Technical Appendix 1: Transport



Hertfordshire

1.0 Service Overview

1.1 The county council's Local Transport Plan (LTP)[1] has developed strategies and plans for the county and the towns and areas within it which identifies the sustainable transport and accessibility measures for which contributions would be sought. The Hertfordshire Infrastructure Funding Prospectus (HIFP)[2] outlines a detailed list of projects necessary to support growth outlined within Local Plans. Growth & Transport Plans are now in place across the county, supplemented by a growing number of Local and Cycling Walking Improvement Plans (LCWIPs) and the Rights of Way Improvement Plan (RoWIP) to progress the delivery of such schemes.

1.2 The LTP builds on current national planning guidance, with particular emphasis National Planning Policy Framework policy which sets out how maximising accessibility by sustainable travel modes is one the key considerations in the 'severe' highways test of determining the acceptability of a proposed development. Planning obligations are one way to ensure developments achieve this, and they can also be used to secure safe access/egress and minimise development-related impacts such as traffic congestion. The county council will actively seek planning obligations that will improve sustainable transport facilities and services for passenger transport users who are using the development and, more generally, for those users in the surrounding area.

1.3 Measures necessary to mitigate against the impact of new developments should be identified through Transport Assessments (TAs) or via site specific negotiations. The thresholds at which a Transport Statement (TS) or a more comprehensive TA should form part of a planning application are set out in Part 1, Chapter 5 of the Place and Movement Planning and Design Guide[3]. For a residential development, more than 80 units usually require a TA, and for an office development the figure is a gross floor area of 2500 square metres.

1.4 Smaller developments do not always require a TS or TA, but the cumulative impacts of such developments can be very significant and may well exceed those of larger developments in total. It is therefore justified to consider seeking a planning contribution, or relevant conditions, for all developments whatever their size, to ensure that accessibility by sustainable modes is maximised in line with the Hertfordshire LTP policies and objectives, and other supporting material considerations, such as adopted Local Plans.

1.5 The immediate and specific impacts of larger developments are established via a TA and mitigated via S278 obligation, or funded via CIL/S106 agreement in the conventional way. This is the first strand of possible transport contributions.

1.6 The second strand should address the cumulative impacts of all development, large and small, facilitating delivery and enhancement of the necessary active and sustainable transport networks. These local sustainable networks must be provided in their entirety to provide the sustainable connections to the key trip generators, as such contributions will be pooled to fund these networks within the local area (subject to any legislative restrictions), as supported by the NPPF. This second strand contribution is intended to help implement broader transport measures in the catchments of new development from which contributions are secured. The need for second stand contributions

1. https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/planning-in-hertfordshire/transport-planning/local-transport-plan.aspx
2. https://www.hertfordshire.gov.uk/media-library/documents/environment-and-planning/planning/hertfordshire-infrastructure-and-funding-prospectus-2018-2031.pdf
3. Highways Development Management | Hertfordshire County Council

will be balanced against the level of first strand contributions and any other relevant planning matters.

1.7 Impacts of cross boundary sites will be considered on a case-by-case basis. It is anticipated that strategic development sites will require a bespoke package of transport measures and contributions.

2.0 Assessing need and calculating demand

2.1 CIL Regulation 122 (2)(c) makes it clear that any financial contribution sought should be fair and reasonable in proportion to the scale of the proposed development. As per other county council services, it is intended that a connection is made between the number of bedrooms of an individual dwelling and the scale of contribution.

2.2 The residential charge provides a benchmark against which non-residential charges can be set. The appropriate basis for comparison is some measure of transport and traffic impact; the greater that impact, the greater the need for accessibility measures. As with residential development, the likely number of trips for non-residential development will vary according to the proposed use of an individual site as identified in the TA and/or transport modelling.

2.3 Non-residential development will also contribute to traffic growth, attracting new travel activity to new facilities (e.g. leisure and commuter purposes) and possibly from neighbouring authorities with less competitive attractions.

2.4 At this stage, it is not possible to analyse the likely quantum and location of future non-residential development to devise a matrix of non-residential based contributions. Non-residential charges should be levied on the basis that they should reflect likely transport impacts as per residential charges. In this case, the likely number of trips is again used as a proxy for transport and traffic impact.

2.5 A significant amount of highway infrastructure needs to be constructed across the county to support the amount of new development coming forward in a cumulative context. In line with the County Council's Local Transport Plan and its supporting strategies, much of this infrastructure will be designed to accommodate and actively encourage sustainable and active travel, and reduce dependence on the private motorcar.

2.6 The type, scale and likely cost of the necessary infrastructure will vary across the county depending on geographic location and specific circumstances/needs. The scale and quantum of transport infrastructure is constantly evolving as District & Borough Local Plans continue to be developed and reviewed. Accordingly, the county council's aspirations in this respect are also constantly evolving and listed within various strategies which sit with the LTP. This includes, but is not limited to, Growth and Transport Plans, LCWIPs, RoWIP, jointly developed area specific Transport Strategic to support Local Plans, the A414 Strategy, and the Active Travel Strategy. As such, in order to meet the 'directly related' CIL test of any s106 request, it seems reasonable to break down the cost of these wider highway works to a district/borough level.

2.7 Section 6.0 sets out the strand 2 calculations and shows how much an individual dwelling within each District/Borough would need to pay to cumulatively cover the cost of delivering the wider necessary sustainable transport works within their area. However, it should be stressed that these figures are the starting point for S106 discussions, and each application needs to be considered on its own merits.

2.8 The exact and most appropriate amount of S106 contributions should be established through early discussions with the developer, ideally at the pre-application stage, and will be based on the specific circumstances of the development (such as its location, size, type, amount of off-site sustainable-travel works to be delivered by condition, and cost of HCC sustainable transport infrastructure schemes which are in the vicinity of the development). For example, the rationale behind calculating a suitable S106 contribution from a development which lies close to the border of an adjacent district/borough may have to consider the infrastructure needs of two districts/boroughs.

2.9 In some cases, the most appropriate amount sought may be less than the headline figures in section 6.0 below; in other cases it might be more. The Highway Authority will provide a clear rationale in each case as to how S106 figures have been calculated and meet the three CIL tests.

2.10 Where a development genuinely cannot commit to paying a financial contribution to cover the cost of highway works which would normally be considered necessary due to financial viability issues, the Highway Authority will consider this in determining its consultation response. Generally, the Highway Authority will look to the Local Planning Authority for advice in this respect, as they hold the expertise to examine financial viability assessments of developments. It should be noted however that financial viability issues does not make a fundamentally unsustainable and/or unsafe development acceptable.

2.11 All highway contributions are to be Index linked by SPONS from March 2024, which is the point in time at which the figures were calculated. Contributions should be payable before commencement of the development wherever possible as trigger dates later than this carry additional risks for HCC. Exceptional circumstances should be demonstrated by the developer if alternative trigger points are proposed.

3.0 Transport projects

3.1 In all cases, financial contributions will be passed directly by the developer to either the Highway Authority or the LPA as appropriate. Generally, payment direct to the Highway Authority is preferable as highway schemes are usually delivered by the Highway Authority, and direct funding avoids unnecessary delay.

3.2 Some highway works and sustainable transport/active travel measures are better delivered through planning condition rather than planning obligation. Indeed, the NPPF states that “Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition”.

3.3 Any requirements for highway works or sustainable transport/ active travel infrastructure works as part of a planning condition should be in the form of a Grampian condition and delivered through a S278 agreement with the Highway Authority, under the Highways Act 1980.

3.4 This method means that the Developer is responsible for designing and implementing the necessary highway measures following approval from the LPA. It also ensures that the necessary works are completed on time, and directly linked to a trigger point of the development, usually before first occupation or use. In exceptional circumstances, alternative or phased trigger points may be considered. In addition, the s278 route eliminates the risks associated with a s106 Agreement, which include the necessary works not being delivered on time, and possible overspend due to unexpected costs further down the line.

3.5 The following items are often more suitably delivered through planning condition via a Section 278 agreement, though there may be occasions when a planning obligation is more appropriate:

- works to ensure safe access and egress to a development;
- changes to the highway network to improve capacity or safety;
- smaller infrastructure such as bus stops/shelters/raised kerbing, and real time information displays;
- provision of amended highway networks, including roads/ cycleways/ footways.

3.6 The following items are more likely to be considered as appropriate for developer contributions, though there may be occasions when a planning condition is more appropriate:

- subsidy to forward fund a new or enhanced bus service for a set period;
- purchase or upgrade of vehicles on a bus service;
- payment towards community transport services;
- large infrastructure which requires partnership working with other organisations;
- a highway measure or sustainable transport scheme which has already been identified by the county council, and towards which a pooled contribution can be justified. This is typically a scheme identified in the county council's Local Transport Plan and its supporting documents, Growth and Transport Plans , Local Cycling and Walking Improvement Plans and/or Rights of Way Improvement Plan. Schemes in addition to these plans will be considered where they are identified in other recognised strategies and a need has been identified as a result of new development;
- small-scale local improvements which would not be covered by the IDP and CIL funded items in CIL authorities;
- the county council's reasonable costs in ensuring that travel plans are fully implemented;
- the provision of new or improvement to existing Rights of Way or active travel routes within green infrastructure;
- the county council's reasonable costs in ensuring that any developer-created Rights of Way meet required specifications.

3.7 Contributions may also be required to cover the cost of transportation of children to school off-site, in instances where a secured on-site school has not yet been delivered. This could be required to fulfil the county council's obligation to transport children to school when there are no schools within statutory distances of homes. A contribution would be required for the duration between occupation of new houses and the opening of a school on-site.

3.8 Proportional contributions may also be secured from proposed developments located in proximity to sites that contain new schools to fund cycling and walking infrastructure which ensures sustainable access to the new schools.

3.9 Many of the schemes lists in paragraphs 3.5 and 3.6 form a key part in contributing to the Council's broader objectives of active and inclusive travel, future mobility, modal shift, place-making, use of innovative transport technology, etc.

3.10 Whilst this Guide provides a figure to determine what level of second strand contribution is reasonable in proportion to the scale of the proposed development, CIL tests state that any works/ measures undertaken (whether they are delivered by planning

condition or planning obligation) must be necessary to make the development acceptable in planning and directly related to the development. As such, any figure calculated according to the method above should be treated as a headline figure only, and the actual figure is dependent on the specific measures/works identified as necessary.

3.11 For second strand contributions, the Highway Authority will consider the cost to the developer of implementing of any measures necessary as part of a condition. In some circumstances, it may be justified to factor this into the overall calculation.

4.0 Planning Performance Agreements (PPAs) and Highways Specific Advice

4.1 The Highway Authority encourages developers to have discussions when promoting sites and also before submitting a planning application. For up to date information and guidance on pre-application charges and PPAs, please contact the county council.

5.0 Travel Plans

5.1 Travel Plans are a useful tool for enabling sustainable development, in particular for residential, commercial and school developments. Working in synergy with sustainable transport infrastructure provision and supported by local policy that encourages sustainable development, travel plans improve and promote access to, from and around development sites. The county council's requirements of travel plans can be found in the current Travel Plan Guidance.

5.2 In the delivery of schools and also commercial and residential developments, the county council will seek reference to the Modeshift STARS accreditation Framework, or any such replacement School Travel Plan accreditation framework. Further details are available via www.modeshiftstars.org. A School Travel Plan would contain practical measures to promote active, healthy, safe and sustainable travel to and from and in the vicinity of schools.

5.3 The county council will seek contributions towards its costs in providing Travel Plan Evaluation and Support throughout the travel plan implementation period for all developments requiring a Travel Plan or Travel Plan Statement.

5.4 The value of the contribution sought will be in accordance with the levels set out in the Travel Plan Guidance current at the time of application. At the time of publishing this Guide, the Travel Plan Guidance states that Travel Plans cost £1,200 per annum for 5 years, with this cost dated from May 2014. Indexing this cost to Q12024 gives a total cost of £8,862. The Travel Plan Evaluation and Support contribution will be secured by a Section 106 agreement or Unilateral Undertaking and index-linked to the date of payment in line with the RPI.

5.5 The county council may seek additional contributions for large development that would fund and enable delivery of additional measures if the objectives or targets of the Travel Plan are not being met, or to mitigate observed impacts of the development on the transport network.
The need for and specifics of these contributions would be determined on a case-by-case basis. The contribution would be included into the agreement along with any other contributions. Developers are encouraged to discuss this at an early stage.

5.6 Securing delivery of the approved travel plan should be written into the agreement.It is not current practice for the county council to seek financial contributions (as planning obligations) towards delivery of Travel Plans. Developers should fund, manage and deliver such measures, monitoring and employ a Travel Plan Co-ordinator themselves, and these commitments should be written into the Travel Plan.

6.0 Strand 2

6.1 A guide to the strand 2 calculation is provided below:

a) HIFP Active Travel Funding Gap: £589,010,000[4]

b) HIFP homes planned from 2017 – 2031: 83,530

c) HIFP jobs planned from 2017 – 2031: 44,650

d) Average bedrooms per dwelling, based on dwelling composition data from the SMART planning database (2002 to 2020): 2.35

e) 2019 National Travel Survey, average daily trip rate: 2.6[5]

f) 2019 National Travel Survey, average daily commuting trip rate: 0.38[6]

g) 2018 Hertfordshire County Travel Survey, proportions of non-car driver trips: 52%

h) Daily non-car driver trip rate: 1.4

i) Daily non-car driver trip employment rate: 0.2

[4] Based on the publication date of the HIFP, contributions would be indexed from Q32018

[5] 2019 NTS0101: Trips, distance travelled and time taken: England. All Trips per annum: 953 (953/52/7 = 2.6).

[6] 2019 NTS0403: Average number of trips, miles and time spent travelling by trip purpose: England. Commuting in 2019: 140 a year (140/52/7 = 0.38).

*Please note numbers may not sum due to rounding.

Calculations, which includes indexation from January 2019 to March 2024 where appropriate*

1. Number of forecasted sustainable daily residential trips from 2017 to 2031:
   a. (b * d) * h = 267,244
2. Number of forecasted sustainable daily non-residential trips from 2017 to 2031: c * i = 8,823
3. Proportion of funding gap based on residential and non-residential trips:
   a. Total: 267,244 + 8,823 = 276,067
   b. Residential: 267,244 / 276,067 = 97%
   c. Non-residential: 8,823 / 276,067 = 3%
4. Residential and no residential contribution of the funding gap based on trips:
   a. Residential: 97% of £589,010,000 = £570,185,769
   b. Non-residential: 3% of £589,010,000 = £18,824,230
5. Contribution per dwelling based on forecasted residential development proportion required to meet Active Travel funding gap (cost per dwelling): £570,185,769 / 83,530 = £6,826. Indexed to March 2024 = **£9,861**
6. Contribution per job based on forecasted non-residential development proportion required to meet Active Travel funding gap (cost per job): £18,824,230 / 44,650 = £422. Indexed to March 2024 = **£610**
7. Cost per non-car driver residential trip: £570,185,769 / 267,244 = £2,133

   Indexed to March 2024 = **£3,081**

8. Cost per non-car driver non-residential trip: £18,824,230 / 8,823 = £2,133

Indexed to March 2024 = **£3,081**

Example 1: 500 residential dwelling

[S106 strand 2 Contribution a 500 residential development: 500 * **£9,681 = £4,930,500]**

[Daily trips of a 500 residential development: 500 * (d * h) = 1,600]

[Cost per trip of a 500 residential development: **£4,930,500** / 1,600 = **£3,081**]

Example 2: a non-residential development creating 100 jobs

[S106 strand 2 Contribution: 100 * £610 = **£61,000**]

[Daily trips of a 100 non-residential development: 100 * i = 19.76]

[Cost per trip of a 100 non-residential development: **£61,000** / 19.76 = **£3,081**]

Summary

6.2 Based on current evidence, the analysis concludes that each non-car driver trip should contribute **£3,081** to S106 strand 2 contributions, which translates to **£9,861** per each average residential dwelling and **£610** per job.