>						



BEDFORD

Planning / SDD / SPRU

bedford@dlpconsultants.co.uk

BRISTOL

Planning / SDD / SPRU

bristol@dlpconsultants.co.uk

EAST MIDLANDS

Planning/ SDD

nottingham@dlpconsultants.co.uk

LEEDS

Planning

leeds@dlpconsultants.co.uk

LIVERPOOL

Planning

liverpool@dlpconsultants.co.uk

LONDON

Planning

london@dlpconsultants.co.uk

MILTON KEYNES

Planning

miltonkeynes@dlpconsultants.co.uk

RUGBY

Planning

rugby.enquiries@dlpconsultants.co.uk

SHEFFIELD

Planning/ SDD / SPRU

sheffield@dlpconsultants.co.uk



IEMA Transforming the world to sustainability



RTPI
Chartered Town Planner