



Appeal Decision

Inquiry held on 12 13, 14, 15, 19 and 20 May 2026

Site visit made on 20 May 2026

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 7th July 2026

Appeal Ref: 6004178

Land off Barkway Road and North of Flint Hall, Barkway Road, Royston, Hertfordshire

- 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 Woolsington One Ltd against the decision of North Herts Council.
 - The application Ref is 21/00765/OP.
 - The development proposed is outline planning application for residential development of up to 280 dwellings (including affordable housing) green infrastructure including public open space, landscape boundaries and SUDS with all matters reserved except for access which is to be taken from Barkway Road.
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Decision

1. The appeal is allowed and planning permission is granted for residential development of up to 280 dwellings (including affordable housing) green infrastructure including public open space, landscape boundaries and SUDS with all matters reserved except for access which is to be taken from Barkway Road, at Land off Barkway Road and North of Flint Hall, Barkway Road, Royston, Hertfordshire in accordance with the terms of the application, Ref 21/00765/OP, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Woolsington One Ltd against North Herts Council. This is the subject of a separate decision.

Preliminary Matters

3. The application was submitted in outline with permission sought for up to 280 dwellings (including affordable housing) green infrastructure including public open space, landscape boundaries and Sustainable Urban Drainage (SUDs). All matters except for access are reserved for future consideration.
4. Drawing J32-5129-PS-008 Rev A sets out the details of the proposed access and footway connection and associated works. In addition, the Masterplan Framework Document v 20 November 2024 Revision M (Masterplan) includes a number of parameters including access points and zones for green infrastructure including public open space, landscape boundaries and Sustainable Urban Drainage (SuDs) features. The Developable Area Parameter Plan – Drawing No. Mosaic 020-01 and Access Parameter Plan – Drawing No. Mosaic 020-02 Rev A set out the parameters of the proposal in terms of access points and land use. I have

assessed the proposal on this basis and considered the other submitted drawings on an indicative but informative basis.

5. The proposed 'Walkway' to Grange Bottom and proposed walking and cycling route to Shrubbery Grove as indicated on drawing FHR-MI-GEN-XX-CD-CE-100 Rev P03 are subject to detailed design. I have therefore considered this drawing on an indicative but informative basis.
6. Concerns were raised regarding the service provided by the Council at application stage including whether all documents that the Council's development management planning committee made its decision based on were publicly available. From the evidence, all the relevant documents were publicly available on the Council's website so I can proceed to determine this appeal.
7. Concerns were raised during the course of the appeal regarding additional documents being submitted at appeal stage. The submitted documents do not alter the proposal which is the same as that determined by the Council when it made its decision. Accordingly, having regard to *Bernard Wheatcroft Ltd v SSE* [JPL 1982 P37] and *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin), I am satisfied that there has not been a fundamental change to the scheme and that there has not been procedural unfairness caused to anyone involved in the appeal.
8. The appellant has submitted a planning obligation under section 106 of the Town and Country Planning Act 1990. This is in the form of a unilateral undertaking (UU). As it is signed and dated, I have had regard to it in coming to my decision.

Main Issues

9. The main issues are:
 - whether the proposal would provide adequate opportunity for travel by residents and visitors by non-car transport modes;
 - the effect of the proposal on the local highway network and highway safety;
 - the effect of the proposal on Therfield Heath Site of Special Scientific Interest (SSSI); and
 - whether any material considerations, including the provision of housing, warrant a decision other than in accordance with the development plan.

Reasons

Travel by non-car transport modes

10. The site comprises 2 agricultural fields, referred to as the eastern and western parcels, and lies to the south of and adjoins the settlement of Royston. The two fields are separated by a tree belt which runs in the north south direction. A Public Right of Way (PRoW) bridleway passes alongside this tree belt and is part of the wider Hertfordshire Way. In addition, a PRoW footpath runs through the eastern parcel of the site also in a roughly north south direction. Part of a PRoW which passes through the Green Walk Plantation also lies within the red line boundary in the northwestern part of the site.

11. The site would be accessed by vehicles from Barkway Road which is to the east of the site. To the west of the site lies an agricultural field with trees and vegetation along the boundary of the site. To the south of the site lies Flint Hall Farm and access lane.
12. Part c of Policy SP9 of the North Hertfordshire Local Plan 2011 – 2031 (LP) seeks a number of requirements of Strategic Masterplans and planning applications for Strategic Housing Sites and significant development. These include, at part ii, to create integrated, accessible and sustainable transport systems with walking, cycling and public transport designed to be the most attractive forms of transport and effectively linking into the surrounding areas. It also requires at part iii to provide a clear structure and hierarchy of pedestrian friendly streets and well-connected footpaths and cycleways integrated with the wider built and natural environment and communities.
13. Paragraph 110 of the National Planning Policy Framework (Framework) states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. It goes on to say that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
14. Paragraph 115 of the Framework sets out a number of factors to be ensured in assessing sites that may be allocated for development in plans, or specific applications for development, including that sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location.
15. There are 3 main proposed access routes into the site. These are the vehicular access from Barkway Road; a walkway from northeastern corner of the western parcel (Grange Bottom link); and a link from the northwestern part of the site through to Shrubbery Grove (Shrubbery Grove link). There would also be a pedestrian access from Barkway Road at the northeastern corner of the site.
16. Barkway Road leads from the site to the town centre where the bus station is located and is around 1km from the site. Barkway Road and the A10 are main routes into Royston from the south. The wide range of services and facilities in Royston town centre are within roughly a 15 minute walk of the site. Barkway Road includes narrow footpaths and lies on a gradient such that walking and cycling would be less attractive than if the road was flat.
17. The proposed improvements to Barkway Road include extending the 30mph speed limit southwards, delivery of new bus stops alongside the primary access junction, upgrading the existing uncontrolled pedestrian crossing north of Shaftsbury Way to a Puffin crossing, removing the vehicular restraint system east of Limekiln Close junction, signalling the existing uncontrolled crossing of Barkway Road south of Prince Andrews Close, and upgrading the existing path to The Brambles area.
18. Together these proposals would result in a degree of traffic calming and safer pedestrian crossing points. Therefore, the proposed measures would improve the accessibility of the existing Barkway Road such that walking, cycling and public transport options would be more attractive than existing. Moreover, the Masterplan details the parameters for land use area including access and movement both within the site and connections to the wider area.

19. In addition, an existing bus stop is located near the site near Shaftsbury Way and further bus stops are proposed near the site access. The existing bus service frequency is around 7 busses on weekdays and may not cater to the needs of people commuting to Royston Station or to local schools during morning peak hours. The proposed planning obligation includes, among other things, financial contributions to the County Council towards increasing the frequency of the bus service should it be required. As such, any increase in the frequency of the bus service is uncertain.
20. Given the gradient of Barkway Road, walking or cycling is unlikely to be the most attractive mode of non-car transport for all future residents of the scheme, particularly people with young children or those less able-bodied. Given the close proximity of the bus stop, taking the bus is a realistic non-car transport choice despite uncertainty over future frequency increase. As indicated in the Masterplan, the Barkway Road access would be available to future occupiers on both west and east parcels of the site.
21. The proposed pedestrian link to Grange Bottom would enhance the existing connection from the site to Grange Bottom with details to be secured via a condition. Grange Bottom leads to Beldam Avenue which connects to Barkway Road. The existing connection from Grange Bottom to the PRoW includes steep sections of unmade ground. The proposed improvement as described in the Masterplan would consist of a boardwalk design that would retain existing mature trees. This route would improve the existing pedestrian link from the western parcel to Grange Bottom.
22. The Appellant has indicated that the connection could also be used by cyclists. The boardwalk connection would not be compliant with the Cycle Infrastructure Design July 2020 Local Transport Note 1/20 (LTN 1/20) which sets out standards for cycle routes. The route would be curved and around 2m wide. Accordingly, it may be necessary for cyclists to dismount and walk for at least part of the route. However, the overall length of the connection is likely to be limited given the distance from the site to Grange Bottom, and the proposed width would not be prohibitively narrow. While ardent cyclists would be unlikely to be deterred from using the route altogether, the route would not be the most attractive for other cyclists.
23. The PRoW that runs through the Green Walk Plantation currently provides access from the site to Shrubbery Grove which leads to the A10 and Royston town centre. A cycle route is proposed alongside the existing footpath. The preliminary design includes steps and a chicane barrier at a bend in the route, would include steep gradients and would be around 2m wide. The cycle route as proposed would not accord with LTN 1/20. While details of the route could be secured via condition, it is uncertain whether a step-free cycle route could be provided without unacceptably impacting on the trees in the plantation. However, given that the existing footpath is largely unmade, the proposed measures would improve the accessibility of the route for pedestrians. As with the Grange Bottom link, while the proposed cycle link may not be attractive for all cyclists, given the limited distance from the site to Shrubbery Grove, the proposed cycle route would not deter all cyclists.
24. There is no agreement by Royston Town Council (RTC), who own the Green Walk Plantation, to allow the proposed upgrades to take place on the land within their ownership. I note the legal submissions from the Appellant and the Council regarding the implementation of the works without the consent of RTC. A

suggested condition requires the submission of details of the connection and timeline for delivery with implementation in accordance with an agreed timetable. The Planning Practice Guidance advises that, with respect to conditions relating to land not in control of the appellant, conditions which prohibit aspects linked to the planning permission should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission.

25. Although the RTC stated during the inquiry that they do not support the proposal, they stated during the planning application process that, while they object to the proposal, they would be minded to co-operate with the delivery of the cycle route link crossing Green Walk Plantation. As the scheme has not changed since the planning application was determined by the Council, the reason for the change in stance is unclear.
26. I note the evidence regarding the likelihood of RTC not blocking works to deliver the proposed works and that the Local Highway Authority (LHA) possess powers to carry out various works on the PRow notwithstanding the ownership of the land by RTC. I also note the evidence regarding the ability of the Council and LHA to compulsorily purchase the land to deliver the works as well as the reasonableness of such actions.
27. Accordingly, there are a number of ways to achieve the delivery of the Shrubbery Grove link without consent of RTC, and there is some possibility that the RTC may agree to delivery subject to the design of the link. Therefore, I consider that there is some prospect of the works being carried out within the time limit imposed by the permission.
28. The UU includes provision for a sum of money to be paid to Hertfordshire County Council in the event that the condition has not been discharged within one year of commencement of development. This Public Right of Way Contribution is towards enhancing the cycle route within Green Walk Plantation from public right of way PROW009 to Shrubbery Grove or such other public right of way enabling public access between the Development and Royston. I return to the UU later in this decision.
29. In any event, as the PRow through Green Walk Plantation currently exists, future occupiers could walk to Shrubbery Grove and on to the A10 which leads to Royston town centre even if the improvements are not implemented. Therefore, as a worst-case scenario the Shrubbery Grove link would be as existing with unmade ground and lack of lighting. The accessibility for future occupiers in this scenario would be mostly limited to able-bodied pedestrians for use during daylight hours. Those who are disabled or mobility impaired would be unlikely to use the Shrubbery Grove link given its current condition.
30. Future occupiers would also have the choice of using the Grange Bottom link or the Barkway vehicular access as well as the pedestrian access to Barkway Road at the northeastern corner of the east parcel of the site. However, this would add to the journey time for those in the western parcel. Furthermore, as there is a lack of bus stops on the A10, future occupiers in the western parcel would be required to travel across the site to Barkway Road to access the bus service to the town centre.
31. Overall, the topographical constraints of the area mean that the proposed links to the surrounding area and route to the town centre via non-car transport modes would not be easily accessible for all users. Walking and cycling to and from the

town centre via Barkway Road would not be the most attractive forms of transport for all users, given the considerable gradient along most of the route. Moreover, the Grange Bottom and Shrubbery Grove links would not meet the LTN1/20 standards for cycle route design, limiting the attractiveness of these links by cycle. In addition, if the Shrubbery Grove link cannot be lit and step-free, the usefulness of this route particularly for vulnerable users would be limited to daylight hours. Accordingly, the scheme would not provide a genuine choice of transport modes.

32. Consequently, the proposal would not provide adequate opportunity for travel by residents and visitors by non-car transport modes. Therefore, it would conflict with LP Policy SP9 and Framework Policy 110 which seek, among other things, to create integrated, accessible and sustainable transport systems with walking, cycling and public transport designed to be the most attractive forms of transport and effectively linking into the surrounding areas, and a genuine choice of transport modes. The proposal would also conflict with paragraph 117a of the Framework which requires priority to be given first to pedestrian and cycle movements, both within the scheme and with neighbouring areas.
33. Part a) of paragraph 115 of the Framework requires sustainable transport modes to be prioritised taking account of the vision for the site, the type of development and its location. Given my findings above, the proposal would conflict with this part of the paragraph.
34. The proximity of the site to the town centre is around 1km, bus journeys would last around 5 minutes, and able bodied people could walk or cycle to the town centre in around 15 minutes, albeit via a steep gradient along Barkway Road. Car journeys to access services and facilities in Royston would be limited in terms of time and distance. Therefore, the harm that would result from the conflict with LP Policy SP9 and paragraphs 110 and 115 of the Framework would be minor.
35. Given the location of the proposal adjacent to the settlement and PROWs, the proposal would not conflict with LP Policy SP6 which requires the Council to deliver accessibility improvements and promote the use of sustainable transport modes insofar as reasonable and practicable.
36. A scheme for up to 84 dwellings on Briary Lane¹ was refused by the Council for reasons including that it would not give all users a genuine choice of transport modes. The Council attributed significant weight to this harm in the planning balance. That site shared a number of similarities with this proposal in terms of location. It is sited at the edge of the settlement, on elevated land compared with the town centre. However, the appeal proposal includes provisions for new bus stops and Barkway Road provides a direct route to the town centre. Therefore, the Briary Lane decision is not directly comparable with the appeal and has not altered my findings on this main issue.
37. In caselaw *Bellway Homes Ltd v SSHCLG* [2025] EWHC 1455 (Admin) for a site near Great Lumley, the appeal was dismissed for reasons relating to the location of the proposed development with respect to the nearest settlement. While I note the parallels with this appeal in terms of walking distances and public transport, as that scheme was in a different location, it is not directly comparable to this appeal and I've taken my decision based on the particular circumstances of the individual case.

¹ Council reference: 25/01708/OP

Highway network and highway safety

38. LP Policy T1 seeks development that would not lead to highway safety problems or cause unacceptable impacts upon the highway network. Framework paragraph 116 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
39. The proposal would be likely to result in some 200 car trips to and from the site during peak hours as a worst case scenario for 300 dwellings. This figure does not account for the effect of the proposed Travel Plan or increased home working trends since the Covid-19 pandemic.
40. As detailed above, the proposal includes improvements to Barkway Road and connections to local PRoWs which seek to mitigate the effect of the proposal. Moreover, financial contributions would secure the improvements as well as new bus stops and funding towards more frequent bus services if required to address the wider cumulative impact of the development. It is agreed between the Appellant and the LHA that the modelling evidence, when considered as a whole, demonstrates that the Appeal development would not give rise to any unacceptable highway impacts.
41. In terms of the transports assessments carried out by the Appellant, a number of concerns were raised including regarding the base model. The existing A10 gyratory includes give-way junctions and a zebra crossing at Royston town centre and connects the A10 and Barkway Road.
42. A base model of the A10 gyratory using the software JUNCTIONS, was generated in 2021. I note concerns that the model was not validated against observed conditions including queue data. However, the Transport Assessment March 2021 confirms that to determine the traffic volumes on the highway network surrounding the site, Manual Classified Counts and queue length surveys were carried out on 9th December 2020 during peak hours. This was superseded by a model using LinSig software in 2025.
43. On 4th December 2024 traffic surveys were conducted in the same time frame as the 2021 surveys to account for changes to traffic patterns outside of the Covid-19 pandemic. The traffic counts used for the modelling were taken during a day in early December 2024, a period outside of the Christmas holiday season and when there were no adverse weather conditions.
44. With respect to the evidence being calibrated against queue data, the Transport Assessment Addendum April 2025 (TAA 2025) states that video data had been reviewed at the time of model preparation. It goes on to say that the observed queues generally reflect the modelled queues across all the junctions assessed. It was observed that while there were occasional queues as vehicles approached the junctions, static queues did not typically exceed 1 or 2 vehicles. This generally matched the modelled delay time. Therefore, the survey data used for the modelling is appropriate notwithstanding that it was taken over a day and not a longer time period. Accordingly, I consider that the modelled mean maximum queue in the LinSig model is the appropriate value to assess the prevailing operational condition and the modelling carried out by the Appellant adequately assessed the effect of the proposal on the local highway network.

45. Journey time surveys carried out over several days in April 2026 on behalf of the Royston Town Residents Alliance were in mid-April 2026 and showed greater delays than that recorded in December 2024. However, these represent the conditions during the weeks following the Easter bank holiday and also show that during some hours the delays were lower than that recorded in December 2024. Accordingly, this evidence does not demonstrate that the December 2024 surveys were not appropriate for use in modelling the A10 gyratory, nor that the assessments underestimated current traffic conditions such that the scheme would have a severe impact on the local highway network.
46. The proposal includes mitigation in the form of an upgrade of the A10 Barkway Street/A10 Market Hill junction to a signalised junction and to provide a signalised pedestrian crossing facility to replace the existing zebra crossing.
47. As well as the 2024 baseline, the junction was modelled with LinSig software with a 2027 scenario that included the proposed development and committed development. When modelled with the proposed mitigation of changing the zebra crossing to a signalised pedestrian crossing, including a 2027 scenario with the proposed development and committed development, the junction would operate within practical capacity during both peak hours. I am therefore satisfied that the proposal would not result in a severe impact on the local highway network with respect to the A10 Barkway Street/A10 Market Hill junction.
48. Concerns were raised regarding the effect of the proposal on Barkway Road and the lack of microsimulation modelling. Stretches of Barkway Road, from which the proposed site access would be taken, are currently available for on-street parking which reduces the usable width of the highway for vehicles. As such, motorists are required to give way to oncoming vehicles along these parts of the road. I note the evidence from local residents, including that provided during the inquiry, regarding the existing condition along Barkway Road resulting in congestion and incidents of increased risk of collision.
49. Microsimulation modelling for Barkway Road was not requested by the LHA and was not carried out. However, Barkway Road, from which the site access would be taken, was modelled using PICADY for 2027 scenario including committed development and the proposed development. The modelling concluded that the junction would operate within practical capacity during morning and evening peak hours. Moreover, the current conditions along Barkway Road including the single-lane traffic where there are on-street parking bays, fed into the assessment of the A10 gyratory.
50. Accordingly, I am satisfied that the conditions along Barkway Road were adequately assessed such that microsimulation modelling was not necessary. The evidence indicates that approximately 150 vehicles would leave the development and travel north towards Royston, which equates to 5 additional vehicles every 2 minutes. In addition, the proposal includes traffic calming measures along Barkway Road such as improved road crossings. Accordingly, the proposal would not result in a severe residual effect on the local highway network.
51. Turning to highway safety, the visibility splays at the proposed vehicular access were designed based on the 85th percentile speeds along Barkway Road. Information obtained via an Automatic Traffic Count (ATC) survey determined the higher 85th percentile speed to be 46.2mph. Notwithstanding a discrepancy in this

figure in one table, from the wider evidence, 46.2mph was the recorded 85th percentile speed in the southbound direction and was higher than the recorded speed in the northbound direction. As such, the junction was designed to a 50mph design speed.

52. The proposed site access drawing therefore shows visibility splays of 2.4m x 131.2m in both directions as derived from the worst case 85th percentile speed survey results. I note concerns that a second ATC should have been placed along Barkway Road. The location of the ATC was agreed between the Appellant and the LHA and measured speeds in both directions. I therefore see no reason why the visibility splay derived from the survey cannot be relied upon to provide adequate sight lines from the proposed access. In any event, the proposal includes the reduction of the speed limit along Barkway Road to 30mph at approximately 150 northwest of the site access, which would be likely to reduce average speeds along this stretch of Barkway Road.
53. I therefore find that the proposed visibility splay at the site access would not result in an unacceptable impact on highway safety.
54. The signalisation of the zebra crossing across the A10 Market Hill, which the modelling of the A10 gyratory captures, is shown as a preliminary drawing². A condition is suggested which restricts the commencement of above slab level works until further detailed design is agreed by the Council and restricts occupation of the development until the works are delivered. While I note that no Road Safety Audit was carried out, the evidence before me indicates that the proposed crossing can be designed in detail to a satisfactory standard and delivered within the timeframe of the permission.
55. Overall, the proposal would increase the number of vehicles on the local road network including along Barkway Road and the A10 gyratory near Market Hill. However, I am satisfied that the transport assessments adequately assessed the impacts on the local road network and highway safety and that the proposed mitigation measures can be delivered.
56. Consequently, the proposal would not result in an unacceptable impact on highway safety and would not result in a severe residual impact on the local highway network. Therefore, it would not conflict with LP Policy T1 which seeks, among other things, development that would not lead to highway safety problems or cause unacceptable impacts upon the highway network. It would also not conflict with paragraph 116 of the Framework in this respect. The scheme would not conflict with paragraph 115b) of the Framework which requires that safe and suitable access to the site can be achieved for all users.
57. The reference in the Framework at paragraph 115 to a 'vision-led' approach was not in the previous version adopted at the time the application was determined. However, given my findings above and the number of connections to the surrounding area proposed at different parts of the site and connecting to several routes to the town centre, I consider that the proposal would not conflict with part d) of this paragraph, or with Framework paragraph 118.
58. While I note the comments regarding the transport assessment in *Satnam Millenium Ltd v Secretary of State for Housing, Communities and Local*

² J32-5129-PS-005 Rev B

Government v Warrington Borough Council [2019] EWHC 2631 (Admin), given my findings with regard to the highway network and highway safety, this case also does not alter my overall decision.

Therfield Heath SSSI

59. The site is within the Zone of Inner Influence (Zoll) for Therfield Heath as identified in the Therfield Heath SSSI Mitigation Strategy November 2022 (THMS). The Therfield Heath SSSI lies to the west of Royston and covers an area of more than 140 hectares.
60. Paragraph 193b) of the Framework states that one of the principles that should apply when determining planning applications include that development on land within or outside a SSSI, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted.
61. New housing development within the Zoll would be likely to increase the number of recreational visitors to the SSSI, potentially resulting in disturbance to the integrity of the designated features.
62. The THMS sets out that the designated features of the SSSI include lowland calcareous grassland, lowland mixed deciduous woodland, a vascular plant assemblage, an invertebrate assemblage and the Chalkhill blue butterfly.
63. To address the risk of adverse effects on the SSSI, a number of mitigation measures are proposed and set out in the Appellant's Therfield Heath Recreation Mitigation Strategy (RMS) which include onsite measures and financial contributions towards off site measures.
64. A Suitable Alternative Natural Greenspace (SANG) on the site is proposed and the area of green infrastructure it comprises is set out in the RMS. Some 10ha of green infrastructure is proposed and detailed in the Masterplan.
65. The THMS states that there is no nationally-set, or universally applied, SANG standard. However, it goes on to say that the provision of SANG at 8 ha per 1,000 population has been required in a number of solutions to mitigate the impact on internationally and nationally designated sites. It states that applicants and decision-makers should have regard to the 8-hectare SANG standard in developing and assessing proposals for development. This corresponds to a requirement of SANG for the site of some 5.38ha for a development of 280 dwellings.
66. The Fields in Trust Standards (2024) is adopted by the Council to assess open space provision across the district. Across all typologies it identifies a standards-based requirement of 5.35 hectares of open space per 1,000 population which translates to a requirement of 3.6 hectares of greenspace for 280 dwellings.
67. The proposed green infrastructure area of some 10ha would significantly exceed these requirements. The THMS states that for development within the catchment of Therfield Heath SSSI, any SANG green infrastructure should be designed to absorb significant proportions of the day-to-day recreational needs of the new residents, including dog walking, jogging, children's play facilities and other informal recreation. In terms of the quantity of SANG provision, the proposal would achieve this objective.

68. Turning to the quality of the SANG provision, the THMS states that SANG would normally be considered as natural and semi-natural greenspace and should aim to provide coherent recreational and or dog-walking routes within the site; and / or access to and / or sensitive incorporation of any Public Rights of Way, permissive routes or existing open spaces within or adjoining the site, particularly where these provide access to the wider countryside or might direct recreational activity away from the SSSI. The THMS also sets out that with respect to open space typologies related to organised sports and other forms of provision, it will not normally be appropriate to count these towards SANG provision.
69. The open spaces typologies proposed in the RMS include existing and proposed woodland areas, a park, play spaces and allotments as well as routes within the site that link to and incorporate existing PRowS. I acknowledge that some of the proposed spaces would be likely to have a more urbanised character than the existing undeveloped site. However, given the guidance in the THMS, I consider the spaces to contribute to the SANG.
70. There may be existing users of the PRowS that pass through the site who may be deterred by the proposal given its more urban character. I also acknowledge that there may be future occupiers who would visit the SSSI as an open space larger than 10ha. There may also be future occupiers of the development who would cross the SSSI to access sports facilities and meeting places on the north side of Therfield Heath. However, as the proposed green infrastructure on the site would far exceed the established standards, it is unlikely that the number of people who would use the SSSI instead of the site for recreational purposes would be significant.
71. In terms of east-west connectivity, the THMS identifies the PRowS that pass through the site and states that there is an absence of east-west connectivity and new links should be investigated and provided connecting the permissive route around Burloes to these rights of way.
72. The Green Infrastructure Plan in the Masterplan shows 'Avenues' that connect to form the primary vehicular route through the site from Barkway Road. The route would connect the PRow that passes through the Green Walk Plantation at the northwestern corner of the site, the PRow that runs north-south in the middle of the site, and the PRow that runs through the eastern parcel, as well connecting to the vehicular access point from Barkway Road. This route would directly address the lack of east-west connectivity identified in the THMS.
73. An alternative non-vehicular route through the site would roughly follow the southern edge of the proposed areas for housing development and is indicated passing through green areas such as the 'Meadows' park. Although noted as informal footpaths and proposed right of way, rather than PRowS, the UU includes an indicative informal footpaths plan and secures a scheme for the long term funding, management and maintenance of open space areas and Non-Adopted Roads. Accordingly, I am satisfied that the east-west connections through the site would effectively contribute to the mitigation of recreational pressure on Therfield Heath SSSI.
74. The proposed improvements to crossing points on Barkway Road would not align with the vehicular access on Barkway Road. However, a pedestrian route within the site towards the pedestrian access at the northeastern corner of the site and a new

footpath that leads from the pedestrian access to an improved crossing would effectively provide a pedestrian route from the site to Barkway Road and on to Burloes permissive path.

75. With regard to financial contributions, a figure of £350 per dwelling was agreed between the Council and Appellant. This contribution sought to cover the cost of a site warden or other management measures agreed with Natural England. The figure of £350 per dwelling is also set out in the RMS which is acceptable to Natural England. However, a contribution of £500 per dwelling is secured via the submitted UU following discussion at the inquiry.
76. The costs for on-SSSI education and management measures are set out in the THMS and cover time periods of 10 and 8 years. Taking a long term approach of 20 years to cover the local plan period from 2011 to 2031, the amount is some £1.4m, rising to around £1.6m with a 20% uplift to cover uncoded mitigation measures.
77. The THMS states that 1,800 new homes are anticipated to be built in and around Royston over the twenty-year period from 2011 to 2031. As the inner 1.9km Zol is shown on Map 3 of the THMS to include Royston, there is no dispute between the parties that 1800 dwellings are anticipated to be built in the inner Zol.
78. The THMS also states that more than 2,000 new homes are expected to be built over the period 2011-2031 within that part of the wider Zone of Influence that lies in North Hertfordshire. Map 11 of the THMS shows a coloured area for the wider Zol which includes the inner area. Moreover, the THMS refers to the wider 5.8km buffer and states that as well as the whole of Royston this incorporates, in whole or in part, many surrounding villages. I consider the wider Zol therefore to include the inner Zol and some 2000 dwellings are forecast to be built over the plan period within this area in terms of the THMS.
79. When calculating a tariff from these figures, some £870 per dwelling can be derived. The Appellant disputes that 2000 dwellings in the wider Zol over the plan period is a realistic figure and considers that housing numbers would be likely to increase significantly as part of the emerging local plan in the region of 1000 homes. However, consultation on the emerging local plan is only due in the autumn of 2027. Accordingly, I attribute very limited weight to any comments on housing figures in this respect. On this basis, the financial contribution of £500 per dwelling appears not to cover the anticipated costs of mitigating against the proposal.
80. However, in this case, as set out above, the proposal includes SANG provision which far exceeds the standards set out in the THMS. Accordingly, it is likely that the development would result in fewer trips to the SSSI after mitigation than accounted for in the THMS. Therefore, I consider the £500 per dwelling tariff to be an appropriate and proportionate amount taking into account the level of open space provision on the site and the other off-SSSI mitigation measures set out in the RMS. Accordingly, the contribution, along with the package of mitigation measures set out in the RMS, would adequately mitigate against the recreational impacts of the proposal.
81. The scheme for up to 84 dwellings on Briary Lane³ was refused by the Council. It proposed a financial contribution of £1190 per dwelling towards mitigation of the

³ Council reference: 25/01708/OP

effects on Therfield Heath. In that case, the SANG provision would have been some 5.89ha, significantly less than that proposed for this scheme. Moreover, Therfield Heath lies almost adjacent to Briary Lane, such that future residents of that scheme were much more likely to travel to the SSSI for recreation. Accordingly, that scheme has not altered my finding on this main issue.

82. A scheme for 279 dwellings at Baldock Road in Royston was granted planning permission⁴. In that case, some £1000 per dwelling of financial contribution appears to have been secured towards mitigation measures on Therfield Heath SSSI. However, as the quantity of SANG on that site was some 5.37ha, it is not directly comparable with this scheme. I also note that the SANG in the Baldock Road case consisted primarily of strips of green space at the periphery of the site whereas the provision in the appeal scheme includes open parkland that would provide a higher quality of SANG provision.
83. LP Policy SP12 relates to green infrastructure and seeks to protect, enhance and manage designated sites in accordance with a hierarchy of designations and features which places internationally designated sites at the top then nationally designated sites followed by locally designated sites and non-designated sites. The supporting text states that whilst there are no biodiversity sites designated at the European level in the District, for example Ramsar sites, Special Areas of Conservation or Special Protection Areas, there are a number of nationally designated sites. Strict protection and control will be applied to all national designations in accordance with the Conservation of Species and Habitats Regulations (2010). These designations include six SSSIs as shown on the Policies Map and eight designated Local Nature Reserves (LNRs). Therfield Heath SSSI is included in the designations. As such it appears that the development plan places elevated importance on the SSSIs in the district to afford them equal protection as internationally designated sites despite setting out a hierarchy differentiating internationally and nationally designated sites in the policy itself.
84. In any event, even if the proposal was considered under Conservation of Habitats and Species Regulations 2017, and an Appropriate Assessment carried out, given the proposed mitigation measures including on site SANG and financial contributions towards on-SSSI provisions, the proposal would not result in likely significant effects on the SSSI. Therefore, the proposal would not conflict with LP Policy SP12 in this respect. I am also mindful that Natural England were consulted on the Recreation Mitigation Strategy in April 2026 and found it to be acceptable subject to additional measures detailed within the letter. Those measures are included in conditions and the UU.
85. The Conservators of Therfield Heath and Green have withdrawn their offer to carry out the mitigation measures on the SSSI. Neither the Council nor Natural England have expressly indicated a willingness to deliver the mitigation, and I note there are a number of landowners and occupiers of the SSSI. Nonetheless I see no reason why the Council or Natural England could not deliver the mitigation.
86. I note the appeal decisions⁵ which relate to other SSSIs. However, given that they do not relate to Therfield Heath SSSI and taking account of my findings above, the decisions have not altered my findings on this main issue.

⁴ 16/00378/1 and 19/00386/RM

⁵ Appeal Ref: APP/D0840/W/24/3354604, APP/B1930/W/23/3325998, APP/L3245/W/21/3289216

87. Consequently, the proposal would not harm the Therfield Heath SSSI. Therefore, it would not conflict with LP Policies SP12, NE1 and NE4 which seek, among other things, to protect, enhance and manage designated sites, suitable mitigation measures or appropriate replacement to satisfactorily address adverse impacts on the strategic green infrastructure network and proposals that appropriately protect, enhance and manage biodiversity. Accordingly, the proposal would also accord with the Wildlife and Countryside Act 1981 (as amended).

Other considerations

88. The North Herts Landscape Study identifies the site as being located within Landscape Character Area 228 Scarp Slopes South of Royston. As it consists of two agricultural fields that lie adjacent to existing built development of Royston, the site itself is rural in character but has a close relationship with the settlement. The site is contained by existing woodland and vegetation, and the proposal would not be readily perceptible from wider landscape settings. The proposal includes parameters for green infrastructure which would further screen views of the site and landscaping is to be secured as part of reserved matters applications. Therefore, while the scheme for up to 280 dwellings on agricultural land would urbanise the site, it would not cause unacceptable harm to the landscape character area taking into account mitigation measures.
89. The Council's Planning Officer's Report to the Development Management Planning Committee confirmed that the proposals would be contrary to LP Policy NE2 which aims to protect landscape character. However, at the inquiry, both the Council and Appellant did not consider there to be any policy conflict with respect to harm to the landscape character. Given the proximity of the site to Royston, its contained character and extent of green infrastructure proposed, I consider that any harm to the landscape character of the site and area would be minor such that there would not be an associated policy conflict. Accordingly, I attach minor weight to this harm.
90. The site comprises a mixture of grade 2, 3a and 3b agricultural land and therefore is regarded as Best and Most Versatile (BMV) land for agriculture. Most of the site is lower grade 3a or 3b. However, the area of BMV land for agricultural production is relatively small within the District. The Council and Appellant have not identified any policy conflict associated with the loss of BMV land. Given the limited size and lower quality of the agricultural land that would be lost, I attribute minor weight to this harm.
91. The proposal is an unallocated housing site in the development plan and is located outside the settlement boundary within the rural area beyond the Green Belt. LP Policy SP5 is a strategic policy that seeks, among other things, to operate a general policy of restraint in Rural Areas beyond the Green Belt through the application of detailed policies. LP Policy CGB1 relates specifically to Rural Areas beyond the Green Belt and allows certain types of development in these areas. The proposal for housing does not meet these criteria, so the scheme would conflict with this Policy. Given the conflict with these policies, I consider that the proposal would conflict with the development plan as a whole.
92. The development plan was adopted in 2022 and found to be sound at that time. In addition, LP Policies SP5 and CGB1 are consistent with the Framework. However, given the proximity of the site to Royston, a 'main town' in the terms of the LP with

access to a range of services and facilities, the harm resulting from the conflict with these policies would be minor.

93. The Council cannot demonstrate a 5 year housing supply, with the figure standing at 2.6 years. This equates to a shortfall of some 3,347 dwellings. The proposal would contribute up to 280 dwellings to the local housing supply. I note the proposal at Turnpike Lane⁶ which the Council resolved to grant planning permission in April 2026. The scheme was for up to 100 dwellings and would contribute to the local housing supply.
94. Nonetheless, given the considerable shortfall, I attach significant weight to the benefit of provision of housing. Moreover, the 40% of the proposed dwellings would be affordable housing to which I also attach significant weight as a benefit.
95. The proposal seeks to provide a Biodiversity Net Gain (BNG) uplift of 25% which would be secured by conditions relating to an Ecological Enhancement Plan and Landscape and Ecological Enhancement Plan. This attracts moderate weight. The proposal includes green infrastructure and open space which would be available to the public as well as future occupiers of the scheme. I attach moderate weight to this benefit given the quantum of open space proposed. There would be temporary economic benefits during the construction phase and future occupiers would contribute to local services. I attach moderate weight to this benefit.

Other Matters

96. I note local concerns including regarding noise and disturbance. The Noise Assessment by Air and Acoustic Consultants concluded that under reasonable worst-case conditions the proposed development does not result in a significant operational noise impact upon the existing noise sensitive residential development or any proposed future receptors.
97. The site is located in Flood Zone 1 and the site-specific Flood Risk Assessment submitted with the application concludes that an appropriate drainage system for both foul and surface water can be provided on the site and that the development would not significantly increase flood risk to the wider catchment area.
98. I note local concerns regarding pre-application engagement with local community, and the service provided by the Council during the application stage. However, I have necessarily determined the scheme based on its planning merits.

Planning balance

99. The Council cannot demonstrate a 5 year supply of housing so the policies which are most important for determining the application are deemed to be out-of-date.
100. As I have found that the proposal would not result in harm to the Therfield Heath SSSI, this issue would not provide a strong reason for refusing the development proposed in terms of paragraph 11di of the Framework. Accordingly, the provisions of paragraph 11dii of the Framework are engaged. This sets out that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken

⁶ Council reference: 25/02401/OP

as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

101. The conflict of the scheme with LP Policies SP5 and CGB1 attract minor weight as set out above. In addition, the proposal would not provide adequate opportunity for travel by residents and visitors by non-car transport modes. Therefore, it would conflict with LP Policy SP9 and Framework Policies 110, 115a and 117a, and I attribute minor weight to this conflict given the close proximity of the site to Royston and to the nearest proposed bus stops and that Barkway Road provides a direct route to the town centre.
102. I have found that the proposal would not unacceptably impact on highway safety or a severe residual cumulative impact on the road network following mitigation. These issues carry neutral weight.
103. As the financial contributions relating to the SSSI, the SANG provision on the site and east-west connections through the site help to mitigate the effects of the proposal in terms of recreational pressure on Therfield Heath SSSI, they attract neutral weight in the planning balance.
104. Balanced against the minor harms, the benefits of the scheme include the provision of housing and affordable housing which carry significant weight. Local highway and PRow improvements, green infrastructure and the provision of BNG carry moderate weight in favour of the scheme.
105. The conditions and planning obligation would secure improvements along Barkway Road and local junctions as well as the upgrade of the connection to the site from Grange Bottom. It would also secure the delivery of an upgraded, segregated footway adjacent to the eastern side of the A10 London Road between the Shrubbery Grove access and Warren Hill (around 400m). As these measures would improve accessibility along Barkway Road, the A10 and to the PRowS for local residents of the surrounding area as well as future occupiers of the proposal, they carry moderate weight in favour of the proposal.
106. Consequently, the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is a material consideration which warrants a decision other than in accordance with the development plan, and the appeal should be allowed.

Conditions

107. The conditions relating to timescales for the submission of reserved matters, specifying plans and relating to phasing are necessary in the interests of certainty. Conditions relating to the Masterplan are necessary in the interests of certainty and include provisions on on-site facilities such as open space and play spaces.
108. I have not attached the suggested condition relating to land use parameter plan and access parameter plan as it requires accordance with the same drawings in an earlier condition.
109. The conditions relating to a site wide design code and landscaping are necessary to safeguard the character and appearance of the area. Conditions relating to sustainability, waste, site waste management plan, drainage, flood risk,

- contamination, construction environmental management plan, noise assessment, fire safety are necessary in the interests of the living conditions neighbouring and future occupiers and to accord with development plan policies.
110. The condition relating to archaeology is necessary given the evidence of the early neolithic occupation, and the late neolithic/early bronze age barrow on the site.
111. The conditions relating to ecological enhancement plan, lighting design strategy for ecology, landscape ecological management plan, construction environmental management plan and trees are necessary in the interests of protecting the landscape and ecology.
112. Highways related conditions including relating to estate roads, surface water disposal, EV charging points, cycle parking, construction management plan, rights of way, existing field access, traffic regulation order, future management and maintenance of on-site streets are necessary for highway safety. The travel plan condition is necessary in the interests of sustainable travel modes and to accord with the development plan.
113. The conditions relating to off-site highway works and highway improvements to Grange Bottom Walkway, A10 segregated foot/cycleway, signalisation of Market Hill Zebra Crossing, Signalisation of Barkway Road Pedestrian Crossings, Signalisation of Barkway Road Pedestrian Crossing immediately north of Shaftesbury Way, Signalisation of Barkway Road Pedestrian Crossing south of A10 Gyratory, off-site highway improvements including refuge island, pedestrian crossing locations and bus stops generally relate to land controlled by the Highway Authority and are necessary for highway safety and are deliverable.
114. The Recreation Management Strategy condition is necessary to secure the management of open space on the site.
115. A condition restricting the commencement of the western parcel until the detailed design for the link is submitted to and approved by the Council, and restricting the occupation of the western parcel until the timescale for delivery of the works is submitted to and agreed by the Council, has been suggested. The works to the link would be on land owned by the RTC who at the time of the inquiry did not agree to the works being carried out. However, as set out above I consider that there are a number of ways the condition could be implemented such that there is at least some prospect that the action can be performed within the time-limit imposed by the permission.
116. The Shrubbery Gove link in its current condition limits the accessibility of the site such that only able-bodied future occupiers could access the PRoW and primarily only during daylight hours. Accordingly, although the link in its current condition is usable, the proposed improvements to the footpath and a cycle path would enable a wider group of future occupiers to access the link. Moreover, the improvements would aid a greater proportion of the public to access the proposed east-west permissive route across the site that links the PRoWs in the site and is identified in the THMS and RMS as mitigation measures for recreational pressure in Therfield Heath SSSI.
117. The UU includes provision for a Public Right of Way Contribution of some £49,500 to be paid to the County Council in the event that the condition is not discharged within 1 year. Given the condition and UU, in the event that the Shrubbery Grove

link cannot be provided, a financial contribution would be made to the County Council towards enhancing the cycle route within Green Walk Plantation from the PRow to Shrubbery Grove or such other PRow enabling public access between the development and Royston. Accordingly, I consider that the condition and this provision within the UU to be necessary and meet the relevant tests⁷.

118. It is not necessary for the condition to restrict the occupation of the eastern parcel as future occupiers of this parcel of the development are unlikely to use the link.

Planning obligation

119. The UU secures provisions relating to several aspects including: affordable housing; Council contributions; managed areas; car club; allotments; temporary permissive routes; contributions to the county council; travel plan; and highway works. The UU also secures financial contributions towards local services such as schools and healthcare services.
120. Clause 23 requires the submission of a Phasing Plan. There appears to be an error in the definition of Phasing Plan which excludes the word 'or' before 'pursuant to the relevant conditions of the Planning Permission'. I have amended the suggested condition wording from 'Site Wide Phasing and Delivery Plan' to 'Phasing Plan' in the interests of consistency with the UU. Accordingly, the provision in the UU for a phasing plan prior to commencement of development meets the tests.
121. There is no dispute between the Appellant and Council that positive obligations for the developer to pay contributions to the County Council and deliver infrastructure should not be enforceable against affordable housing providers; owner/occupiers of affordable housing units; or owner/occupiers of open market dwellings.
122. With regard to Clause 3.3, the Council consider that the absence of reference to the occupation restrictions that are linked to the payment of financial contributions and delivery of infrastructure pose a material risk to the enforceability of the restrictions on occupation throughout the UU. However, as Schedule One includes such restrictions on occupation I see no reason why the provisions would not be enforceable.
123. Clause 9 of the UU provides that a person shall not be liable for breach of any covenants or obligations if they have parted with their interest in the part of the site to which the breach relates. As the UU includes a provision that any person liable for breach of the obligations will remain liable for any breach occurring before that date, I consider the provision to be enforceable and meet the necessary tests.
124. Clause 5.1 of Schedule 1 relates to a car club and restricts commencement of development until details have been submitted to the Council. It also requires that occupation of the development is in accordance with the Car Club Scheme as approved by the Council in writing. Accordingly, I am satisfied that this provision meets the relevant tests.
125. Paragraph 4.8.8.2 of Schedule One requires the Owner to use reasonable endeavours to complete a transfer of the relevant Strategic Managed Areas within the Parcel to the Council or its nominee. The Council considers the lack of reference to all reasonable endeavours to mean that the clause does not compel all

⁷ Paragraphs 57 and 58 of the Framework

reasonable courses of action to be pursued where these are multiple. In my view the term reasonable carries its ordinary meaning and endeavours is stated in plural. Therefore, the provision meets the tests.

126. In paragraph 4.8.8.3 of Schedule One the words 'the Council' are in the opening part of the paragraph and not within part a). I consider that the deliverability of the provision is not affected by this wording and the provision meets the relevant tests.

127. Paragraph 6.9 of Schedule One of the UU sets out the terms of transfer of allotments to the Council or its nominee. It includes that the owner shall use all reasonably commercial endeavours to complete a transfer of the Allotments to the Council or its nominee or Town Council. Reference to 'commercial' appears to be an oversight. However, even if the transfer of the allotments to the Council or its nominee did not occur for commercial reasons, the UU includes provision for its management to be transferred to a management company in any event.

128. Clause 24 of the UU includes provisions where if details of Relevant Documents have not been approved by the Council or County Council within 30 working days, they will be deemed to have been approved. Relevant Documents cover a wide range of documents including Phasing Plan, SUDS Scheme, Allotment Scheme and Travel Plan. The UU requires the owner to have used its reasonable endeavours to revise that Relevant Document to satisfy the Council's reasonable planning requirements (or as the case may be the County Council's reasonable requirements) and allows the owner and council to agree another time period for agreement of the Relevant Documents. Moreover, as the UU cannot bind the Council, any clause restricting the commencement or occupation of the development until the Council approve documents would not be appropriate. I therefore consider Clause 24 to meet the relevant tests.

129. Notwithstanding this, a more reasonable time frame for the Council or County Council to approve details of Relevant Documents would be 40 working days or agreed between the owner and the Council (or as the case may be the County Council) in writing. This is to align with the 8 week time frame for discharge of conditions. The UU provides that I can specify an alternative period if I consider necessary. Accordingly, I disregard the particular part of the UU in Clause 24 relating to a period of 30 working days to be replaced with 40 working days.

130. I am satisfied that in each case the obligations meet the three tests set out in Paragraph 58 of the Framework for planning obligations, which reflect those set out in Regulation 122 of the Community Infrastructure Levy (2010). As a result, I have taken the whole UU, as amended, into account.

Conclusion

131. Consequently, there are material considerations to warrant a decision other than in accordance with the development plan. For the reasons given above and having regard to all other matters raised, the appeal is allowed.

R Sabu INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Satnam Choong, Counsel (Assisted by Chatura Saravanan)

Witnesses:

Katherine Else MRTPI, BSc Hons, Dip TP – Managing Director, Claremont Planning Consultancy (Planning)

David Frisby Beng (CEng) FCIHT – Director, Mode Transport Planning (Highways)

Dr Dan Simpson BSc(Hons), PhD(Bris), CEcol, MCIEEM – Technical Director, Aspect Ecology (Ecology)

FOR THE LOCAL PLANNING AUTHORITY:

Ms Nina Pindham, Counsel - instructed by North Hertfordshire District Council

Witnesses:

Mr Ken Hegarty BE (Hons), MEngSc, CEng (IEI), MCIHT, and

Mr Steven Connell BA (Hons), Dip TP, MRTPI

Sam Dicocco – Principle Planning Officer, North Herts Council

RULE 6 CONSERVATORS OF THERFIELD HEATH AND GREEN:

Clive Hall - Chair

RULE 6 – ROYSTON TOWN RESIDENTS ALLIANCE:

Joel Semakula, Counsel - instructed by: Julie Dunthorne, Development Director, DDC

Witness:

Kamran Haider, BEng (Hons) MSc FCIHT, Director, Pulsar Planning

INTERESTED PARTIES

Cllr Yvonne Lee – Chair Barley Parish Council (Speaking for Barley Parish Council, Reed Parish Council and Barkway Parish Council)

Cllr Sarah Lucas – Royston Palace Ward, speaking on behalf of Chris Hinchliff MP

Cllr Tim Johnson - District and Town Council

Cllr Paul Arnill – Royston Town Council

Cllr Martin Prescott

Cllr Ruth Brown

Cllr Matt Barnes

Dr Alexander Matthews	Local resident
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Alexander Buccheri	Local resident
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Paul Taylor	Local resident
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Richard Jameson	Local resident
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Bob Wiggins	Local resident
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Richard Houghton	Local resident
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Richborough

INQUIRY DOCUMENTS

ID1	Appellant's opening submission
ID2	Council's opening submission
ID3	CTHG opening submission
ID4	RTRA opening submission
ID5.1	Interested party representation - Alexander Buccheri
ID5.2	Interested party representation – Cllr Barnes
ID5.3	Interested party representation – Julie Mosley
ID5.4	Interested party representation – Cllr Yvonne Lee on behalf of Parishes of Barley, Barkway and Reed
ID5.5	Interested party representation – Cllr Ruth Brown
ID5.6	Interested party representation – Eoin Bell
ID5.7	Interested party representation – Yvonne Walker
ID5.8	Interested party representation – Karen O'Sullivan
ID5.9	Interested party representation – Richard Jameson
ID5.10	Interested party representation – Mr Houghton
ID5.11	Interested party representation – Cllr Sarah Lucas on behalf of MP Chris Hinchliff
ID6	RTRA Table 6.1 updated
ID7	Committee report, Land South Of Turnpike Lane
ID8.1	Fig 2 of CD 2.13 for site visit
ID8.2	Updated site visit itinerary map
ID9.1	Draft unilateral undertaking
ID9.2	Draft unilateral undertaking (plan 1)
ID9.3	Draft unilateral undertaking – obligation land (plan 2)
ID9.4	Draft unilateral undertaking – POS and allotments (plan 3)
ID9.5	Draft unilateral undertaking – parcel plan (plan 4)
ID9.6	Draft unilateral undertaking – indicative informal footpaths plan (plan 5)
ID9.7	Draft unilateral undertaking – title plan as referred to in Rec D (Appendix 7)
ID10	Draft conditions 18 May 2026
ID11	Royston Residents Alliance Closing Statement

ID12 Appellant Closing Statement
ID13 CTHG Closing Statement
ID14 British Railways Board v Secretary of State for the Environment
ID 15 Executed UU

Wording for suggested condition 34 from Appellant

Costs Application On Behalf Of The Appellant

UU Engrossment 20 May 2026

RTRA suggested amendments to conditions 34 and 35

Table comparing Appellant and Council wording for condition 34

Satnam Millenium Ltd v Secretary of State for Housing, Communities and Local
Government v Warrington Borough Council [2019] EWHC 2631 (Admin)

Revised UU 20 May 2026

Appeal decision reference: APP/A1910/W/24/3345435

Secretary of State decision for appeal cases references A. APP/B1930/W/22/3313110
& B. APP/B1930/W/22/3312277

Decision for Costs application in relation to Appeal Ref: APP/A2470/W/25/3375952

Reply To Costs Application On Behalf Of North Hertfordshire District Council

Costs Application: Appellant's Response To LPA Reply

E-mail from Council regarding UU 27 May 2026

E-mail from Appellant 28 May 2026

E-mail from Council regarding UU 2 June 2026

E-mail from Appellant 3 June 2026

Executed UU 5 June 2026

Appellants response to Table on UU 050626

Appellants comments UU 050626

E-mail from Council regarding UU 10 June 2026

E-mail from Appellant 12 June 2026

Updated Table Appellants UU Response

Appellants Final Comments UU 110626

House of Lords decision 1961

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale 'the Reserved Matters') shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the first Reserved Matters shall be made to the local planning authority before the expiration of 3 years from the date of this permission, and the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.
- 3) The development hereby permitted shall be carried out in general accordance with the Masterplan and complete accordance with the amended location plan (Mosaic drawing 004D), access plan (Drawing J32-5129-PS-008 Rev A), Developable Area Parameter Plan and Access Parameter Plan, together with the Reserved Matters approved by the Local planning authority, or with minor modifications of those details or Reserved Matters which previously have been agreed in writing by the local planning authority as being not materially different from those initially approved.
- 4) Except for the permitted vehicular access, no part of the built development hereby permitted shall be commenced on a development parcel within a particular development parcel or sub-phase (as referred to in condition 7 Phasing) until full details of the layout, scale, appearance and landscaping within the parcel (hereinafter referred to as Reserved Matters) have been submitted to and approved in writing by the local planning authority.
- 5) Prior to or concurrent with the submission of the first Reserved Matters application, and any subsequent Reserved Matters applications, a Masterplan Compliance Statement shall be submitted to and approved in writing by the local planning authority. The Masterplan Compliance Statement shall provide detailed explanation of how the proposal accords with the Masterplan document approved under application reference No. 21/00765/OP. Where the proposal does not accord with a specific principle or parameter within the approved Masterplan, the Masterplan Compliance Statement must provide clear and robust justification for each departure.
- 6) Prior to or concurrently with the submission of the first Reserved Matters application a Phasing Plan which accords with the s106 triggers and Transport Mitigation Phasing Strategy has been submitted to and approved in writing by the local planning authority. Thereafter each subsequent Reserved Matters application for any phase (or part thereof) shall be accompanied by an updated programme or statement of compliance with the approved strategy for subsequent approval by the local planning authority. The development shall be carried out in accordance with the approved Phasing Plan unless there are unforeseen events / obstacles to delivery and alternative timing for provision is agreed in writing by the local planning authority.
- 7) All Reserved Matters submissions shall be in accordance with the Phasing Plan as approved by the local planning authority, unless otherwise agreed in writing by the local planning authority. Any references to a Phase of the

development within this permission shall be taken to be a reference to phases as identified within the Phasing Plan submitted under this condition.

- 8) The Phasing Plan shall include but not be limited to the sequence of commencing and completing the following elements:
- a) Residential development parcels;
 - b) A programme for the delivery of public transport infrastructure;
 - c) Primary roads/routes within the site, including timing of provision and opening of access point into the site;
 - d) Strategic footpaths and cycleways / active travel routes;
 - e) Housing Mix
 - f) Strategic foul and surface water features and SUDS;
 - g) Formal and informal public open space, allotments, LAPS, LEAPs and children's natural play space;
 - h) Strategic/structural landscaping;
 - i) Strategic telecommunications and energy networks;
 - j) Environmental mitigation measures;
 - k) Off-site highway improvements;
 - l) Accessible and adaptable housing.
- 9) Prior to the submission of the first reserved matters application(s) a Site Wide Design Code shall be submitted to the local planning authority for approval. No development shall commence except enabling and associated works until the Site Wide Design Code has been approved in writing by the local planning authority.
- The Site Wide Design Code shall be prepared in accordance with the approved parameter and framework plans established in this outline permission, building upon the place-making principles stated in the Design and Access Statement (Chapter 5) and the DAS Addendum (Chapter 2).
- The Design Code shall also follow Buildings for a Healthy Life 2020 Guidance and any relevant North Herts Design Guidance such as the emerging District Design Code. The Site Wide Design Code shall be structured as follows:
- (i) Site-wide Proposal
 - Regulating Framework Plan (plots, open spaces, movement network and street hierarchy)
 - (ii) Nature, Open Space and Ecology
 - Regulating Plan (based on Open Spaces identified in the Green Infrastructure Framework Plan)
 - Site Wide Landscaping Materials Palette (hard and soft)
 - Site Wide Tree and Planting Palette
 - Section on each Open Space (eg. 'Village Green, Plateau Park') to include:
 - Vision Statement

- Illustrative Plan (showing planting, habitats, trees, routes, surfacing, play, character, lighting, SUDs, function/use, etc)
- Illustrative Sketch View
- Play Concept and Objectives
- Planting Plan (based on Site Wide Tree and Planting Palette)

(iii) Streets, Movement and Parking

Regulating Plan (developing on routes and streets identified in Access and Movement Framework Plan).

Site Wide Streets Materials Palette (paving, highways, shared surface, etc)

Site Wide Parking Typologies

Section on each Street Typology (eg. Primary Street) to include:

- Section and Plan (front door to front door) to show carriageway, pavements, planting, verges, street furniture, utility corridors, street trees, play, defensible space, boundary treatments, materials, lighting, parking, adoption, cycling provision, cycle parking, and bin storage.
- Junction design to lower order street (eg. Primary to Secondary Street)

(iv) Character and Built Form

Regulating Plan (based on Urban Design Framework Plan)

Site Wide Tenure Distribution Principles

Site Wide Built Form Principles

Site Wide Materials Strategy (with contextual analysis of surrounding area)

(v) Compliance

Compliance checklist (to include all relevant codes from Site Wide Design Code and relevant policy including BHL 2020)

- 10) All Reserved Matters applications pursuant to this outline permission for a development phase shall provide full details of the on-site storage facilities for waste including waste for recycling and/or composting in accordance with the council's Waste and Recycling Strategy at the time of submission as per the approved site wide Design Code. Such details shall identify the specific positions of where wheeled bins will be stationed, and the specific arrangements to enable collection from the kerbside of the adopted highway/refuse collection vehicle access point in accordance with the walk distances set out in the council's approved waste collection strategy. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.
- 11) All Reserved Matters applications for landscaping for any development parcel or sub-phase shall include the follow design details:

Soft Landscape

 - a) Details of trees, hedgerows, habitats, ponds and other natural features it is proposed to retain or remove and details of how they will be protected during

the construction phase. Such details to include the tree protection measures in accordance with BS5837:2012.

b) Full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density and levels of all trees/hedges/shrubs to be planted and the proposed time of planting. The planting plan shall use botanic names to avoid misinterpretation. The plans should include a full schedule of plants;

c) 1:100 plans (or at a scale otherwise agreed) with cross-sections of mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of each development phase;

d) The landscape treatment of roads (primary, secondary, tertiary and green) through each development phase;

e) A specification for the establishment of trees within hard landscaped areas including details of space standards (distances from buildings etc.), tree pit details and details of the species, number and spacing of trees and shrubs;

f) The planting and establishment of structural landscape to be provided in advance of all or specified parts of the site as appropriate;

g) Full details of any proposed alterations to existing watercourses/drainage channels and details of any water features;

h) Details and specification of proposed earth modelling, mounding, regrading and/or embankment areas or changes of level across the site to be carried out including soil quantities, topsoil storage to BS 3882 : 2007, haul routes, proposed levels and contours to be formed, sections through construction to show make-up, and timing of works;

i) A specification for the Topsoil Strip, storage, re-spread and remediation in accordance with Defra : Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.

Hard Landscape

j) Full details, including cross-sections, of all bridges and culverts;

k) The location and specification of minor artefacts and structures, including furniture, refuse or other storage units, signs and lighting columns/brackets;

l) 1:200 plans (or at a scale otherwise agreed) including cross sections, of roads, paths and cycleways.

Details of all hard surfacing materials (size, type and colour) shall be provided as part of Condition 7. No subsequent alterations to the approved landscape details are to take place unless submitted to and approved in writing by the local planning authority. The landscape within each Development Phase shall be implemented in accordance with the approved landscape details for that Development Parcel or Strategic Engineering and Landscape Element.

- 12) Prior to or concurrently with each Reserved Matters application, a Sustainability Assessment shall be submitted to and approved in writing by the local planning authority. Each Assessment shall explain how the development will address and deliver a specific target level under each

sustainability theme as outlined in the Sustainability Framework in the approved Masterplan. Thereafter, the relevant phase of development shall be carried out in accordance with the relevant approved Sustainability Assessment.

- 13) No development apart from enabling and associated works shall commence until a Site Waste Management Plan (SWMP) 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. The development shall be carried out in accordance with the approved details.
- 14) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment prepared by Link Engineering reference LE20274-FH-LE-GEN-XX-RP-CE-FRA01 Revision 01 dated 20 January 2021, the Proposed Drainage Strategy drawing number FH-LE-GEN-XX-DR-CE-500 Revision D, and the following mitigation measures detailed within the FRA:
 - (i). Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off during the 1 in 100 year event plus 40% climate change event.
 - (ii) Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 1952 m³ (or such storage volume agreed with the LLFA) of total storage volume in infiltration basins.
 - (iii) Discharge of surface water from the private drain to ground via infiltration.The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
- 15) No development shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details. No building hereby permitted shall be occupied until the approved surface water drainage scheme for the site has been completed in accordance with the approved details.
 - (i) Detailed infiltration tests conducted to BRE Digest 365 standards at the exact locations and depths where infiltration is proposed.
 - (ii) Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.

- (iii) Relocation of shared soakaways from private curtilages. If it is not possible to relocate shared soakaways from private gardens, robust technical justification should be provided as well as easements for maintenance access for the lifetime of the development.
 - (iv) Evidence of full exploration of the SuDS hierarchy and the use of above-ground features. Underground, cellular features should not be located in areas of green space. A source control approach should be prioritised.
 - (v) Provision of robust SuDS management and treatment.
 - (vi) Final detailed post-development network calculations for all storm events up to and including the 1 in 100 year + 40% climate change storm with half drain down times no greater than 24 hours. All calculations should use the latest FEH rainfall data.
 - (vii) Exceedance flow routes for storm events greater than the 1 in 100 year + 40% climate change storm.
 - (viii) Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 16) Upon completion of the surface water drainage scheme for the site in accordance with the timing, phasing arrangements, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the local planning authority. The scheme shall include:
- (i) Provision of complete set of as built drawings for site drainage.
 - (ii) Maintenance and operational activities.
 - (iii) Arrangements for adoption and any other measures to secure the operations of the scheme throughout its lifetime. Confirmation of who will be maintaining the SuDS for the lifetime of the development must be provided.
- 17) No development shall take place until a surface water management strategy for the construction phase has been submitted to and approved in writing by the local planning authority. The scheme shall include details of how surface water will be captured, attenuated and discharged from the site without increasing flood risk on or off site. The development shall be carried out in accordance with the approved details.
- 18) (A) Save for the approved vehicular access (Drawing J32-5129-PS-008 Rev A), no phase of development as agreed under condition 6 shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
- (i). The programme and methodology of site investigation and recording;
 - (ii) The programme and methodology of site investigation and recording as suggested by the evaluation;
 - (iii) The programme for post investigation assessment;
 - (iv) Provision to be made for analysis of the site investigation and recording;

- (v) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - (vi) Provision to be made for archive deposition of the analysis and records of the site investigation;
 - (vii) Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.
 - (B) Each phase of development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition 18 (A)
 - (C) Each phase of development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 18 (A) and the provision made for analysis and publication where appropriate
- 19) No development approved by this permission shall take place until a Phase 2 investigation report, as recommended by the previously submitted JPP report dated March 2021 (reference R-DS-21323-01-02), has been submitted to and approved in writing by the local planning authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the local planning authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.
- 20) Full details of a Construction Environmental Management Plan (CEMP) for the development hereby permitted shall be submitted to and approved in writing by the local planning authority prior to the commencement of each phase of development (including any pre-construction or enabling works). The construction of the development shall thereafter be carried out in complete accordance with the approved details unless otherwise agreed in writing by the local planning authority. The Plan shall include but not limited to the mitigations measures as set out in the Noise Assessment provided by Sharps Acoustics Ltd and the following additional elements:
- a) Details and timing of the removal of any site waste;
 - b) measures to minimise dust during construction.
 - c) site set up and general arrangements for the delivery and storage of plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
 - d) construction traffic route signage, monitoring and enforcement measures;
 - e) any temporary screening and hoarding details to protect neighbouring residents;
 - f) end of day tidying procedures to ensure protection of the site outside the hours of construction. The construction activities shall be designed and undertaken in accordance with the code of best practice set out in British

Standard 5228 1997 and with the agreed details unless otherwise agreed in writing by the Local planning authority;

g) wheel washing facilities for construction vehicles leaving the site;

h) storage and removal of building waste for disposal or recycling;

- 21) Each reserved matters application shall be accompanied by a detailed noise assessment which shall include details of noise sources (including but not limited to London Luton and London Stansted airports) likely to affect and be affected by the development and necessary mitigation measures. Thereafter, the development shall be carried out in accordance with the approved noise assessment.
- 22) Prior to or in conjunction with the submission of each Reserved Matters application, an Ecological Enhancement Plan (EEP) for the creation of new wildlife features to include but not limited to hibernacula, the inclusion of bird, bat and bee boxes in buildings/structures and hedgehog holes in fences, has been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.
- 23) Prior to or in conjunction with the submission of each Reserved Matters application, a lighting design strategy for biodiversity for the relevant phase shall be submitted to and approved in writing by the local planning authority. The strategy will be informed by up to date bat surveys and shall;
- a) identify those areas/features on site to which bats and other nocturnal species are particularly sensitive where lighting is likely to cause disturbance in or around their breeding sites and resting places, or along important routes used to reach key areas of their territory, for example, for foraging, and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications including light exclusion zones, appropriate luminaire specifications, spacing and height of lighting units, light barriers / screening, light intensity, directionality and dimming and part-night lighting) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
- 24) Prior to the submission of any Reserved Matters applications, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP shall be in accordance with the Recreation Mitigation Strategy dated 13 April 2026 and include the following outline site-wide information:
- a) Purpose and biodiversity objectives for the proposed works including biodiversity net gain;

- b) Suitably detailed design(s) and/or working methods necessary to achieve these objectives (including, where relevant, the type and source of materials to be used, the provenance of native trees etc);
- c) Extent and location of proposed works shown on appropriate scale maps and plans;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of development (including an annual work plan capable of being rolled forward over a thirty-year period comprising both initial aftercare and long-term maintenance); and
- e) Ongoing monitoring and remedial measures.

The development shall thereafter be carried out in complete accordance with the approved LEMP.

- 25) No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity should be informed by an up to date ecological walkover survey and shall include the following:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to minimise harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

- 26) Prior to or concurrent with each Reserved Matters application, the following document(s) shall be submitted to and approved in writing by the local planning authority in accordance BS5837 (Trees in relation to construction) –
- (i) Arboricultural Impact Assessment
 - (ii) Arboricultural Method Statement
 - (iii) external underground service plan illustrating the routes of all cables and pipes.

Thereafter, the development shall be carried out and completed in accordance with the approved details.

- 27) Before the first occupation of any dwellinghouses hereby permitted, details of a fire hydrant(s) shall be submitted to and approved in writing by the local planning authority. Such details shall include provision of the mains water services for the development whether by means of existing water services, new mains, or extension to or diversion of existing services where the provision of fire hydrants is considered necessary. The hydrant(s) shall be provided in accordance with the approved details prior to the first occupation of the development.
- 28) With the Reserved Matters application relating to layout, for each development parcel or sub-phase shall include full details in relation to the design of estate roads (in the form of scaled plans and / or written specifications) and phasing details for commencement and completion shall be submitted to and approved in writing by the local planning authority to detail the following:
 - i) Roads, footways.
 - ii) Cycleways.
 - iii) Foul and surface water drainage.
 - iv) Visibility splays
 - v) Access arrangements
 - vi) Parking provision in accordance with adopted standard.
 - vii) Loading areas.
 - viii) Turning areas.
- 29) Prior to the first occupation of the development hereby permitted the accesses (pedestrian, cycle and vehicle), refuge island, new bus stops and other associated highway works as illustrated on drawing numbers (J32-5129-PS-008 Rev A and Access & Movement Plan Rev D) shall be completed in accordance with details and specifications to be submitted to and approved in writing by the local planning authority.
- 30) Prior to the first occupation of the development hereby permitted, arrangement shall be made for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.
- 31) Prior to the first occupation of the development hereby permitted, each residential dwelling shall be provided with an active (ready to use) EV charging point which shall thereafter be provided and permanently retained.
- 32) Prior to the first commencement of each phase of development hereby permitted, as agreed under condition 6, a scheme for the parking of cycles including details of the design, level and siting shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.
- 33) No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local planning authority. Thereafter the construction of the development shall only be carried out in

accordance with the approved Plan: The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k. Phasing Plan.

34) Highway Improvements – Cycle Route to Shrubbery Grove

A) Design Approval

Prior to the commencement of development, a detailed scheme for enhancements to Shrubbery Grove to provide enhanced walking and cycling accessibility shall be submitted to the local planning authority for its approval in writing.

Details of the design should include:

- i) the route through the Green Walk Plantation/PRoW0009 linking to Shrubbery Grove; and
- ii) the connection from the Green Walk Plantation to the adopted highway.

The design shall be informed by updated habitat, species and tree surveys by qualified persons.

B) Implementation/Construction

- (a) a strategy and timescale for the delivery of improvement works referred to in Part A shall be agreed in writing by the local planning authority;
- (b) the works shall be delivered in accordance with the agreed strategy and timescale.

35) Grange Bottom Walkway

A) Design Approval – Grange Bottom

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence within the western parcel of the site until a detailed design for the Walkway to Grange Bottom, as indicated on drawing number FHR-MI-GEN-XX-CD-CE-100 Rev P03, have been submitted to and approved in writing by the local planning authority. The design shall be informed by appropriate ecological surveys to minimise impacts on habitats and species.

B) Implementation / Construction

(i) Prior to the first occupation of any part of the western parcel of the development hereby permitted, the improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

36) Highway Improvements – A10 Segregated foot/cycleway between Shrubbery Grove and The Warren

A) Design Approval

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed design for the off-site highway improvement works as indicated in Figure 2.2 of Land West of Barkway Road, Royston Transport Assessment Addendum v1.2, April 2025 has been submitted to and approved in writing by the local planning authority.

B) Implementation / Construction

Prior to the first occupation of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

37) Highway Safety Improvement – Signalisation of Market Hill Zebra Crossing

A) Design Approval

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the off-site highway improvement works as indicated on drawing number (J32-5129-PS-005 Rev B) have been submitted to and approved in writing by the local planning authority.

B) Implementation / Construction

Prior to the first occupation of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

38) Highway Safety Improvement – Signalisation of Barkway Road Pedestrian Crossing immediately north of Shaftesbury Way

A) Design Approval

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the off-site highway improvement works as indicated on Figure 2.2 of Land West of

Barkway Road, Royston Transport Assessment Addendum v1.2, April 2025 have been submitted to and approved in writing by the local planning authority.

B) Implementation / Construction

Prior to the first occupation of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

39) Highway Safety Improvement – Signalisation of Barkway Road Pedestrian Crossing south of A10 Gytratory

A) Design Approval

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the off-site highway improvement works as indicated on drawing J32-5129-PS-005 Rev B have been submitted to and approved in writing by the local planning authority.

B) Implementation / Construction

Prior to the first occupation of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

40) Rights of Way

A) Design Approval

Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence on site unless otherwise agreed in writing until a Rights of Way Improvement Plan for the on-site Rights of Way improvement works has/have been submitted to and approved in writing by the local planning authority.

B) Implementation / Construction

Prior to the first occupation of the development hereby permitted the on-site Rights of Way improvement plan works (including any associated highway works) referred to in Part A of this condition shall be completed to the written satisfaction of the local planning authority.

41) Travel Plan – Requested Prior to Use

At least 3 months prior to the first occupation of the approved development a detailed Travel Plan for the site shall be submitted to and approved in writing by the local planning authority. The approved Travel Plan shall be implemented in accordance with the timetable and target contained therein and shall continue to be implemented with an annual review to be submitted to the local planning authority for a five-year period commencing following its written approval. Any modifications shall be agreed in writing by the local planning authority as part of the annual review.

42) Traffic Regulation Order – Indicated on Plan (Extension of Barkway Road 30mph zone)

Prior to the first occupation of the development hereby permitted the Traffic Regulation Orders (TROs) as indicated on Figure 2.2 of Land West of

Barkway Road, Royston Transport Assessment Addendum v1.2, April 2025 must be secured in place and implemented.

- 43) The existing field access identified on the approved access and movement parameter plan shall be used for emergency vehicle purposes and active travel users only unless otherwise agreed in writing by the local planning authority. Prior to the first occupation of the development, details of a gate, barrier or other similar means of control for this access shall be submitted to and approved in writing by the local planning authority. Thereafter, the approved details shall be implemented within an agreed time period and thereafter retained in perpetuity.
- 44) Prior to the first occupation of the dwellings within each development parcel of the development, full details shall be 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 that Parcel. Following the provision of such streets, 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 in accordance with the approved details.
- 45) Prior to the first occupation of any dwellings hereby permitted, the off-site highway improvements include refuge island, pedestrian crossing locations and bus stops as illustrated on the approved access drawing shall be carried out and installed to the satisfaction of the Highway Authority.
- 46) Prior to or concurrently with the submission of any reserved matters application, a Recreation Management Strategy for the site should be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be implemented in accordance with the approved Strategy.

END OF SCHEDULE