

Appeals in relation to:

Land North of Bradmore Way, The Brookmans Park
Estate, Brookmans Park, Hertfordshire

[BrP12a]

Main Statement of Common Ground between Aurora
Properties (UK) Ltd & Welwyn Hatfield Borough Council

1 Appeal References

- 1.1 This Statement of Common Ground (“SoCG”) relates to an appeal submitted by Aurora Properties (UK) Ltd (“The Appellant”) against the decision of Welwyn Hatfield Borough Council (“WHBC”) to refuse planning application 6/2022/1097/OUTLINE (“the appeal scheme”).

2 Site Address

- 2.1 The appeal site address is “*Land to the North of Bradmore Way, The Brookmans Park Estate, Brookmans Park*”.

3 Agreed Description of Development

- 3.1 The parties agree that the following description of development accurately describes the proposals:

“Outline planning permission with all matters reserved except access, for up to 125 dwellings, a care facility for up to 60 bedrooms (Use Class C2), and a scout hut (Use Class F2).”

4 List of Plans Informing the Council's Decision

4.1 The parties agree that the following plans and documents comprises the latest iterations of plans and documents that informed WHBC's decision to refuse the grant of planning permission.

Application Plans

- Site Location Plan (490/20/OUT/PL1000, For approval);
- Existing Site Plan (490/20/OUT/PL1001);
- Constraints and Parameters Plan (490/20/OUT/PL1002);
- Illustrative Block Plan (490/20/OUT/PL1003);
- Illustrative Site Plan (490/20/OUT/PL1004);
- Illustrative Access Strategy Plan (490/20/OUT/PL1005);
- Illustrative Dwelling Types Plan (490/20/OUT/PL1006);
- Illustrative Massing Study (490/20/OUT/PL1007);
- Illustrative Green Spaces Plan (490/20/OUT/PL1008);
- Illustrative Site Section (490/20/OUT/PL1010);
- Illustrative Visuals (490/20/OUT/PL1011, 490/20/OUT/PL1012);
- Land Ownership Plans (490/20/OUT/PL1101, 490/20/OUT/PL1102);
- Drone Views (490/20/OUT/PL2000 - 490/20/OUT/PL2004);
- Tracking Drawings (2012-1353-AT-107; 2012-1353-AT-108; 2012-1353-AT-109);
- Visibility Drawings (2012-1353-DWG-212; 2012-1353-DWG-213);
- Proposed Site Access (2012-1353-DWG-214, For approval).

Application Documents

- Planning application forms;
- Design & Access Statement;
- Statement of Community Involvement;

- Accommodation Schedule;
- Housing Mix;
- Five Year Housing Land Supply Report;
- Affordable Housing Statement;
- Preliminary Ecological Appraisal;
- Archaeological Desk-based Assessment;
- Heritage Assessment;
- Landscape & Visual Impact Assessment;
- Landscape Masterplan;
- Green Belt Report;
- Arboricultural Impact Assessment;
- Tree Constraints Plan;
- Tree Protection Plan;
- Tree Survey;
- Ecological Appraisal Report & Appendices
- General Arrangement Plan;
- Transport Assessment and Travel Plan;
- Road Safety Audit;
- Utilities Statement & Search Record;
- Electricity Searches Information;
- UKPN Customer Letter;
- UKPN Map;
- Thames Water Search;
- Affinity Water Record Drawing;
- Affinity Water Pre-Development Report;
- Cadent Search;
- Flood Risk Assessment & Outline Surface Water Drainage Strategy;

- Geotechnical Desktop Study;
- Acoustic Report;
- Sustainability Statement;
- HSE Phase 2 Advice;
- Potential Cycle / Footway Route (490/20/OUT/SK1200); and
- Archaeological Desk Based Assessment Covering Letter;
- Response to Natural England, Addendum to Ecological Appraisal Report;
- Response to Woodland Trust, Addendum to Ecological Appraisal Report;
- Responses to the Reasons for Refusal, Addendum to Ecological Appraisal Report;
- Utility Report; and
- Letter to Case Officer, dated 28th July 2022.

5 List Of The Most Important Development Plan Policies For Determining The Application

5.1 In accordance with Section 70(2) of the Town and Country Planning 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, local planning authorities and other decision makers should first have regard to the development plan; the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

5.2 The adopted development plan for WHBC comprises of the saved policies of the Welwyn Hatfield District Plan 2005 (WHDP).

5.3 The parties agree that the following policies are relevant for the purposes of this appeal:

SD1 – Sustainable Development

GBSP1 – Definition of the Green Belt

GBSP2 – Towns and Specified Settlements

R1 – Maximising the use of Previously Developed Land

R7 – Protection of Ground and Surface Water

R11 - Biodiversity and Development

R17 – Trees, Woodland and Hedgerows

M1 – Integrating Transport and Land Use

M2 – Transport Assessments

M3 - Green Travel Plans

M4 - Developer Contributions

M5 - Pedestrian Facilities

D1 - Quality of Design

D2 - Character and Context

D5 – Design for Movement

D8 – Landscaping

D9 – Access and Design for People with Disabilities

D11 – Design Statements

IM2 - Planning Obligations

H2 - Location of Windfall Residential Development

H7 – Affordable Housing

H9 – Special Needs Housing

OS3 – Play Space and Informal Open Space Provision in New Residential Development

RA10 - Landscape Regions and Character Areas

5.4 The parties agree that of the above, H2, D2, RA10, and GBSP1 are most important policies for the determination of this appeal.

- 5.5 WHBC also consider Policy D1, and ahead of completion of a satisfactory obligation and resolution of the highways and flood risk issues, policies, M3, M4, M5, R11 and IM2, to be most important in the determination of this appeal. The Appellant does not agree, as will be set out in evidence.
- 5.6 The parties are continuing to work together on issues of highways, flood risk and drainage, ecology and biodiversity, and S106 Agreement that may result in certain reasons for refusal falling away and further agreement on the most important policies for the determination of the appeal.

6 Other Relevant Planning Policy / Guidance / Material Consideration

National Planning Policy Framework (2021)

- 6.1 The revised NPPF came into effect in February 2021 and is a material consideration in the determination of all planning applications. Paragraph 3 of the NPPF confirms that the Framework should be read as a whole, including all footnotes and annexes.
- 6.2 The evidence of the parties will make reference to the NPPF.

Planning Practice Guidance (PPG)

- 6.3 The Planning Practice Guidance was first published in March 2014 and is a material consideration. It will be referred to in proofs of evidence where appropriate.

Emerging Welwyn Hatfield Local Plan 2016 - 2036 (WHLP)

- 6.4 The emerging WHLP was submitted for examination on 15th May 2017. At the time of preparing this SoCG the examination is into its 5th year. The Inspector examining the Plan set out in a letter dated 6th September 2022 steps which are required to allow for the adoption of the emerging Local Plan. This includes him needing to confirm the Main Modifications to the Plan required to make it sound and those then being the subject of six weeks of public consultation, which will need to be reviewed by the Inspector before he publishes his Report on the soundness of the Plan.
- 6.5 The Inspector is to recommend Main Modifications to the Council that would enable the plan to be found sound based on a ten-year post-adoption supply that is linked to a commitment to submit a review for examination by a specific date that is still to be confirmed. In his letter to the Council dated 6th September 2022 the Inspector states the final supply, to meet the ten-year period, is not yet known but it could well be less than the requirement. He goes on to acknowledge this is not fully consistent with the NPPF 2012, against which the Plan is being examined, but considers in the circumstances, a pragmatic approach is called for. He goes on to state that although the plan should aim to provide at least ten years supply from adoption, if that is not possible, a plan that comes relatively close to this is to be preferred to no plan at all. Consequently, the Inspector has stated that an adopted

plan that allocates sufficient land to provide more than 9.5 years of supply to be preferable to a situation where the Local Planning Authority does not have an up to date plan.

- 6.6 The parties will provide an update on the progress of the emerging WHLP through the agreement of an addendum to this SoCG and/or in evidence.
- 6.7 The following draft policies are considered relevant to the reasons for refusal in respect of this appeal: SADM11, SADM14, SADM16, SADM34, SP9, and SP13.
- 6.8 The parties will submit evidence on the weight to be given to the policies of the WHLP having regard to the position in respect of progress of the Plan towards adoption at the time of the inquiry.
- 6.9 The appeal site has been promoted through the draft Local Plan. It was considered suitable for allocation as part of a larger parcel of land (BrP12) in the Housing Sites Selections Report (Table 33) of June 2016 (CD 6.x).
- 6.10 The appeal site (BrP12a) was subsequently considered suitable for allocation in a further Site Selection Report December 2019 (CD 6.xx) and was recommended to the Council's Members in a Report to the Cabinet Planning and Parking Panel (CPPP) on 23rd and 29th January 2020 in response to the examining Inspector's request that the Council submit further sites.
- 6.11 CPPP resolved (and this was accepted by Cabinet and Full Council) to submit sites to meet a lower housing requirement and this did not include the appeal site.
- 6.12 The examining Inspector has assessed the appeal site as one of 16 sites that passed the Council's Site Selection process (and a further 4 sites that had not successfully completed the Council's site selection process) but which have not been put forward for allocation by the Council. The Inspector stated that, from a movement perspective, the appeal site is a sustainable location for residential development, and the site could contribute to the five year supply of housing (Paragraphs 115 - 121 of EX273 - CD 6.xx).

7 Areas Where The Parties Are Working Together

- 7.1 As noted in Section 5, further additional information is to be submitted to the LPAs seeking to address some of the reasons for refusal. This is explained below and the position at the time of agreeing this statement is set out.

Highways

- 7.2 The parties agree that RfR 3 is potentially capable of being addressed through the submission of further information, including satisfactory new traffic surveys and crossing improvements for mobility impaired users near the local facilities. The Appellant is producing that additional information, which will be submitted to WHBC and the Local Highway Authority, Hertfordshire County Council, and it is anticipated that the RfR will be addressed in advance of the inquiry.

Flood Risk & Drainage

- 7.3 RfR (5) outlines that the application fails to demonstrate that the proposed development will not increase flood risk to the site and elsewhere, and that the submitted sustainable drainage scheme is unacceptable. This is based on the Lead Local Flood Authority's consultation response objecting to the application. An updated FRA and Drainage Strategy has been submitted to WHBC and a further consultation response received from the Lead Local Flood Authority (LLFA). The Appellant is seeking to address this and the parties are working constructively on this matter. An update will be provided as part of the main parties' evidence or earlier, should it be resolved.

Ecology

- 7.4 Additional information pertaining to the impact of the development on the nearby Water End Swallow Holes Site of Special Scientific Interest (SSSI), and protected species, was provided by the applicant after the Officer Report to Committee was published but before the application was heard at Development Management Committee (DMC). Following consultation, this additional information was deemed sufficient by Officers of the Council to satisfy recommended reason for refusal 5 and part of recommended reason for refusal 4 which were set out in the Officer Report to Committee. A verbal update in this respect was provided to members by the

presenting Officer at DMC. Members resolved in favour of the Officer recommendation that planning permission be refused for the reasons set out in the Committee Report (excluding reason for refusal 5 and with an amendment to the wording of reason for refusal 4 set out in the Officer Report to Committee). This is reflected in the Printed Minutes of the Committee Meeting. It is agreed between the Main Parties that there is no issue relating to the impact of the proposed development on the SSSI or protected species. Part of RfR4 (Reason 4 of WHBC's Decision Notice) and the entirety of the originally proposed RfR 5 as set out in the Officer Report to Committee (which was not included on the Decision Notice) have been resolved.

- 7.5 With regard to offsetting Biodiversity losses and providing net gains the parties are looking to resolve the position through the inclusion of a CIL compliant obligation in the S106 Agreement requiring a scheme for compensatory provision for the biodiversity units lost at the appeal site should the appeal be allowed (copy of correspondence included at Appendix 2). The parties agree that a mechanism to achieve the compensatory off site provision is necessary.

Planning Obligations

- 7.6 A Section 106 Agreement is being prepared in accordance with the Draft Heads of Terms below. Provision of a S106 Agreement to secure delivery of the necessary infrastructure and affordable housing is capable of addressing RfR6

7.7 Contributions

- 7.7.1 The following contributions are payable by the Appellant to Hertfordshire County Council:
- a) Primary Education (£937,262.00 or £1,117,889.00)
 - b) Secondary Education (£1,022,926.00)
 - c) Special Education Needs (£138,362.00)
 - d) Library Services (£13,862.00)
 - e) Youth Services (£25,041.00)
 - f) Waste Services (£37,913.00)
 - g) Sustainable Transport (£875,616.00)
 - h) Travel Plan Monitoring Fee (final amount to be confirmed)
 - i) Monitor Fees (£340 per trigger point) (final figure to be confirmed)

7.7.2 The following contributions are payable by the Appellant to WHBC:

- a) Open Space (£21,886.80)
- b) Waste & Recycling (£9,525.98)
- c) Indoor Sport - Hatfield Bowls Club (£1,782.00)
- d) Indoor Sport - Sports Hall (£66,962.00)
- e) Indoor Sport - Swimming (£70,285.00)
- f) Outdoor Sport - Artificial Grass Pitch (Chancellors) (£3,461.00)
- g) Outdoor Sport - 3G Pitch (£18,897.00)
- h) Outdoor Sport - Grass Football Pitches (£32,245.00)
- i) Outdoor Sport - Youth Football (£29,863.00)
- j) Outdoor Sport - Mini Soccer (£2,167.00)
- k) Outdoor Sport - Rugby Union (£9,313.00)
- l) Outdoor Sport - Cricket (£10,314.00)
- m) Monitoring Fee (£5,000.00)

7.7.3 The following contributions are payable by the Appellant to the NHS:

- a) General Medical Services (£193,750.00)
- b) Mental Health Services (£25,218.00)
- c) Community Services (£22,753.00)

7.7.4 All financial obligations are subject to indexation.

7.7.5 An addition needs to be made to address the requirement for biodiversity net gain i.e., on-site compensation and off-setting. The sum is yet to be finalised.

7.8 Affordable Housing and Self-Build & Custom Housing

7.8.1 Of the 125 dwellings 56 dwellings (45%) will be provided as affordable and 10 dwellings (8%) will be provided by way of self-build plots.

7.9 On-site Open Space, Play Space and SUDS management and maintenance

7.9.1 Provision of open space and play space management scheme, programme and management company, and provision of SUDS management company¹

7.10 Scout Hut

¹ SUDS management company to be confirmed in negotiations.

7.10.1 Provision and use of the Scout Hut.

7.11 Travel Plan

7.11.1 Submission and approval of Travel Plans, provision to cover their annual review and remedial measures notice should targets in Travel Plans not be met

7.12 Highways Works

7.12.1 Provision and timing of highway works governed by S278 agreement as required by Hertfordshire County Council's highways.

8 Areas of Agreement

Green Belt

- 8.1 The proposals would comprise inappropriate development and would not benefit from any of the exceptions in paragraph 149 of the NPPF. As such they would cause definitional harm to the Green Belt.
- 8.2 The Main Parties agree that the proposed development would not conflict with any of Green Belt purposes a), b), d) or e) at paragraph 138 of the NPPF, leaving only purpose c) upon which there is dispute over the impact on.
- 8.3 Any harm to the Green Belt should be given substantial weight as set out in paragraph 148 of the NPPF.
- 8.4 Inappropriate development should not be approved except in very special circumstances, which will not exist unless the harm by way of inappropriateness and any other harm is clearly outweighed by other considerations.

Status of Development Plan

- 8.5 The WHDP (2005) predates the current and previous versions of the NPPF.
- 8.6 The housing requirement in the WHDP does not amount to an assessment of housing need in accordance with the NPPF (2021).
- 8.7 The development plan policies which are most important for determining the appeal are out-of-date by virtue of footnote 8 of the NPPF.

Housing Land Supply and Housing Delivery Test

- 8.8 WHBC cannot demonstrate a five year housing land supply. The Appellant will provide an updated position on the extent of the shortfall having regard to the LPAs latest position statements, which post-date the Housing Land Supply report submitted with the application, however, the figures are expected to be broadly similar to those in the submitted Housing Land Supply Report.

- 8.9 The 2021 Housing Delivery Test (“HDT”) results were published on 14th January 2022 and confirm that WHBC’s result is 66%. The parties will provide evidence on the implications.

Affordable Housing

- 8.10 There is a national housing crisis and an acute need for market and affordable housing in England.
- 8.11 The parties agree that the provision of 45% affordable housing on site exceeds the requirements of adopted Policy H7 (30%) of the Welwyn Hatfield District Plan (2005) and also the requirements of Policy SP7 (35%) of the emerging Welwyn Hatfield Borough Council Local Plan 2013-2032.
- 8.12 The parties agree that Policy SP7 of the emerging Local Plan is drafted to capture a benefit, not to ward off a harm presented by a scheme or needed in mitigation.
- 8.13 The parties agree that 45% affordable housing is a material consideration weighing in favour of the appeal.
- 8.14 The tenure mix of the affordable housing provision will be agreed with the Council and each of the main parties agrees it will accord with the Council’s latest evidence on affordable housing tenure, as set out in the Welwyn Hatfield Strategic Housing Market Assessment Partial Update 2015 (the latest evidence of overall need is in the SHMA 2017 Update) or any such documents at the time of Reserved Matters.
- 8.15 The Council accepts that the benefits arising from the provision of affordable housing accords with the sustainable development definition in the NPPF.
- 8.16 The parties agree there is an acute need for more affordable homes in the Borough.
- 8.17 The parties will provide evidence on the number of households listed on the Council’s housing register as of 31 March 2022.
- 8.18 The parties agree that the 2017 Welwyn Hatfield Strategic Housing Market Assessment Update identifies a need 818 affordable dwellings per annum between 2015 and 2020, with 602 affordable dwellings needed annually thereafter until 2032.

- 8.19 The parties agree that there has been a shortfall against the needs identified in the 2017 SHMA Update. The extent of this will be demonstrated in evidence.
- 8.20 The parties agree that zero affordable dwellings have been delivered in North Mymms Civil Parish since the start of the 2017 SHMA Update period in 2015/16.
- 8.21 Paragraph 11.135 of the Officer Report to the Council's Development Management Committee confirms that very substantial weight is afforded to the provision of affordable housing. The Appellant agrees.

Self-Build and Custom Housebuilding

- 8.22 Paragraph 62 the NPPF states that *"the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies including but not limited to...people wishing to commission or build their own homes)."*
- 8.23 The Council has no adopted policy for securing self-build and custom housebuilding.
- 8.24 The Housing Needs of Different Groups section of the PPG at paragraph 003 reference ID 67-003-20190722 directs that secondary data sources be used to supplement Self-Build Register data in order to obtain a robust assessment of demand.
- 8.25 The Self-Build and Custom Housebuilding section of the PPG at paragraph 019 Reference ID 57 019-20210208 states that local connection tests should only be introduced where there is a strong justification for doing so, advises that authorities consult on proposals before introduction of such tests, provide clear information on the rationale underpinning such tests and review them periodically to ensure they remain appropriate.
- 8.26 The parties agree that the Council has failed to meet its statutory duty under the provisions of the 2015 Self-Build and Custom Housebuilding Act (as amended by the 2016 Housing and Planning Act) to have issued a sufficient number of suitable

permissions to meet demand arising from Base Periods 1, 2, 3 and 4 of its Self-Build Register.

- 8.27 The parties agree that the Council are also unlikely to meet their duty in respect of Base Period 5.
- 8.28 The parties agree that the Council has an accrued shortfall of at least 318 serviced plots compared to demand identified on its Self-Build Register from Base Periods 1, 2, 3 and 4 alone.
- 8.29 The parties agree that the provision of up to 10 (8%) serviced plots for self-build and custom housebuilding in the context of the substantial shortfall that has accrued to date and the low levels of existing and planned provision would make a positive contribution to the supply of self build plots in the local planning authority area, and should be attributed substantial weight in the planning balance.

Specialist Accommodation for Older People

- 8.30 The Draft Local Plan (paragraph 21.2) sets out that when considering development proposals in Brookmans Park, the Council will take the local plan objectives into account. A planning objective for Brookmans Park is to improve the choice of housing, this includes specialist accommodation such as a care home
- 8.31 The sole existing operational care home for the elderly within a 2 mile radius of The Site comprises St. Christophers care home, Drakes Way, Hatfield.
- 8.32 Total extant planning consents for C2 care homes across Welwyn Hatfield comprise:
- Plot 6000, Hatfield Avenue, Hatfield AL10 9UA (6/2017/0550/MAJ)
 - 45 Broadwater Road, Welwyn Garden City AL7 3AX (6/2018/3292/MAJ)
 - St Andrews, Great North Road, Welwyn Garden City AL8 7SR (6/2020/1249/FULL)
 - Oakview Lodge, Princes Avenue, Welwyn Garden City AL7 4DT (6/2020/0826/FULL).
- 8.33 The Borough has seen the closure of two care homes for the elderly over the past decade; Hyde Valley House (2018) and Elizabeth House (2021). Over the same

period there have been two new developments; Anson Court (2017) and Oakview Lodge (2018) - the former as re-provision for Hyde Valley House residents.

Landscape

- 8.34 The parties agree that the site is not a valued landscape under the NPPF 174 and no other landscape designations relate to the appeal site.
- 8.35 The main parties agree that the proposed development would not result in the actual (physical) coalescence between Brookmans Park and any other settlement, including Welham Green, and nor would it result in any perception of coalescence.
- 8.36 The parties agree that Brookmans Park has a modern settled character and appearance. To the west of the appeal site lies the embanked and vegetated mainline railway, to the west and the north lies Peplin's Wood, to the south lies the settlement edge and to the east lies the golf course.

Ecology

- 8.37 Subject to the imposition of suitably worded conditions and the agreement of appropriate section 106 contributions the parties agree that ecology and biodiversity are not reasons to withhold permission.

Location of the Appeal Site

- 8.37 The parties agree that the appeal site is a sustainable location in terms of access to day to day services and facilities, including a main line railway station.

9 Areas of Disagreement

Housing Supply

- 9.1 The extent of the shortfall in the housing land supply position. However, the parties agree that there is a significant shortfall, but it will not be necessary to examine their positions in respect of supply and neither party will be presenting witnesses for examination on this issue.

Green Belt

- 9.2 The contribution of the appeal site to and impact on Green Belt purpose c) *to assist in safeguarding the countryside from encroachment* of the Green Belt. The parties disagree on the extent and impact of that encroachment and will provide evidence on this.
- 9.3 The degree of harm to the visual and spatial component of the openness of the Green Belt. The parties agree there will be a loss of openness but disagree on the nature, extent and impact of the loss of openness in both visual and spatial terms and will provide evidence on this.
- 9.4 Whether the other considerations relied on by the Appellant clearly outweigh the harm by way of inappropriateness and any other harm such that very special circumstances exist.
- 9.5 *Landscape and Visual Impact* The parties disagree on the degree of predicted landscape and visual harm resulting from the proposed development.
- 9.6 The Appellant considers Brookmans Park and the appeal site to be contained by features within the developed countryside. The development would have only a localised effect on character and appearance, this being the Appeal Site itself and there would be only a very limited effect, including on the wider character of the area.
- 9.7 The viewpoint locations and listing of receptors are considered to be a fair

representation. The visual effects would be highly localised and limited to the site and its immediate confines with no effects felt in the wider landscape.

9.8 The Appellant will aver that the proposed scheme is entirely consistent with the character and appearance of the existing village and will be a natural extension to it that can be successfully accommodated in this well contained location and can incorporate mitigation, in the form of an appropriate scheme of planting, to be agreed at Reserved Matters/ Conditions stage.

9.9 The Appellant considers the Council's Landscape Officer (in his consultation) was very clear that the proposed scheme did not cause the level of landscape or visual harm that could warrant a reason for refusal.

Promotion of the site through the emerging Local Plan

9.10 The Appellant notes that Appendix 5 of the Sustainability Appraisal (August 2016; CD 6.xx) states that the reason for discounting the site from inclusion in the Submission Draft Local Plan was as follows:

"The site's social and economic benefits are considered to outweigh the adverse impacts on the purposes of the Green Belt and other adverse impacts. However, whilst the site itself is a sustainable site, its inclusion would not be compatible with the identified infrastructure constraints (primary school capacity) in Brookmans Park, or the preferred solution to overcome those constraints and the resultant capacity for growth which that solution would allow within Brookmans Park."

9.11 The Council's position in relation to the site's non allocation in the Local Plan Submission Draft 2016 (Regulation 19) is as set out in the Housing Site Selection Background Paper 2016 (CD6xx). It states that BrP12 Peplins Wood (indicative capacity 110) is one of four sites considered suitable for allocation, having passed the Council's site selection process. It notes the County Council's preferred strategy was to deliver a 0.5FE expansion to the existing primary school site and sites BrP13, BrP14, and BrP4 would generate the pupil yield to support the 0.5FE expansion. The addition of BrP12 was considered to take pupil yield over that required to support the expansion of the school while not being sufficient to support a new 2FE primary school.

9.12 The parties will provide evidence on the Inspector's consideration of the appeal site as one of those examined but not formally submitted by WHBC. His findings on the evidence base, including the representations and hearing discussions, concerning the appeal site are set out in EX272 and EX273 (CD6.xx). Specific reference to the site is made in Paragraphs 115 - 121 of EX273.

10 List of possible conditions

- 10.1 The parties will work together to provide a list of conditions ahead of the Inquiry, indicating agreement and areas of disagreement between the parties

11 Statement of Compliance with Statutory and Policy Requirements for the conditions and S106 Agreement

To follow

12 Core Documents List

12.1 The parties will prepare a full list of Core Documents utilising the index below.

FOLDER 1 - ESSENTIAL SUPPORTING DOCUMENTS	
CD1	Submitted Planning Application Documents
CD2	Additional Documents
CD3	Consultation Responses
CD4	Committee Reports
FOLDER 2 - POLICIES	
CD5	Current Development Plans
CD6	Documents relevant to the preparation of the Emerging Welwyn Hatfield Local Plan 2013-2032
CD7	WHBC Five Year Land Supply Documents
CD8	Additional Policy Information and Guidance
FOLDER 3 - APPEAL DECISIONS AND COURT JUDGEMENTS	
CD9	Appeal Decisions
CD10	Secretary of State Decisions
CD11	Court Judgements
FOLDER 4 - MISCELLANEOUS	
CD12	Miscellaneous
CD13	Inquiry Documents

Signatures



RUSSELL GRAY
DIRECTOR
Woods Hardwick Planning Limited

Signed on behalf of Aurora Properties Ltd

A handwritten signature in black ink, appearing to read 'Chris Carter'.

Chris Carter
Assistant Director - Planning
Welwyn Hatfield Borough Council

Signed on behalf of Welwyn Hatfield Borough Council

APPENDIX 1

APPENDIX 2