

FAO: Mrs Sarah Kasparian
Development Management
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth Garden City
SG6 3FJ

Our ref: SRS/503/55/1/S106 discharge

Date: 18th February 2026

Dear Sarah

Re: Highover Farm, Hitchin – 18/00154/OP, S106 Agreement dated 28 November 2024 – Schedule 2 Part 4 clause 14.2.2 – discharge of obligation for temporary footpath

Please find enclosed the S106A application for the discharge of S106 Obligation relating to the requirement to provide details of the temporary footpath link as required by Schedule 2 part 4 clause 14.2.2.

The following comprises the application –

- Appropriate form and certificate
- Redline location plan of entire site
- This covering letter
- The approved CTMP text document
- The approved appendix 5 of the CTMP which are specifically the plans of the temporary footpath route

The Obligation requires the provision of one or more temporary footpath links within the site from point B on The Avenue (adjacent to the school site/bus gate) to one or more of High Dane, Armour Rise, Highover Way or Collinson Close.

As discussed and advised during the determination of the Construction Traffic Management Plan (CTMP) condition 18 of the outline permission 18/01154/OP, the approved phasing strategy for the site dictates the build out, accessibility and the movement of new residents through construction period. Whilst The Avenue has to be constructed to base course prior to occupation of any dwellings (alongside any temporary footpaths), the phasing and need to complete the street scene along The Avenue means that The Avenue is still part of an active construction zone. Phase 1 residential area is at the eastern end of the site, whilst phase 3 is at the High Dane end. Critically, phase 3 construction traffic can only enter the site from the east off Stotfold Road.

Furthermore, at the current time, there is no indication from HCC Education as to whether the school will be built out or what the timescale for this is (notwithstanding the triggers in the S106).

This has major implications for health safety and operation and management of the construction of the site and any residents/pedestrians. Until such time that the construction of Phase 3 completes, it is not possible to provide safe temporary footpath routes to High Dane or Highover Way or Armour Rise or Collinson Close from The Avenue Point B /school/bus gate. Furthermore, Collinson Close is

Rapleys – 120 Colmore Row Birmingham B3 3AP

T: 0370 777 6292 E: info@rapleys.com www.rapleys.com @rapleys [linkedin/twitter](#)

currently not within the gift of BDW Trading to provide given third party ownership issues that have to be resolved.

So, whilst BDW Trading are unable to comply with the S106 Obligation directly, a compromise has in effect been agreed as part of the now approved CTMP – whereby a temporary footpath is to be provided from Phase 1 (eastern end of the site) along the southern boundary to Armour Rise. The plans and details of this route are provided as part of this application. The added advantage of this route (albeit it is perhaps not the most direct to offsite places) is that it is to be designed and located to enable (particularly) the new residents of the southern part of phase 1, safe access to the Hitchin Meadows open space/play area whilst the construction of the site is ongoing. This temporary footpath would be available prior to the occupation of any dwelling and indeed, is likely to be in situ very early on in The Avenue construction process.

The CTMP documentation at paragraph 4.28 makes clear that as soon as Phase 3 reaches the point where it is safe to have pedestrian/cyclists using this part of The Avenue, permanent footpath links would be available to High Dane and Highover Way in any event. Unfortunately, at this point in time, it is impossible to provide an accurate or educated guess as to the timing and what year this is likely to be. The proposed temporary footpath to Armour Rise would be removed at the point of start of construction of phase 4 as it builds out west to east – the afore-mentioned routes above would already be constructed and available for use in any event.

The CTMP (Condition 18) was discharged on the 4 January 2026, confirming the principle of this temporary footpath through the site to Armour Rise. Consequently, we respectfully request that the S106 Obligation be discharged.

Yours sincerely,



SarahRSmith (Feb 19, 2026 09:12:24 GMT)

Sarah R Smith

BA (Hons) MRTPI

Consultant - Town Planning

sarah.r.smith@rapleys.com

07787 527109