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Hertfordshire County Council
Growth & Infrastructure Unit
Environment & Infrastructure Department
County Hall
Hertford
Hertfordshire
SG13 8DN

Respond to: growth@hertfordshire.gov.uk

Dear Planning Officer

Response by HCC's Growth & Infrastructure Unit to 3/24/0966/OUT
Land North Of A507, West Of A10 Buntingford

I am writing in respect of planning obligations sought towards non-transport services to minimise the impact of development on Hertfordshire County Council Services for the local community. Based on the information to date for the development of **600 dwellings and 60 age restricted units** we would seek financial contributions towards the following projects:

HOUSES		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	0	0
2	107	71
3	168	86
4+	148	20
Total	423	177

FLATS		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	35	15
2	10	0
3	0	0
4+	0	0
Total	45	15

Trajectory							
Year	2028	2029	2030	2031	2032	2033	2034
Units	100	100	100	100	100	100	60

PLEASE NOTE; If the tenure or mix of dwellings changes, please notify us immediately as this may alter the contributions sought

FINANCIAL OBLIGATIONS

First Education Contribution towards the delivery of a new first school in the area and/or provision serving the development (£6,778,095 (which has a land cost of £94,262 deducted) index linked to BCIS 1Q2022)

Nursery Education In instances where new primary school provision is required, the equivalent nursery provision should also be provided at the new school. The indicative level of contributions towards Nursery provision which HCC would be seeking from this development are included within the primary education contribution. Nursery provision will be included as part of the delivery of a new School and/or provision serving the development

Middle Education Contribution towards the expansion of Edwinstree Middle School and/or provision serving the development (£4,475,964 index linked to BCIS 1Q2022)

Upper Education Contribution towards the expansion of Freman College and/or provision serving the development (£5,487,119 index linked to BCIS 1Q2022)

0-2 Childcare Contribution towards the delivery of a new 0-2 childcare setting in Buntingford, or increasing the capacity at Buntings Nursery and/or provision serving the development (£50,519 index linked to BCIS 1Q2022)

5-11 Childcare Contribution towards increasing the capacity of 5-11 year old childcare facilities at a new first school in the area and/or provision serving the development (£8,568 index linked to BCIS 1Q2022)

Special Educational Needs and Disabilities (SEND) Contribution towards new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development (£820,556 index linked to BCIS 1Q2022)

Library Service Contribution towards increasing the capacity of Buntingford Library and/or provision serving the development (£211,586 index linked to BCIS 1Q2022)

Youth Service towards sourcing a new young people's centre in Buntingford or improving facilities in buildings within the Buntingford area where Services for Young People projects are delivered and/or provision to serve the development (£151,586 index linked to BCIS 1Q2022)

Waste Service Transfer Station Contribution towards the new Eastern Transfer Station and/or provision serving the development (£69,577 index linked to BCIS 3Q2022)

Fire and Rescue Service Contribution towards new appliances and/or equipment or provision serving the development (£14,203 index linked to BCIS 1Q2022)

Monitoring Fees – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021). For further

information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

LAND TRANSFER

This application includes permission for a new 2FE first school. HCC has no in principle objection to this provision. The applicant has completed HCC's land specification and it is likely that the site could deliver a 2FE first school, subject to the internal layout providing access over a road built to an adoptable standard and the site being serviced in accordance with the attached site servicing works.

To give certainty that the land that has been allocated for the delivery of a 2FE first school will be able to deliver a school and mitigate the impact of development the s106 agreement will need to require that it complies with HCC's land specification and include a draft TP1 land transfer document identifying and defining the land to be transferred and the terms for this transfer. Suitable trigger points for the transfer of the land for the delivery of a 2FE first school will also be needed within the s106 agreement.

ADULT CARE SERVICES

Please see the attached response on behalf of Adult Care Services in respect of the age restricted units.

INFORMATIVES

The CIL Regulations discourage the use of formulae to calculate contributions however, the County Council is not able to adopt a CIL charge itself. Accordingly, in areas where a CIL charge has not been introduced to date, planning obligations in their restricted form are the only route to address the impact of a development. In instances where a development is not large enough to require on site provision but is large enough to generate an impact on a particular service, an evidenced mechanism is needed to form the basis of any planning obligation sought. HCC views the calculations and figures set out within the Guide to Developer Infrastructure Contributions as an appropriate methodology for the obligations sought in this instance.

The county council methodology provides the certainty of identified contribution figures based on either a known or estimated dwelling mix, the latter of which might be agreed with the local planning authority based on expected types and tenures set out as part of the local plan evidence base. This ensures the contributions are appropriate to the development and thereby meet the third test of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (amended 2019): "fairly and reasonably relates in scale and kind to the development".

OUTLINE ONLY: Outline applications will require the ability for an applicant to recalculate contributions at the point of a reserved matters application and as such a calculation Table will be provided as part of the S106 drafting process. This approach provides the certainty of identified contribution figures with the flexibility for an

applicant/developer to amend the dwelling mix at a later stage and the financial contribution to be calculated accordingly.

Please note that current service information for the local area may change over time and projects to improve capacity may evolve. This may potentially mean a contribution towards other services could be required at the time any application is received in respect of this site.

Justification

The above figures have been calculated using the amounts and approach set out within the Guide to Developer Infrastructure Contributions (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet 12 July 2021 and is available via the following link: [Planning obligations and developer infrastructure contributions | Hertfordshire County Council](#)

In respect of Regulation 122 of the CIL Regulations 2010 (amended 2019), the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations." Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development. The NPPG states "No payment of money or other consideration can be positively required when granting planning permission."

The development plan background supports the provision of planning contributions. The provision of community facilities is a matter that is relevant to planning. The contributions sought will ensure that additional needs brought on by the development are met.

(ii) Directly related to the development.

The occupiers of new residential developments will have an additional impact upon local services. The financial contributions sought towards the above services are based on the size, type and tenure of the individual dwellings comprising this development following consultation with the Service providers and will only be used towards services and facilities serving the locality of the proposed development and therefore, for the benefit of the development's occupants.

(iii) Fairly and reasonably related in scale and kind to the development.

The above financial contributions have been calculated according to the size, type and tenure of each individual dwelling comprising the proposed development (based on the person yield).

PLEASE NOTE THE FOLLOWING:

Consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, who may request the provision of fire hydrants through a planning condition.

I would be grateful if you would keep me informed about the progress of this application so that either instruction for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested financial contributions and provisions. Should you require any further information please contact the Growth & Infrastructure Unit.

Yours faithfully

Charlie Thompson
Senior Planning Officer