

Appeal Ref: 6004972 Inspector's Note

Land to the North of Little Green Lane, Rickmansworth.

To assist the parties with the round-table discussion on the S106 Agreement and on general matters, the Inspector sets out the following.

1. In relation to the Mortgage Exclusion Clause (MEC), the Inspector was to hear evidence from Messrs Ralton and Pinnock for the Council and Messrs Sutcliffe, Bullivent, St. John Williams and Baird for the appellant. In light of the agreement on the MEC, the Inspector seeks guidance on how the proofs and rebuttal proofs of these witnesses is to be treated. Is this evidence withdrawn completely?
2. The Inspector notes that neither the appellant nor the Council intend to call their planning witnesses.
3. The Inspector has a single question for both planning witnesses relating to the Affordable Housing Cascade Mechanism.

Q. The MHCLG Open Consultation on Standard Planning Agreements for Medium-Sized Sites dated 25 August 2026 contains a draft template - Affordable Housing Schedule for Full Planning Permissions which includes a model Cascade Mechanism (CD 15.9). The use of a Cascade Mechanism is qualified by Footnote 19 where it says, "*Inclusion of the cascade mechanism is not mandatory, but it can be used where appropriate to local circumstances.*" In decision making, whilst a draft consultation document may be a material consideration indicating the direction of travel in terms of Government policy, such a document normally attracts limited weight.

The current policy¹, updated 24 March 2026, highlights that parties already have the ability to renegotiate S106 Agreements. This is normally through a Deed of Variation. The current policy is clear that the Government does not expect Councils to adopt Cascade Mechanisms, except where it would work for their local circumstances.

In light of Government policy, why in this case is it, is appropriate to include an Affordable Housing Cascade Mechanism.

4. The Inspector was intending to ask the appellant's planning witness the following.

Q Acknowledging that the Landscape Strategy is illustrative, the Inspector would like the appellant to explain how the boundary with Little Green Lane is to be treated. Except for where the vehicular and pedestrian

¹ Policy Statement: A Roadmap for S106 Delivery in England.

accesses are proposed is the existing hedge line to be retained and, if necessary, strengthened.

Queries relating to the latest S106 Agreement, Revised Statement of Common Ground (SoCG) & Revised CIL Schedule (1 September 2026).

Definitions & Interpretations

5. Medical Centre. Explain what *...but not limited to a residential building...* means.
6. Primary Education Contribution. The 2 figures quoted are different. The revised CIL Compliance Schedule and Statement of Common Ground Planning Agreement and Infrastructure both quote £6,300,000 based on not excluding the land value. Is the figure of £5,883,141 a typo?
7. Sports Contribution. Not including a monitoring fee (£380), the S106 list of items totals £903,491. There does not appear to be an entry elsewhere that refers to this monitoring fee. The revised SoCG at paragraph 2.3 includes the monitoring fee but does not include it in the total figure. The total in the Revised SoCG should be £903,871.
8. Bus Service Contribution. Both the S106 Agreement and the Revised CIL Schedule include this as a freestanding contribution of £1,955,000. However, the Revised SoCG at paragraph 2.10 still shows the bus service contribution to be that left over after the 5 other contributions are deducted. What is it?
9. Highways & Sustainable Transport Strand 1 and Strand 2 Contributions. With the introduction of a Table which for the first time mentions Part A and Part B contributions/delivered works the Revised CIL Schedule is even more confusing.
10. In the CIL Schedule separate them out into Strand 1 and Strand 2 contributions under the overarching heading of Transport Matters and Accessibility.
11. In Schedule 4 – County Contributions, there does not appear to be a reference to the trigger for the Beryl Bikes contribution.
12. Where in the Schedule 4, is the trigger for the Travel Plan Evaluation Fee of £16,500 shown?

13. The Inspector seeks an explanation of the practical application of,
- a. Paragraph 1.14 of Schedule 2.
 - b. The relationship of the 3-month time period set out in Schedule 2 paragraph 1.15 (a) (i) and the 6-month time period in Schedule 2 paragraph 2.1.
 - c. Schedule 2 – Section 2 the cascade Mechanism.
14. Schedule 3 paragraph 3.2, should the reference be to paragraph 3.1 not 4.1?
15. The Inspector will require an explanation of the implications of Schedule 5 – Medical Centre in terms of a simple timeline of when if the NHS ICB confirms it requires the Medical Centre, it would be provided.
16. What the position would be if the NHS ICB decides that it does not want the Medical Centre. Is there provision within the S106 to make a financial contribution to the upgrade of Primary Care provision in the wider area.

Core Documents (CD)

17. As matters have progressed some documents listed in the Core Document Library have been superseded or may no longer be relevant. It would be helpful if they were either deleted entirely or if the parties wish them to be retained to show a timeline of changes the document entry in the CD list should be struck through and notated as superseded.

George Baird

Inspector

1 September 2026