

Our Ref: LW/25014
PINS Ref: S62A/2026/0159

11 September 2026

Planning Inspectorate
c/o QUADIENT
69 Buckingham Avenue
Slough
SL1 4PN

By Email Only: section62a@planninginspectorate.gov.uk

Dear [REDACTED],

Response at the end of the Consultation Period in relation to Application S62A/2026/0159 at Maple House, Nos 8-16 (even) & 30-32 High Street and Nos 1-7 Princes Parade.

Application S62A/2026/0159 was validated on 6 August 2026. The date when representations must be made is 11 September 2026.

This letter has been provided to provide any factual clarifications on the responses received and published on the Inspectorate website up to midday on 11 September 2026.

We kindly request that we are provided with the opportunity to respond to any consultation comments made available on the application website after 11 September 2026 to make any additional points of clarification.

This letter also provides commentary on the updated Legal Obligation submitted by the Applicant at the end of the consultation period.

Consultation Comments

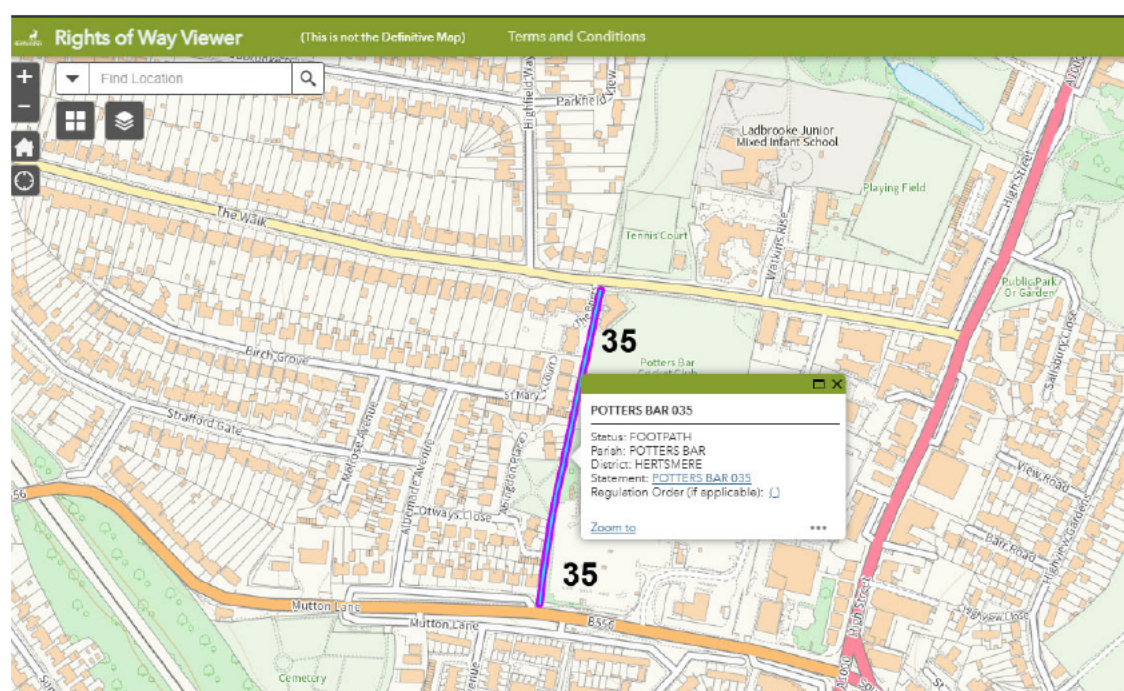
President of Potters Bar Bowls Club

There is a suggestion that the Travel Plan makes reference to a Public Right of Way leading from the site to The Walk. This is not the case.

Paragraph 3.14 of the Travel Plan reads as follows:

A key primary desire line for pedestrians is present between the site location at High Street and Darkes Lane where a variety of local amenities and facilities are located, including Potters Bar Railway Station. Access between the site and Darkes Lane can take place via The Walk, a street lit and segregated footway separated from the carriageway by a grass verge over a distance of 900m. Alternative routes are present via Mutton Lane and Stafford Gate, and access between Mutton Lane and The Walk is facilitated with use of Public Right of Way (PRoW) Footpath 35 were pedestrians inclined to use a combination of both routes. The conditions of The Walk are identified within Photographs 9 and 10, with Footpath 35 shown in Photograph 11 and the private connection between the site and The Walk shown in Photograph 12.

The reference to the Public Right of Way is specifically in relation to Footpath 35, which is a connection between Mutton Lane and the Walk on the western side of Tesco and the Cricket Club.



There is no suggestion in any of the documents that there is a formal Public Right of Way between the site and The Walk and the documents are clear that this is a private access.

Our position is that the pedestrian access on the route through our site across the Cricket Club access onto the Walk has been unfettered, although the Transport reports do not rely on this as a route.

Thames Water

We note the request for conditions, including a condition restricting occupation until confirmation has been provided that either all sewage works upgrades required to accommodate the additional flows from the development have been completed; or a development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water.

We would highlight that Thames Water have a legal duty under UK law to maintain, manage and upgrade sewage infrastructure, ensuring it is capable of accommodating development when required.

Legal Obligation

The Start Letter requested that an updated (unsigned) draft of the legal obligation in largely final form was submitted by the end of the consultation period. Please find this enclosed accordingly.

The Applicant engaged in extensive pre-application discussions with the Local Planning Authority (LPA) prior to the submission of the application. As part of this process, the Applicant sought advice from the LPA on planning obligations and CIL matters. As can be seen from the pre-application response included in Appendix 1 of the Planning Statement, no guidance from the LPA was provided at this time.

The Applicant also sent the draft legal obligation direct to the LPA upon submission of the S62A application in an attempt to obtain early feedback.

Feedback from the LPA on the draft obligation was received late in the afternoon on 11 September 2026. We have endeavoured to make the updates to the draft obligation before the end of the consultation period. The comments received from the LPA included minor track changes to the document and requests for the following obligations:

- BNG Monitoring Fee - £13,394 index linked
- Residential Travel Plan Monitoring Fee - £6,000 index linked
- Council Monitoring Fee - £15,150.

To confirm, the majority of the comments from the LPA have been incorporated into the updated draft obligation now submitted, with the exception of:

- We have reinstated the Section 73 clause at Schedule 9 that would tie the planning obligations to a future application made under Section 73 of the Town and Country Planning Act 1990. This is largely standard practice and the wording
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proposed provides the ability for a deed of variation to be required should a Section 73 application materially change the nature of the original agreement.

- Schedule 2, Clause 2.2 – the definition of (A) is for actual values sold, as opposed to being at 'market value'. Definition B has been updated to include 'market value' for anything unsold.
- Schedule 2, Clause 2.3 – we have sought to clarify the definition of the cap.

The updated draft obligation maintains the wording for the Offsite Playspace Contribution, however the LPA has not confirmed the quantum they would be seeking for this.

We have not received any feedback from the County Council or statutory consultees regarding requests for s106 obligations. In the absence of this, the Applicant has made further updates to the draft obligation submitted with this correspondence. The updates to the version originally submitted include the following additional obligations:

- Biodiversity Net Gain Monitoring Fee Contribution
- Carbon Offset Payment Contribution
- Healthcare Contribution
- Education Contribution
- Highways / Sustainable Travel Contribution

For the avoidance of doubt, the Applicant's position remains as per that set out in the Planning Statement originally submitted with the S62A application, namely that s106 contributions towards education, highways, leisure, open space, health, public realm improvements and sustainability projects do not meet the relevant tests as these are to be covered by CIL monies. Our position is supported by a Legal Opinion included in Appendix 3 of the original Planning Statement.

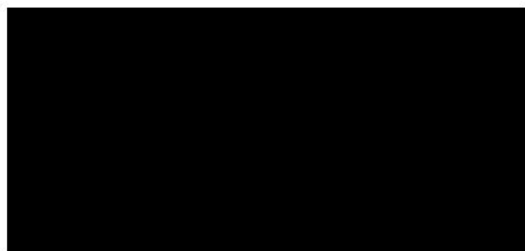
Accordingly, the additional contributions included in the updated legal obligation are proposed as 'blue pencil' clauses, so that in the event the Inspector does not consider these necessary, the agreement has been drafted so that these can be removed whilst keeping the rest of the agreement valid and binding.

It has not been possible to confirm amounts for the potential contributions at this stage in the absence of any feedback from the LPA, County Council or other statutory consultees on the legal agreement. In the event that there are requests for s106 obligations within any consultation responses received by the end of the consultation period, we kindly request the ability to review and update the legal agreement accordingly, ahead of providing a final version before the relevant deadline (depending on whether the application follows the Written Representation or Hearing procedure).

Any requests for financial contributions also need to be considered in the context of the Hertsmere Borough Council whole-borough viability assessment which assumes a total of £5,000 per unit for all contributions, as set out in our original Planning Statement.

If you have any questions, please do not hesitate to contact me.

Yours sincerely,



Associate