

**Town and Country Planning Act 1990
(as amended)
S78 Appeal**

**Statement in support of planning obligations sought towards
Hertfordshire County Council (non-highways) services**

Appeal by J K Rudkins Builders Ltd under S78 of the Town and Country Planning Act 1990 (as amended) against the non-determination of St Albans City and District Council in respect of the full planning application for the demolition of existing buildings, the construction of up to 115 dwellings, the creation of a new access and associated highways improvements.

**Bricket Wood Sports And Country Club, Paintball Site & Bricket Lodge, Lye Lane,
Bricket Wood, Hertfordshire, AL2 3TF**

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Growth and Infrastructure Unit
On behalf of Hertfordshire County Council (non-highways) services
28/03/2024

Appeal Ref: **APP/B1930/W/24/3338501**

LPA Ref: **5/2022/2443**

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1.0 Introduction

- 1.1 This statement has been produced by Hertfordshire County Council (HCC) in order to assist the Inspector in considering the acceptability of the (non-highways) Section 106 (S106) planning obligations sought by HCC in order to mitigate the impact of the development at Bricket Wood Sports And Country Club, Paintball Site & Bricket Lodge (planning application reference number 5/2022/2443).
- 1.2 It is widely recognised that some developments may impact on infrastructure and services and that planning obligations should be made to mitigate those impacts. Where applicable, HCC seeks financial contributions from residential developments towards county council services including; education, early years, youth, childcare, waste and library facilities. Provision of fire hydrants is also routinely sought through inclusion of relevant planning conditions. In the case of the above proposal for 115 dwellings, financial contributions are sought towards primary education, secondary education, childcare, early years, waste, library and youth services together with the provision of fire hydrants.
- 1.3 It is considered that the requirements of HCC, as set out in this Statement, do meet the tests of Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended 2019) and are in accordance with Policy 143B of the St Albans City and District Local Plan (adopted November 1994) and Strategic Policy SP7 of the emerging St Albans City and District Local Plan (Regulation 18 consultation undertaken 2023).
- 1.4 HCC's Growth and infrastructure Unit acts on behalf of education, early years, youth, childhood support, library, waste, and fire and rescue services. Highway matters are dealt with separately by Hertfordshire Highways.

2.0 Planning Policy Context

- 2.1 The following policy is relevant:-
Central Government Policy
- 2.2 The Government published a revised National Planning Policy Framework (NPPF) in December 2023. This sets out the Government's planning policies for England and replaces previous versions of the NPPF.
- 2.3 The NPPF sets out, in paragraph 10, a "*presumption in favour of sustainable development*". As set out in paragraph 11, this is seen as a thread running through both plan-making and decision-taking. The document states, in paragraph 8, that there

are three overarching objectives to sustainable development: economic, social and environmental:

“Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

*a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*

*c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”*

2.4 The descriptions of the first two objectives, an economic objective and a social objective, emphasise the need for development to be supported by and have access to infrastructure and local services in order to achieve sustainable development.

2.5 The importance of education infrastructure is set out within paragraph 95 of the NPPF. This states that:

“It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

*a) **give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and***

- b) *work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.*

2.6 Paragraph 55 of the NPPF set out the position in terms of the use of planning obligations. This states that:

“Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.”

2.7 Importantly, planning conditions cannot be used in relation to the payment of financial contributions to mitigate the impact of a development (Circular 11/95: Use of conditions in planning permission, paragraph 83). Instead, financial contributions need to be secured through planning obligations.

2.8 Paragraph 57 of the NPPF sets out the tests associated with planning obligations. This states that:

*“Planning obligations must only be sought where they meet all of the following tests:
a) Necessary to make the development acceptable in planning terms;
b) Directly related to the development; and
c) Fairly and reasonably related in scale and kind to the development.”*

2.9 This paragraph reflects Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 which came into force in April 2010 and were subsequently amended in September 2019.

2.10 HCC therefore consider that the provision of necessary infrastructure and community services, as sought for this development, to be an essential part of the Government’s philosophy in relation to the creation of sustainable communities. Furthermore, securing planning obligations, in the form of financial contributions, which meet the statutory CIL tests is a legitimate approach to mitigating the impact this development.

Development Plan Policy

2.11 The need for financial contributions and to secure appropriate provision such as fire hydrants is currently required under Policy 143B of the St Albans City and District Local Plan (adopted November 1994) and HCC’s Planning Obligations Toolkit. Policy 143B of the St Albans City and District Local Plan sets out that ‘The District Council

will expect planning applications for the development of sites to include within them provision for the infrastructure consequences.'

- 2.12 A new local plan is being produced and a regulation 18 draft local plan has been consulted on. Strategic Policy SP7 – Community Infrastructure states that 'In relation to Community Infrastructure the Council...Requires that provision is made for enhancing and providing additional capacity for Community Infrastructure if required as a result of the impacts of new development'. Policy and the supporting text recognises community infrastructure including, but not exclusively, libraries, youth, and education.

Background to County Council policy

- 2.13 Hertfordshire County Council is responsible for delivering and maintaining much of the large-scale infrastructure that its residents and businesses require, such as roads, schools, waste disposal services and libraries. The county councils position on obligations which may arise from a development are set out in the *Hertfordshire County Council Guide to Developer Infrastructure Contributions* ("the Guide") (**Appendix A**).
- 2.14 The Guide provides a Hertfordshire overview of obligations which may be sought as part of the planning process followed by a focus on those obligations which might be sought by the county council to mitigate the impact of development. The technical appendices also provide information on the approach and justification for seeking planning obligations from new development on a service-by-service basis. They advise on thresholds, base charges and comment on the potential use of contributions.
- 2.15 The Guide reflects the changes brought about by the introduction of the Community Infrastructure Level (CIL) Regulations 2010. Updated guidance was also required to reflect changes to the county council's service delivery, the increased costs of delivering infrastructure and mitigating the additional demand from proposed developments, and to provide a multi-service position statement for developers and local planning authority partners. The Guide replaces the previous county council policy document *Planning Obligations Guidance – Toolkit for Hertfordshire*, published in January 2008.
- 2.16 The Guide was approved by Hertfordshire County Council Cabinet on 12th July 2021 (**Appendix B**), following two periods of public consultation (in July 2019 and February 2021) of which the responses received from the consultations influenced the final form of the document. The Guide was subsequently adopted for use on 19th July 2021. Further updates were made to the Guide appendices on 31st October 2022, which included bringing the costs up to date and in line with indexation to 1Q2022. This

Statement therefore sets out the current position and level of contributions required to mitigate this development.

- 2.17 Although the CIL Regulations discourage the use of formulae to calculate contributions, the county council is not in a position to adopt a CIL charge itself. Accordingly, in areas where a CIL charge has not been introduced by the relevant charging authority, planning obligations remain the only route to addressing the impact of a development where financial contributions or provision (e.g. land) is required. In instances where a development is not large enough to require on-site provision but is large enough to generate an impact on service provision, an evidenced mechanism is needed to form the basis of any planning obligation sought. The methodology for county council services, as set out within the Guide and its technical appendices, are considered to be an appropriate evidenced mechanism.
- 2.18 When the planning application for this development (5/2022/2443) was appealed for non-determination the below contributions had been sought by the county council:
- Secondary Education – towards the expansion of Marlborough Academy (£1,008,425 index linked to BCIS 1Q2020)
 - Special Educational Needs and Disabilities (SEND) – towards providing additional Severe Learning Difficulty (SLD) special school places (WEST), through the relocation and expansion of Breakspeare School. (£132,762 index linked to BCIS 1Q2020)
 - Library Service – increasing the capacity of St Albans Central Library or its future re-provision (£9,938 index linked to BCIS 1Q2020)
 - Youth Service – increasing the capacity of Watford Young People’s Centre or its future re-provision (£16,594 index linked to BCIS 1Q2020)
- 2.19 These requirements had previously been provided by Hertfordshire County Council in November 2022 in response to the planning application consultation (**Appendix C**) and were included in the officer’s report when the LPA subsequently resolved that had an appeal against non-determination not been lodged, it would have refused planning permission (**Appendix D**)
- 2.20 However, since the county council responded to the application (and the LPA sought reasons for refusal) there have been several contextual changes which have changed the contributions being sought. Firstly, HCC did not originally seek contributions towards primary education and childcare as there was no suitable project in the area and the expected growth at the time was insufficient to demand a response. Due to the number of applications and appeals in the area in the intervening time, including the potential delivery of a new school, this has now changed. Secondly, HCC has now updated the appendices to the Guide (updated on 31st October 2022). This includes new updated costs and now includes contributions towards waste transfer stations as

part of the municipal waste disposal system, and HCC's requested contributions have been updated to reflect this.

2.21 This Statement therefore sets out the current HCC position in terms of contributions required from the development. The detailed justification and calculation for each requirement is outlined in the relevant sections of the Statement. However, a summary position is as follows:

- Primary Education – towards the new Chiswell Green Primary School and/or provision serving the development (£ 1,275,630 index linked to BCIS 1Q2022)
- Secondary Education – towards the expansion of Marlborough Academy and/or provision serving the development (£1,155,673 index linked to BCIS 1Q2022)
- Special Educational Needs and Disabilities (SEND) – towards providing additional Severe Learning Difficulty (SLD) special school places (WEST) through the relocation and expansion of Breakspeare School and/or provision serving the development (£153,230 index linked to BCIS 1Q2022)
- Childcare – towards increasing resources for 5-11 year old childcare facilities at the new Chiswell Green Primary School and/or provision serving the development (£1,131 indexed linked to BCIS 1Q2022)
- Library Service increasing the capacity of St Albans Central Library or its future re-provision (£23,004 index linked to BCIS 1Q2022)
- Youth Service – towards increasing the capacity of St Albans Young people's Centre and/or provision serving the development (£23,092 index linked to BCIS 1Q2022)
- Waste Service – towards increasing capacity at Waterdale Transfer Station or provision serving the development (£6,416 index linked to BCIS 3Q2022)

2.22 This is an updated position to those requirements and levels of contributions provided when the planning application was originally submitted. If the appeal is allowed and planning permission is granted then HCC considers that the county council requirements and levels of financial contributions should be based on the updated and current HCC guidance, as set out in this Statement.

2.23 This application is for outline planning permission. Therefore, the development mix is currently to be confirmed. Working with the appellant and St Albans City and District Council the indicative development mix set out in paragraph 3.13 of the Statement has been used to provide the indicative levels of contributions which are set out in this Statement. These provide an indication of the likely levels of financial contributions which will need to be secured. However, the county council would include the following table (**Table 1 – Table 5**) in the S106 legal agreement which allows the specific contributions to be calculated based on the actual development mix which is eventually agreed.

TABLE 1: Primary education planning obligations contributions table for including in the S106 Legal Agreement

Service	Type	Tenure	Bedrooms			
			1	2	3	≥ 4
Primary Education (Including Nursery Provision)	Flat	Affordable Rent and/or Social Rent**	£2,322	£14,849	£14,013	£15,567
Primary Education (Including Nursery Provision)	Flat	Open Market and/or Shared Ownership*	£2,441	£5,478	£5,165	£5,974
Primary Education (Including Nursery Provision)	House	Affordable Rent and/or Social Rent**	£1,215	£16,868	£23,471	£27,995
Primary Education (Including Nursery Provision)	House	Open Market and/or Shared Ownership*	£3,782	£7,467	£12,020	£14,722

The tenure terms set out in the tables reflect the terminology used with the submitted Application. Should alternative definitions/types of tenure of units be applicable in the future (e.g. at such time that Reserved Matters applications are submitted and/or as reflected in updated Hertfordshire County Council guidance) then they should be characterised and included as follows:
 * Tenure characteristics similar to open market dwellings and dwellings provided for sale that offers a route to ownership for those who could not achieve home ownership through the market (or other tenures which display these types of characteristics)
 ** Tenure characteristics of 100% rented, reflecting needs assessed dwellings for which the rent is set below local market rents (or other tenures which display these types of characteristics)

TABLE 2: Secondary education planning obligations contributions table for including in the S106 Legal Agreement

Service	Type	Tenure	Bedrooms			
			1	2	3	≥ 4
Secondary Education (Including Post-16 Provision)	Flat	Affordable Rent and/or Social Rent**	£2,058	£13,367	£12,042	£13,382
Secondary Education (Including Post-16 Provision)	Flat	Open Market and/or Shared Ownership*	£2,191	£4,781	£4,416	£5,334
Secondary Education (Including Post-16 Provision)	House	Affordable Rent and/or Social Rent**	£1,221	£15,957	£21,696	£24,229
Secondary Education (Including Post-16 Provision)	House	Open Market and/or Shared Ownership*	£3,590	£6,874	£11,091	£13,514

The tenure terms set out in the tables reflect the terminology used with the submitted Application. Should alternative definitions/types of tenure of units be applicable in the future (e.g. at such time that Reserved Matters applications are submitted and/or as reflected in updated Hertfordshire County Council guidance) then they should be characterised and included as follows:
 * Tenure characteristics similar to open market dwellings and dwellings provided for sale that offers a route to ownership for those who could not achieve home ownership through the market (or other tenures which display these types of characteristics)
 ** Tenure characteristics of 100% rented, reflecting needs assessed dwellings for which the rent is set below local market rents (or other tenures which display these types of characteristics)

TABLE 3: Childcare, library and youth planning obligations contributions table for including in the S106 Legal Agreement

Service	Type	Tenure	Bedrooms			
			1	2	3	≥ 4
Library Services	Flat	Affordable Rent and/or Social Rent**	£110	£198	£257	£274
Library Services	Flat	Open Market and/or Shared Ownership*	£126	£167	£221	£301
Library Services	House	Affordable Rent and/or Social Rent**	£118	£204	£268	£362
Library Services	House	Open Market and/or Shared Ownership*	£141	£173	£229	£284
Youth Services	Flat	Affordable Rent and/or Social Rent**	£23	£136	£405	£481
Youth Services	Flat	Open Market and/or Shared Ownership*	£19	£57	£173	£258
Youth Services	House	Affordable Rent and/or Social Rent**	£23	£202	£476	£824
Youth Services	House	Open Market and/or Shared Ownership*	£42	£66	£211	£397

The tenure terms set out in the tables reflect the terminology used with the submitted Application. Should alternative definitions/types of tenure of units be applicable in the future (e.g. at such time that Reserved Matters applications are submitted and/or as reflected in updated Hertfordshire County Council guidance) then they should be characterised and included as follows:
 * Tenure characteristics similar to open market dwellings and dwellings provided for sale that offers a route to ownership for those who could not achieve home ownership through the market (or other tenures which display these types of characteristics)
 ** Tenure characteristics of 100% rented, reflecting needs assessed dwellings for which the rent is set below local market rents (or other tenures which display these types of characteristics)

Service	Type	Tenure	Bedrooms			
			1	2	3	≥ 4
Childcare Services 5 - 11 years-old	Flat	Affordable Rent and/or Social Rent**	£0	£5	£16	£17
Childcare Services 5 - 11 years-old	Flat	Open Market and/or Shared Ownership*	£1	£3	£7	£10
Childcare Services 5 - 11 years-old	House	Affordable Rent and/or Social Rent**	£0	£7	£29	£44
Childcare Services 5 - 11 years-old	House	Open Market and/or Shared Ownership*	£1	£3	£11	£18

The tenure terms set out in the tables reflect the terminology used with the submitted Application. Should alternative definitions/types of tenure of units be applicable in the future (e.g. at such time that Reserved Matters applications are submitted and/or as reflected in updated Hertfordshire County Council guidance) then they should be characterised and included as follows:

* Tenure characteristics similar to open market dwellings and dwellings provided for sale that offers a route to ownership for those who could not achieve home ownership through the market (or other tenures which display these types of characteristics)

** Tenure characteristics of 100% rented, reflecting needs assessed dwellings for which the rent is set below local market rents (or other tenures which display these types of characteristics)

TABLE 4: SEND primary education planning obligations contributions table for including in the S106 Legal Agreement

Service	Type	Tenure	Bedrooms			
			1	2	3	≥ 4
SEND Primary Education	Flat	NA	£194	£194	£194	£194
SEND Primary Education	House	NA	£654	£654	£654	£654

The tenure terms set out in the tables reflect the terminology used with the submitted Application. Should alternative definitions/types of tenure of units be applicable in the future (e.g. at such time that Reserved Matters applications are submitted and/or as reflected in updated Hertfordshire County Council guidance) then they should be characterised and included as follows:

* Tenure characteristics similar to open market dwellings and dwellings provided for sale that offers a route to ownership for those who could not achieve home ownership through the market (or other tenures which display these types of characteristics)

** Tenure characteristics of 100% rented, reflecting needs assessed dwellings for which the rent is set below local market rents (or other tenures which display these types of characteristics)

TABLE 5: SEND secondary education planning obligations contributions table for including in the S106 Legal Agreement

Service	Type	Tenure	Bedrooms			
			1	2	3	≥ 4
SEND Secondary Education	Flat	NA	£66	£66	£66	£66
SEND Secondary Education	House	NA	£752	£752	£752	£752

The tenure terms set out in the tables reflect the terminology used with the submitted Application. Should alternative definitions/types of tenure of units be applicable in the future (e.g. at such time that Reserved Matters applications are submitted and/or as reflected in updated Hertfordshire County Council guidance) then they should be characterised and included as follows:

* Tenure characteristics similar to open market dwellings and dwellings provided for sale that offers a route to ownership for those who could not achieve home ownership through the market (or other tenures which display these types of characteristics)

** Tenure characteristics of 100% rented, reflecting needs assessed dwellings for which the rent is set below local market rents (or other tenures which display these types of characteristics)

2.24 This approach provides the certainty of identified contribution figures with the flexibility for an applicant/developer to confirm the dwelling mix at a later stage and the financial contribution to be calculated accordingly and without the need for a Deed of Variation to the legal agreement. This ensures the contributions remain appropriate to the development and thereby meet the third test of Regulation 122 of the Community Infrastructure Levy Regulations 2010: “fairly and reasonably related in scale and kind to the development”.

Triggers

- 2.25 HCC has a responsibility to ensure that appropriate mitigation measures are in place prior to the need generated by a development site. With consideration of lead-in times for project delivery, HCC's position is, wherever possible, to seek payment of financial contributions at the earliest possible trigger date and in advance of the need being generated. This also reduces risks of later trigger points which may be significantly delayed or never reached although an element of the impact would have arisen. The triggers for payment of contributions for the various county council service requirements are included in the relevant sections in this Statement.

Indexation

- 2.26 The county council requires financial contributions to be subject to indexation, to account for inflation and ensure their value is retained. Therefore, indexation will need to be applied to the contributions required from this development. The required contributions are based on costs as of 1Q2022 based on the Building Cost Information Service (BCIS) All in TPI indices, apart from the county council monitoring fees (which are based on costs as of July 2021, based on the Retail Price Index (RPI) indices) and the waste transfer station contributions (which are based on BCIS 3Q2022).
- 2.27 Indexation should be applied from the date at which the costs are set (July 2021 for the county council monitoring fees, 3Q2022 for the waste transfer station contributions and 1Q2022 for all other contributions) not at the point of determination of the application or signing of the S106 legal agreement. Increases in indexation need to be applied from the finalised index figure published by the Royal Institution of Chartered Surveyors in its last quarterly publication prior to 1Q2022 (or July 2021 for the county council monitoring fees, or 3Q2022 for the waste transfer station contributions), to the finalised index figure published by the Royal Institution of Chartered Surveyors in its last quarterly publication published before the date of payment of the contributions.

Legal Agreement

- 2.28 HCC has not currently seen a draft Section 106 legal agreement for the above proposed developed. As a result of the requirements of CIL Regulation 122, the county council does not encourage the submission of S106 unilateral undertakings which it has not had an opportunity to comment on.

3.0 Justification

- 3.1 As set out above, it is widely recognised at all levels of policy that some developments may impact on infrastructure and services provided by public bodies and that, where

relevant, this impact should be addressed through financial mitigation to offset those impacts. The infrastructure and services affected by the appeal proposal are considered in more detail below. This Statement should be considered in conjunction with the Guide (**Appendix A**) and its relevant technical appendices.

- 3.2 The overriding principle which governs Hertfordshire County Council's approach to seeking S106 financial contributions is that development proposals which generate a net increase to the number of dwellings within any given area would in most cases result in an increase in population, and as such would necessitate the need for additional capacity to be provided for the new residents.
- 3.3 To determine whether or not a financial contribution is required, the county council firstly calculates the number of people arising from the development that will require access to that specific service, and then compares this to the capacity of current provision. This is a well-established process based on robust figures and information.
- 3.4 In order to calculate the likely population to arise from any given development, the county council has developed a census-based model, the Hertfordshire Demographic Model ("the Model"). The Model projects the average number of people, based on the specific service requirement, likely to emerge from different types, sizes and tenures of dwellings over time. A guide to the Hertfordshire Demographic Model, which provides a more detailed explanation as to the inputs and outputs of the Model, is provided in **Appendix E**.
- 3.5 The modelled yields are calibrated against observed yields from recent new developments in Hertfordshire, which have been assessed as part of a recent, detailed, pupil yield study (further information on the *Hertfordshire County Council Pupil Yield Survey* is included in **Appendix F**). This ensures that the Hertfordshire Demographic Model is based on the most up-to-date information. In terms of education requirements, it also means that the Hertfordshire Demographic Model adheres to paragraph 17 of the Department for Education (DfE) Guidance (*Securing developer contributions for education*, August 2023, **Appendix G**):

"Pupil yield factors should be based on up-to-date evidence from previous local housing developments, so you can predict the education needs for each phase and type of education provision arising from new development."

- 3.6 Given that the Hertfordshire Demographic Model is based on the most up-to-date information related to development in Hertfordshire and provides the county council with the necessary baseline evidence in order to support the requests for financial contributions, the county council therefore considers that the Hertfordshire Demographic Model is a reasonable and robust approach to calculating the impact of

development. Further justification and evidence on the use of the Hertfordshire Demographic Model is set out in section 1.1 of *A Guide to the Hertfordshire Demographic Model (Appendix E)*.

- 3.7 It must be noted that calculations within the Model use unrounded data as per analytical best practice. However, for accessibility and demonstrative purposes, pupil count figures referenced in this Statement (for primary education, secondary education and nursery provision) have been rounded to the nearest two decimal places.
- 3.8 As such, the level of contributions, for primary education, secondary education and nursery provision, presented in this Statement may not correspond exactly with the final sum of contributions sought by the Model. On average, there is a +/-0.03% difference between the final contribution sought by the Model and the contribution calculation process demonstrated in the primary education, secondary education and nursery provision sections below. This difference is not statistically significant.
- 3.9 Figures generated by the Model should be taken as the agreed value of contributions sought by the county council, with the tables in the primary education, secondary education and nursery provision sections being for demonstrative purposes only.
- 3.10 The cumulative impact of developments on local service provision is an important consideration. The use of formulae and standard charges is a means of addressing the likely cumulative impact of development in a fair and equitable way. Therefore, where necessary and appropriate, the county council will seek financial contributions to fund both on-site and off-site provision arising from the cumulative impact of development in an area.
- 3.11 The approach set out above clearly demonstrates that the principle and process of seeking financial contributions applied by Hertfordshire County Council are both sound and reasonable. The county council considers that through the use of the Guide and the Model planning applications are dealt with in an equitable, fair and transparent manner.
- 3.12 Seeking financial contributions as set out within this Statement also conforms and complies to the three CIL tests (as set out within Regulation 122 of the CIL Regulations 2010 and paragraph 57 of the NPPF):
1. Through the process of analysing the capacity of existing provision in an area the financial contributions are only sought where they are **necessary to make the development acceptable in planning terms** (e.g., where sufficient spare capacity does not exist to mitigate the level of population arising).
 2. Contributions are spent on additional capacity and provision in facilities within the area that the development is located in and are therefore **directly related to the development**.

3. Through use of the Model, the level of contributions sought are proportional to the population arising from the development and are therefore *fairly and reasonably related in scale and kind to the development*.

3.13 The populace projections set out within this Statement for each service are based on the indicative mix of units set out in **Table 6** below:

TABLE 6: Indicative Development mix for Bricket Wood Sports And Country Club, Paintball Site & Bricket Lodge (5/2022/2443):

HOUSES			FLATS		
Number of bedrooms	Market & Shared Ownership	Affordable Rent & Social rent	Number of bedrooms	Market & Shared Ownership	Affordable Rent & Social rent
1	15	6	1	0	0
2	26	9	2	0	0
3	25	9	3	0	0
4+	15	4	4+	0	0
Total	81	28	Total	0	0

4.0 Education Provision – Background Information

- 4.1 The county council is the Local Authority with the statutory responsibility for the provision of education services. It has a duty to ensure that there are sufficient school places in an area, ensuring that every child has access to a school place and to meet the needs of the population. This includes; primary education provision, secondary education and sixth-form education provision, and special needs services and facilities.
- 4.2 As the county council has the statutory responsibility to ensure that there are sufficient school places available across the county, it remains the appropriate authority to assess the requirements for school place provision for any new housing developments, be a signatory to any S106 agreement which includes education provision and receive the appropriate financial contributions.
- 4.3 In terms of education contributions, the overriding principle which governs Hertfordshire County Council's approach is that development proposals which generate a net increase in the number of dwellings within any given area, would in most cases, result in an increase in children, and as such would necessitate the need for additional school places to be provided for the children requiring them.

- 4.4 To determine whether or not education contributions are required, the county council first calculates the number of pupils arising from the development. Then, it compares this to the capacity of the planning area in which the development is located. This is a well-established process based on robust figures and information. When calculating the number of pupils and considering the pressure on the schools within the planning area, the county council considers the cumulative impact of any developments in the area.
- 4.5 The school capacity is considered when the development starts to yield children rather than any earlier date when dwellings have not been built or occupied. For primary education provision, consideration is given to the school capacity over the next four years, as birth information is not known further into the future.
- 4.6 The capacity of local schools is informed by the county council's pupil forecasts. This forecast model has been developed for and is operated by HCC's Children's Services Department. These pupil forecasts are produced annually using up-to-date data of 0 to 4 years olds living in an area and historical migration patterns. The forecasts may also take into account an element of known new housing developments which are proposed nearby.
- 4.7 Pupil forecasts are based on pupil planning areas. When considering whether or not there are surplus school places, the county council only considers the pupil planning area or areas in which the proposed development lies. The reason for this is that if journeys to school exceed the statutory walking distances or do not have an available route, the county council would be required to provide transport, with additional ongoing revenue costs and sustainability concerns. Not planning on this basis could give rise to issues of accessibility, additional congestion from car trips and road safety (crossing roads and cycling, etc).
- 4.8 If there a need for more capacity at the schools within the pupil planning area to meet the needs arising from the development, then the county council will seek a financial contribution from the development in order to provide for the additional places, as long as a suitable project exists and is deliverable. Not planning on this basis could give rise to issues of accessibility and additional congestion from car trips and would not align with the county council's sustainability aspirations and its adopted local transfer plan policies.
- 4.9 When considering the cost of new education provision and the level of contributions that should be sought, HCC applies the DfE scorecard costs. The rationale for this is that the DfE guidance (*Securing developer contributions for education, August 2023, Appendix G*) makes it clear that when calculating the cost of education provision, including primary education, secondary education, nursery and post-16 costs, the assumed cost of mainstream school places should be based on the national average

costs published in the DfE school place scorecards (paragraph 32 of *Securing developer contributions for education*, August 2023):

“We advise that you base the assumed cost of mainstream school places on the relevant average regional costs published in the DfE school place scorecards.”

- 4.10 The current DfE Scorecard costs, for primary and secondary education provision, can be found in **Appendix H**. In addition, HCC includes an additional 10% contribution for improved sustainability measures. The DfE is committed to supporting the Government’s targets on climate change, including achieving net zero carbon emissions by the 2050 target, as set out in the Climate Change Act 2008. The DfE has calculated within its *Basic Need Allocation 2023-24 and 2024-25: Explanatory note on methodology (Appendix I)* that to accommodate the additional cost of building sustainable schools, the per-pupil rate must be uplifted by 10% to meet improved sustainability standards for a typical school. This includes considerations relating to buildings that are net zero carbon in operation and with additional climate resilience measures. Costs for improved sustainability measures are not yet reflected in the DfE school places scorecard values. Therefore, the county council will seek an additional 10% contribution per pupil place, towards provision of a new school or school expansion projects meeting the sustainability standards now expected of new education facilities. Not doing so would mean that new and/or expanded school facilities would not meet required sustainability standards.
- 4.11 New housing tends to attract a greater proportion of young families than older housing, yielding higher pupil numbers particularly in the pre-school and primary age groups. The Model allows the pupil yield projection to change with time, as children grow older and age into different school phases and, in the longer term, the development starts to conform to an age structure in line with mature housing stock in the wider community. The result is often a peak in demand in the medium term as, for example, pre-school children age into the primary phase. The county council seeks contributions which reflect this change over time and recognise that an element of ‘temporary’ provision may be needed to meet peaks in demand.
- 4.12 Permanent per-place costs are sought for places needed for a period of seven years or more at the primary phase and five years or more at the secondary phase. Temporary per-place costs will be sought for places which would be required for less than seven years at primary, or less than five years at secondary. Seven and five years represent the lifetime of one cohort at the primary and secondary phase respectively and provides a reasonable delineation between the requirement for permanent and temporary provision. Further information on assessing need and calculating education contributions is set out in Section 2 of the technical appendix to the Guide, *Technical appendix 3: Education (Mainstream Schools) (Appendix J)*.

4.13 It is important to note that the approach highlighted above (using the Model and DfE scorecard costs to calculate the financial contributions) was also used to calculate the primary education contributions which were sought for the development at Land to the west of Lytton Way, Stevenage (planning application reference number 19/00474/FPM). Planning permission for that application was refused and the decision was appealed (appeal reference number APP/K1935/W/20/3255692). In his appeal decision the Inspector clearly and specifically considered that the methodology used by the county council, which is the same as applied for this development, was an exemplary application of government advice (Paragraph 98, **Appendix K**):

“The way that the County Council has calculated the financial contribution requested from this development is an exemplary application of government advice.”

5.0 Primary Education Provision

5.1 Primary education services are assessed on the basis of primary education planning areas. The development at Bricket Wood Sports And Country Club, Paintball Site & Bricket Lodge falls within both the St Stephens and Park Street pupil planning areas (**Appendix L**).

5.2 As can be seen in the forecast (**Tables 7 and 8**), there is currently a close match between primary places available and demand within the two primary planning areas taken as a whole.

TABLE 7: St Stephen's Pupil Planning Area – 2023/24 forecast data

12.7 St Stephen's										
School Code	School Name	Places Available 2023-24	Actuals			Forecast				
			2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28
2444	Mount Pleasant Lane Primary School	45	33	35	28					
Total Year R Pupil Demand			33	35	28	32	36	37	40	38
Total Year R Places Available			45			45	30	30	30	30
Surplus or Shortage of Year R Places (No.)						13	-6	-7	-10	-8
Surplus or Shortage of Year R Places (%)						28.9%	-20.0%	-23.3%	-33.3%	-26.7%
Surplus or Shortage of Year R Places (FE)						0.4	-0.2	-0.2	-0.3	-0.3

Source: [School planning | Hertfordshire County Council](#)

TABLE 8: Park Street Pupil Planning Area – 2023/24 forecast data

12.8 Park Street										
School Code	School Name	Places Available 2023-24	Actuals			Forecast				
			2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28
2252	How Wood Primary and Nursery School	30	30	30	25					
3364	Park Street Church of England Voluntary Aided Primary School	30	20	20	13					
Total Year R Pupil Demand			50	50	38	40	46	41	33	38
Total Year R Places Available		60				60	60	60	60	60
Surplus or Shortage of Year R Places (No.)						20	14	19	27	22
Surplus or Shortage of Year R Places (%)						33.3%	23.3%	31.7%	45.0%	36.7%
Surplus or Shortage of Year R Places (FE)						0.7	0.5	0.6	0.9	0.7

Source: [School planning | Hertfordshire County Council](#)

- 5.3 This site is forecast to yield 0.24FE. Based on the St Stephens and Park Street PPAs, where there is a close match of supply and demand of places taken as a whole, there is insufficient education capacity to meet the known and unknown level of demand from development. On 22nd March 2024 the Secretary of State allowed two appeals at Land South of Chiswell Green Lane site and St Stephen's Green Farm delivering 391 and 300 homes respectively in the same area as this site, requiring HCC to plan for 1.73FE of demand. There is insufficient capacity in the area to meet the demand from these two sites alone. Moreover there are also other undetermined applications and appeals in the area, including 190 homes at Copsewood, Lye Lane; 53 homes at Ragged Hall Lane; and 12 homes at Bucknalls Drive, requiring HCC to plan for 0.64FE of demand. The overall quantum of development in the area therefore requires the delivery new education capacity to mitigate the impact of permitted and prospective development. In this context and the context of the absence of a local plan setting out the quantum of growth and mitigation, HCC needs a level of certainty of being able to meet its statutory duty to provide for a school place for every child. Therefore a s106 contribution is necessary, as set out below.
- 5.4 Furthermore, As outlined in paragraph 4.7 above, the primary forecasts only project four years into the future. As a result, they do not capture in full the significant scale of proposed or planned housing growth beyond this period or the anticipated pupil demand from it.
- 5.5 The education strategy to mitigate the impact of development in this area is the delivery of a new primary school at Land South of Chiswell Green Lane. On 22nd March 2024 the Secretary of State allowed two appeals at Land South of Chiswell Green Lane site and St Stephen's Green Farm delivering 391 and 300 homes respectively in the same area as this site. The Land South of Chiswell Green Lane site includes land and contributions to be provided as a planning obligation for the delivery of a new school. It is therefore reasonable for all sites within the area to contribute to the education strategy for the area as a whole, without which growth could not be

mitigated. Moreover, this new school will become the nearest school to this site and it is therefore extremely likely that pupils yielded will attend this provision.

- 5.6 In the response to this planning application (on 17 November 2022, **Appendix C**) HCC did not seek primary education contributions as there was not an identified deliverable project in the area at the time. One of the Chiswell Green applications had been refused at committee and the Copsewood application had not come forward. This has now changed as the Chiswell Green applications have been determined, both creating the level of demand to require a new school and providing a site to establish a deliverable project.
- 5.7 Therefore, proportional financial contributions towards primary education mitigation are now sought, from new residential developments in the area, including this site, towards increased primary education capacity serving the development.
- 5.8 The mainstream primary education and nursery provision contributions together total **£1,254,521** (index linked to 1Q2022 – BCIS All in TPI). The paragraphs below set out how this contribution has been calculated. For accessibility and demonstrative purposes, the number of children has been rounded to the nearest two decimal places whilst the Model uses unrounded data. Therefore, there is a minimal difference in the figures in the paragraphs below and the actual total contribution of £1,254,521 which is being sought.
- 5.9 For mainstream primary education provision, based on the indicative development mix in paragraph 3.13 above, the Model projects that a development with these characteristics would, on average, generate a peak of 50.52 primary-aged children, resulting in a peak of 0.24 forms of entry (FE).
- 5.10 Based on the DfE scorecard costs (**Appendix I**), the permanent cost per place for a new primary school is £23,715 of which 42.65 places are charged at this rate. Based on the DfE scorecard costs, the temporary rate is £9,429 of which 7.87 places are charged at this rate. Note that as set out in paragraphs 3.7 – 3.9, for accessibility and demonstrative purposes, the number of children has been rounded to the nearest two decimal places whilst the Model uses unrounded data.
- 5.11 For compulsory primary education provision a financial contribution of £1,085,622 would be sought. **Table 9** provides an indication of how this contribution has been calculated. The minimal difference in the contribution set out in **Table 9** is that the Model uses unrounded data whilst, for accessibility and demonstrative purposes, the number of children in the table has been rounded to the nearest two decimal places, see paragraphs 3.7 – 3.9.

Table 9: Permanent and temporary charging rate and number of places charged for mainstream Primary education contributions (excluding nursery contributions):

	Number of Places	Charge Rate	Contributions Sought
	42.65	£23,715	£1,011,418
	7.87	£9,429	£74,203.83
Total	50.52		£1,085,622

- 5.12 New primary education provision is expected to include nursery provision within it, and therefore nursery contributions need to be included. Further background and justification for seeking nursery contributions is in section 8 below. For nursery provision, based on the indicative development mix in paragraph 3.13 above, the Model has projected that this development is likely to generate 7.86 children. Note that as set out in paragraphs 3.7 – 3.9, for accessibility and demonstrative purposes, the number of children has been rounded to the nearest two decimal places whilst the Model uses unrounded data.
- 5.13 Based on the DfE scorecard costs (**Appendix H**) of £23,715 per permanent place and £9,429 per temporary place, the county council would seek £168,899 in nursery contributions. **Table 10** provides an indication of how this contribution has been calculated. The minimal difference in the contribution set out in **Table 10** is that the Model uses unrounded data whilst, for accessibility and demonstrative purposes, the number of children in the table has been rounded to the nearest two decimal places, see paragraphs 3.7 – 3.9.

Table 10: Permanent and temporary charging rate and number of places charged for nursery contributions:

	Number of Places	Charge Rate	Contributions Sought
	6.64	£23,715	£157,355
	1.22	£9,429	£11,545
Total	7.86		£168,899

- 5.14 It is recognised that although the land for the primary school is part of another development site, the need for the school also arises from other development sites in the area, which includes the development at Land Off Station Road. The preferred approach is for the primary education contributions paid by the other sites in the area to be increased by the relative % of the primary school land costs. Therefore, it is

reasonable that proportionate land costs are also applied to the primary education contribution arising from this development.

- 5.15 HCC is clear that, given the allocation for education use within the planning permission this land should be valued as education use rather than residential. This is consistent with the approach which has already been successfully adopted in other parts of the county.
- 5.16 As has already been established, this development is generating **0.24FE** of primary education yield. This is **12%** of the overall capacity of the new 2FE primary school (0.24FE / 2FE). The primary education contribution paid by the development Bricket Wood Sports And Country Club, Paintball Site & Bricket Lodge therefore needs to be increased by 12% of the primary school land costs.
- 5.17 It should be noted that in a number of recent instances HCC have received land from developers, towards school provision, at nil value as without the facilities provided by the new school the development would not have been viable. The most recent example HCC have of valuing land for educational use valued the land at approximately £35,000 per acre (so approximately £86,450 per hectare, £35,000 x 2.47).
- 5.18 The site area for a 2FE primary school is 2.03 hectares. Therefore, the value of the land is £175,493 (£86,450 x 2.03ha). 12% of the land costs (12% being the demand arising from this development) is **£21,109** (£86,450 x 12%).
- 5.19 Therefore the total financial contribution request for primary education mitigation sought from this development is **£1,275,630** (£1,085,622 + £188,899 + £21,109) (index linked to 1Q2022 – BCIS All in TPI), to be used **towards the new Chiswell Green Primary School and/or provision serving the development.**
- 5.20 The funding of this project will be through financial contributions secured from developments in the area, including this site, with any shortfall being met through alternative funding sources. The project will therefore be able to be delivered.
- 5.21 As set out in paragraph 2.25, the county council has a responsibility to ensure that appropriate mitigation measures are in place prior to the need generated by a development site with consideration of lead-in times for project delivery. On this basis, the county council therefore considers that the following triggers for payment of the primary education contributions arising from this development are reasonable and justifiable:
- 100% of the primary education contribution prior to commencement of development

5.22 Further information on the assessment of primary education contributions is available in the technical appendix to the Guide, *Technical appendix 3: Education (Mainstream Schools)* (**Appendix J**).

6.0 Secondary Education Provision

6.1 Secondary education services are assessed on the basis of secondary education planning areas. The development at Bricket Wood Sports And Country Club, Paintball Site & Bricket Lodge falls within the St Albans secondary pupil planning area (**Appendix K**), and families living in the area predominantly look to St Albans for secondary education provision.

6.2 As can be seen in the forecast (**Table 11**), there is a deficit in secondary pupil places available in the St Albans secondary planning area.

TABLE 11: Pupil Planning Area – St Albans 2023/24 forecast data

12 St Albans												
School Code	School Name	Places Available 2023-24	Actuals			Forecast						
			2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30
4003	Samuel Ryder Academy	230	184	208	204							
4011	Verulam School	210	153	155	159							
4043	Beaumont School	240	210	211	240							
4083	St Albans Girls' School	241	238	240	240							
4197	Sandringham School	240	240	243	242							
4606	Townsend CofE School	180	138	116	149							
4620	Loreto College	150	160	160	160							
5412	Nicholas Breakspeare Catholic School	180	186	186	186							
5414	Marlborough School	240	240	212	236							
Total Year 7 Pupil Demand			1,749	1,731	1,816	1,816	1,797	1,784	1,797	1,804	1,759	1,684
Total Year 7 Places Available			1,911			1,911	1,712	1,712	1,712	1,712	1,712	1,712
Surplus or Shortage of Year 7 Places (No.)						95	-85	-72	-85	-92	-47	28
Surplus or Shortage of Year 7 Places (%)						5.0%	-5.0%	-4.2%	-5.0%	-5.4%	-2.7%	1.6%
Surplus or Shortage of Year 7 Places (£)						3.2	-2.8	-2.4	-2.8	-3.1	-1.6	0.9

Source: [School planning | Hertfordshire County Council](#)

6.3 Given the further levels of new housing growth proposed in and around St Albans, of which not all of this development is factored into the forecast, it is anticipated that additional secondary education capacity will therefore be required in the future in order to mitigate the additional demand being created from this development.

6.4 As a result of the level of development proposed in the area the secondary education project which will mitigate this impact is the expansion of Marlborough Academy in south west St Albans.

- 6.5 This mitigation project was reflected in the county council's response to this planning application (on 17 November 2022, **Appendix C**) in which HCC noted that secondary education mitigated of this development would be through the expansion of Marlborough Academy in south west St Albans.
- 6.6 Therefore, proportional financial contributions towards secondary education mitigation are sought, from new residential developments in the area, including this site, towards the expansion of Marlborough Academy in south west St Albans.
- 6.7 The mainstream secondary education and Post-16 provision contributions total **£1,155,673 index linked to BCIS 1Q2022**). The paragraphs below set out how this contribution has been calculated. For accessibility and demonstrative purposes, the number of children has been rounded to the nearest two decimal places whilst the Model uses unrounded data. Therefore, there is a minimal difference in the figures in the paragraphs below and the actual total contribution of £1,155,673 which is being sought.
- 6.8 For mainstream secondary education provision, based on the indicative development mix in paragraph 3.13 above, the Model projects that a development with these characteristics would, on average, generate a peak of 50.52 secondary-aged children, resulting in a peak of 0.24 forms of entry (FE).
- 6.9 Based on the DfE scorecard costs (**Appendix H**), the permanent cost per place for a secondary school expansion is £27,503 of which 35.77 places are charged at this rate. Based on the DfE scorecard costs, the temporary rate is £10,414 of which 3.73 places are charged at this rate. Note that as set out in paragraphs 3.7 – 3.9, for accessibility and demonstrative purposes, the number of children has been rounded to the nearest two decimal places whilst the Model uses unrounded data.
- 6.10 For compulsory secondary education provision a financial contribution of £920,094 would be sought. **Table 12** provides an indication of how this contribution has been calculated. The minimal difference in the contribution set out in **Table 12** is that the Model uses unrounded data whilst, for accessibility and demonstrative purposes, the number of children in the table has been rounded to the nearest two decimal places, see paragraphs 3.7 – 3.9.

Table 12: Permanent and temporary charging rate and number of places charged for mainstream Secondary education contributions (excluding Post-16 contributions):

	Number of Places	Charge Rate	Contributions Sought
	32.04	£27,503	£881,300
	3.73	£10,414	£38,793

Total			£920,094
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- 6.11 For Post-16 provision, based on the indicative development mix in paragraph 3.13 above, the Model has projected that this development is likely to generate 9.16 children. Note that as set out in paragraphs 3.7 – 3.9, for accessibility and demonstrative purposes, the number of children has been rounded to the nearest two decimal places whilst the Model uses unrounded data.
- 6.12 In paragraph 36, the DfE guidance (*Securing developer contributions for education*, August 2023, **Appendix G**) is clear that “sixth form places provided within secondary schools will cost broadly the same as a secondary school place”. Therefore, based on the DfE scorecard costs (**Appendix H**) of £27,503 per permanent place and £10,414 per temporary place, the county council would seek £235,579 in post-16 contributions. **Table 13** provides an indication of how this contribution has been calculated. The minimal difference in the contribution set out in **Table 13** is that the Model uses unrounded data whilst, for accessibility and demonstrative purposes, the number of children in the table has been rounded to the nearest two decimal places, see paragraphs 3.7 – 3.9.

Table 13: Permanent and temporary charging rate and number of places charged for Post-16 contributions:

	Number of Places	Charge Rate	Contributions Sought
	8.20	£27,503	£225,647
	0.95	£10,414	£9,933
Total	9.16		£235,580

- 6.13 Therefore the total financial contribution request for secondary education mitigation sought from this development is **£1,155,673** (£920,094 + £235,580) (index linked to 1Q2022 – BCIS All in TPI), to be used **towards the expansion of Marlborough Academy and/or provision serving the development.**
- 6.14 The funding of this project will be through financial contributions secured from developments in the area, including this site, with any shortfall being met through alternative funding sources. The project will therefore be able to be delivered.
- 6.15 As set out in paragraph 2.25, the county council has a responsibility to ensure that appropriate mitigation measures are in place prior to the need generated by a development site with consideration of lead-in times for project delivery. On this basis,

the county council therefore considers that the following triggers for payment of the secondary education contributions arising from this development are reasonable and justifiable:

- 100% of the secondary education contribution prior to commencement of development

6.16 Secondary education contributions, towards this project, were requested in the original response to the planning application (**Appendix C1**). Further information on the assessment of secondary education contributions is available in the technical appendix to the Guide, *Technical appendix 3: Education (Mainstream Schools)* (**Appendix I**).

7.0 Special Educational Needs and Disabilities Provision

7.1 The county council has a duty to promote high standards of education, fair access to education and a general duty to secure the sufficiency of school places. It must consider the need to secure provision for children with Special Educational Needs and Disabilities (SEND), including the duty to respond to parents' representations about education provision.

7.2 Children in Hertfordshire with SEND have their needs met within a range of inclusive provision. The majority of children will be accommodated within mainstream schools, some with additional support. Some children will need intensive support in a smaller environment and will be supported at specialist provision including specialist resource provision and units/bases in mainstream schools. Others will need a special school place.

7.3 The county council has developed a short-term forecasting methodology for special schools based on historical analysis of placements and demand. Where it can be demonstrated that existing capacity is unable to mitigate the impact of development, the county council will seek to secure obligations to create additional provision, whether through the expansion of existing provision or the creation of new provision.

7.4 All Hertfordshire special schools are at capacity and demand for places continues to rise both from the existing population as well as through significant levels of new growth in the county.

7.5 To meet the rising demand for special school provision and to ensure that there is sufficient capacity for children with special educational needs and disabilities, in high quality local provision that meets their needs the county council have developed a strategy, the *SEND Special School Place Planning Strategy 2020-2023* (Autumn 2020) (**Appendix M**).

- 7.6 The Strategy identifies a significant shortfall in places in the Severe Learning Difficulty (SLD) school and Profound Neurological Impairment (PNI) sectors with the forecast showing a rise by 364 places between January 2020 and January 2025. It is a priority of the Strategy to mitigate this increase by creating up to 300 new SLD places to meet demand now and into the future. The forecast shows that 75% of the overall increase in demand across the life of the forecast is for SLD and PNI places.
- 7.7 The county council are currently developing proposals to provide 113 new places for children with SLD in the west of the county, through the relocation and expansion of Breakspere School, and another 100 SLD places in the east of the county. The earliest these places will be delivered is January 2024 for the places in the west and September 2024 for the places in the east.
- 7.8 Those SEND pupils, aged from 2 years to 19 years, arising from this development will be mitigated by the proposed new Severe Learning Difficulty school in the west of the county.
- 7.9 In paragraphs 25 – 30 of the DfE guidance (*Securing Developer Contributions for Education*, August 2023, **Appendix G**) it states that it is reasonable and fair to seek developer contributions for SEND provision in direct proportion to the needs arising from a housing development related to pupils requiring provision in a special school, a specialist provision in a mainstream school, a pupil referral unit or other alternative provision.
- 7.10 The county council calculates contributions for SEND provision using flat rate sector values by dwelling type multiplied by the number of dwelling proposed within a development. For SEND primary provision this is £565 per house and £168 per flat. For SEND secondary provision this is £653 per dwelling and £58 per flat.
- 7.11 Therefore, based on the indicative development mix set out at paragraph 3.13 above the total contributions sought for SEND provision are **£153,230**. The details for how this has been calculated are set out in **Table 14** and **Table 15**.

Table 14: Charging rate and number of dwellings charged for SEND Contributions (primary):

SEND Primary			
	Cost Per Dwelling	No. Dwellings	Contributions Sought
Houses	£ 654	81	£52,954
Flats	£ 194	28	£5,425
		Total	£58,379

Table 15: Charging rate and number of dwellings charged for SEND Contributions (secondary):

SEND Secondary			
	Cost Per Dwelling	No. Dwellings	Contributions Sought
Houses	£ 752	81	£60,914
Flats	£ 66	28	£1,861
		Total	£62,775

- 7.12 The total SEND contribution of **£153,230** (index linked to 1Q2022 – BCIS All in TPI) is to be used towards the delivery of a **new Severe Learning Difficulty special school in the west of the county**, for pupils aged from 2 years to 19 years.
- 7.13 The funding of this project will be through financial contributions secured from developments in the area, including this site, with any shortfall being met through alternative funding sources. The project is therefore deliverable.
- 7.14 As set out in paragraph 2.25, the county council has a responsibility to ensure that appropriate mitigation measures are in place prior to the need generated by a development site with consideration of lead-in times for project delivery. On this basis, the county council therefore considers that the following triggers for payment of the SEND contributions arising from this development are reasonable and justifiable:
- 100% of the SEND contribution prior to commencement of development
- 7.15 SEND contributions, towards this project, were requested in the original response to the planning application (**Appendix C**). Further information on the assessment of SEND contributions is available in the technical appendix to the Guide, *Technical appendix 4: Education (Special Schools and Specialist Provision)* (**Appendix N**).

8.0 Nursery Provision

- 8.1 The county council currently has a number of statutory duties it has to meet regarding nursery provision including; free early education for eligible 2 year olds, free early education for 3 and 4 year olds, and thirty hours free childcare for 3 and 4 year olds. This can be provided through; nursery classes in mainstream schools, maintained nursery schools, preschool/playgroups, and day nurseries.
- 8.2 In paragraph 23, the DfE guidance (Securing developer contributions for education, August 2023, Appendix G) is clear that “*All new primary schools are now expected to include a nursery. Developer contributions have a role to play in helping to fund*

additional early years places for children aged 0-4 where these are required due to housing growth, whether these are attached to schools or delivered as separate settings.” Therefore, as new nursery places are expected to be delivered alongside new primary school places, the county council will seek nursery contributions commensurate with the cost of primary school provision, as shown in the DfE Scorecard (**Appendix H**).

- 8.3 Therefore, a contribution is sought for nursery provision to be used towards a project to provide additional nursery places at the primary education provision serving the development.
- 8.4 Planning obligations towards nursery provision are assessed using the Hertfordshire County Council Demographic Model which forecasts the number of nursery-aged children likely to emerge from different types, sizes and tenures of dwellings. For nursery provision, based on the indicative development mix in paragraph 3.13 above, the Model has projected that this development is likely to generate 7.86 children. Note that as set out in paragraphs 3.7 – 3.9, for accessibility and demonstrative purposes, the number of children has been rounded to the nearest two decimal places whilst the Model uses unrounded data.
- 8.5 In paragraph 36, the DfE guidance (*Securing developer contributions for education*, August 2023, **Appendix G**) is clear that “the per pupil cost of early years provision is assumed to be the same as for a primary school”. Therefore, the county council will seek nursery contributions commensurate with the cost of primary school provision, as shown in the DfE Scorecard (**Appendix H**).
- 8.6 Based on the DfE scorecard costs of £23,715 per permanent place and £9,429 per temporary place, the county council would seek £168,899 in nursery contributions. **Table 16** provides an indication of how this contribution has been calculated. The minimal difference in the contribution set out in **Table 16** is that the Model uses unrounded data whilst, for accessibility and demonstrative purposes, the number of children in the table has been rounded to the nearest two decimal places, see paragraphs 3.7 – 3.9. To confirm the contribution of £168,899 is sought by the county council.

Commented [AP1]: Need to use DfE expansion cost is the project is an expansion rather than a new school.

Table 16: Permanent and temporary charging rate and number of places charged for nursery contributions:

	Number of Places	Charge Rate	Contributions Sought
	6.64	£23,715	£157,355
	1.22	£9,429	£11,545
Total	7.86		£168,899

- 8.8 As the nursery project is part of new primary education capacity the nursery contribution has been included as part of the total primary education contribution (see Section 5 of this Statement).
- 8.9 The funding of the nursery project will be through financial contributions secured from developments in the area, including this site, with any shortfall being met through alternative funding sources. The project will therefore be able to be delivered.
- 8.10 As set out in paragraph 2.25, the county council has a responsibility to ensure that appropriate mitigation measures are in place prior to the need generated by a development site with consideration of lead-in times for project delivery. On this basis, the County Council therefore considers that the following triggers for payment of the nursery contributions arising from this development are reasonable and justifiable:
- 100% of the nursery contribution prior to commencement of development
- 8.11 Further information on the assessment of nursery contributions is available in the technical appendix to the Guide, *Technical Appendix 2: Education (Early Years)* (**Appendix O**) and technical appendix to the Guide, *Technical appendix 3: Education (Mainstream Schools)* (**Appendix J**).

9.0 Childcare Provision

- 9.1 In addition to nursery provision the county council has a statutory duty to ensure there is sufficient childcare for working parents, which covers 0 to 14 year olds (19 years for children with SEND). Childcare can take place in preschools; day nurseries; childminders; and out of school provision, such as holiday clubs and after school clubs, depending on the age of the child. Note that childcare for 3 to 4 year olds is provided for as part of the nursery contribution.
- 9.2 To help ensure that working parents are not forced to reduce their hours due to caring responsibilities, the government is launching a new wraparound childcare pathfinder scheme and setting out the ambition that all parents of primary-aged children in England can access care in school from 8am-6pm.
- 9.4 Therefore, a contribution is sought for Childcare to be used towards a project to provide additional wraparound childcare places for 5-11 year olds at the new Chiswell Green primary school.
- 9.5 Planning obligations towards childcare provision are assessed using the Hertfordshire County Council Demographic Model which forecasts the number of children of

childcare age (excluding 3 and 4 year olds) likely to emerge from different types, sizes and tenures of dwellings. For childcare provision, based on the indicative development mix in paragraph 3.13 above, the Model has projected that this development is likely to generate 5.07 service users of childcare age.

- 9.6 The financial contribution towards childcare mitigation through increasing capacity is based on £223 per place for children aged 5-11. For this development the contribution would therefore be £1,131 for children aged 5-11 (£223 x 5.07 children aged 5 to 11).
- 9.7 The financial contribution of **£1,131** (index linked to 1Q2022 – BCIS All in TPI) is required towards **increasing resources for 5-11 year old childcare facilities at the new Chiswell Green Primary School and/or provision serving the development.** This project is required in order to accommodate the additional residents arising from new developments in the area, including this site.
- 9.8 The funding of the childcare project will be through financial contributions secured from developments in the area, including this site, with any shortfall being met through alternative funding sources. The project will therefore be able to be delivered.
- 9.9 As set out in paragraph 2.25, the county council has a responsibility to ensure that appropriate mitigation measures are in place prior to the need generated by a development site with consideration of lead-in times for project delivery. On this basis, the County Council therefore considers that the following triggers for payment of the childcare contributions arising from this development are reasonable and justifiable:
- 100% of the childcare contribution prior to commencement of development

10.0 Youth Provision

- 10.1 Hertfordshire County Council Services for Young People (HCC SfYP) is guided by the Education and Inspections Act 2006. In order to clarify the Government's expectations of Local Authorities (LAs) the Department of Education published the *Statutory Guidance on Services and Activities to Improve Young People's Well-Being* (June 2012). The guidance states LAs should provide:

“young people with the positive, preventative and early help they need to improve their well-being”; that “Youth work and youth workers can contribute to meeting the needs of the young people and reduce demand for more specialist services”; and highlights the importance of personal and social development which enables young people to “build the capabilities they need for learning, work and the transition to adulthood.”

- 10.2 HCC SfYP provides youth work projects and programmes, information, advice, guidance, work-related learning, outdoor education and one-to-one support for young people up to the age of 17 and up to 25 for identified vulnerable young adults including those with learning disabilities.
- 10.3 HCC SfYP youth work is delivered through planned curriculum programmes which are based on identified need resulting in recordable personal and social development outcomes. HCC SfYP supports young people by providing informal education opportunities to promote young people's personal and social development enabling them to make informed decisions, have a place in their community and ultimately reach their potential and make a successful transition to adulthood. This enables young people to:
- Make good decisions based on the information which is available to them.
 - Be confident that they can present their views including those of others and influence decisions.
 - Recognise when they need support and where they can go to access it, thereby building resilience.
 - Be able to recognise and develop healthy relationships.
 - Develop a sense of purpose, self-belief and recognise what they contribute to society.
- 10.4 Growth in the number of young people aged 11 to 17 years (the core age group) in a community will require increased resources, providing additional capacity and enabling equal access to those activities. This could take the form of new equipment and/or learning materials and/or improvements to the property to accommodate more young people and/or offer a wider range of activities.
- 10.5 Planning obligations towards youth services are assessed using the Hertfordshire Demographic Model which forecasts the number of young people requiring access to youth services likely to emerge from different types, sizes and tenures of dwellings.
- 10.6 Based on the illustrative mix set out at paragraph 3.13 above the Model estimates that 9 additional young people are likely to reside in this development requiring youth service provision.
- 10.7 In the consultation response to this application (**Appendix C**) HCC stated that contributions from this proposal would be used towards the re-provision of the Watford Young People's Centre however this will now be towards the St Albans Young People's Centre in a new facility. St Albans Young People's Centre is the closest young people's centre to this development. St Albans Young People's Centre is a busy and vibrant centre which is already used by significant numbers of young people in the area. The additional young people arising from this development, and others in

the area, would result in the facility being over capacity. Contributions are therefore justified in order to fund additional provision.

- 5.8 An important aspect of the St Albans Young People's Centre is that it provides access to a space which is used by young people as part of independent living projects and learning about healthy eating. The current area has limited capacity for this kind of activity and is unable to accommodate the additional young people resulting from this and the cumulative impact of other developments in the area.
- 5.9 Therefore, financial contributions from this proposal, and others in the area, would be used towards redeveloping the centre including the training kitchen area and connected spaces at St Albans Young People's Centre, as well as purchasing additional new kitchen equipment and appliances, which will allow a greater number of young people access to this important facility. The mitigation project of St Albans Young People's Centre (or its future re-provision) is the same project as set out within the county council's response to the planning application (**Appendix C**).
- 10.10 As set out in the Guide, the financial contribution towards the mitigation of youth services is based on the need to increase capacity (on the basis of £815.44 per person) multiplied by the number of additional young people (28.32 additional young people arising from this development, as calculated by the Model). This is a total contribution of **£23,092** (£815.44 x 28.32).
- 10.11 The financial contribution of **£23,092** (index linked to 1Q2022 – BCIS All in TPI) is required **towards increasing the capacity of St Albans Young People's Centre or its future re-provision**. This project is required in order to accommodate the additional residents arising from new developments in the area, including this site.
- 10.12 The funding of this project will be through financial contributions secured from developments in the area, including this site, with any shortfall being met through alternative funding sources. The project will therefore be able to be delivered.
- 10.13 As set out in paragraph 2.25, the county council has a responsibility to ensure that appropriate mitigation measures are in place prior to the need generated by a development site with consideration of lead-in times for project delivery. On this basis, the county council therefore considers that the following triggers for payment of the youth contributions arising from this development are reasonable and justifiable:
- 100% of the youth contribution prior to commencement of development
- 10.14 Youth contributions, towards Watford Young People's Centre, were requested in the original response to the planning application (**Appendix C**). However, the requested contribution amount and project has changed as HCC has published updated guidance as described in paragraph 2.19. Further information on the assessment of

youth service contributions is available in the technical appendix to the Guide, *Technical Appendix 5: Youth Connections (Appendix P)*.

11.0 Library Provision

- 11.1 As the Local Libraries Authority, and under the 1964 Public Libraries and Museums Act, the county council has a duty to provide a comprehensive and efficient library service for everyone who lives, works or studies in the County. Hertfordshire County Council is committed to maintaining and modernising its libraries to continue to meet the changing needs of service users and to cope with additional demand brought about by new development. This commitment is reinforced in the 10 year strategy *Inspiring Libraries: My Place 2022-2032* (July 2022, **Appendix Q**).
- 11.2 Libraries are no longer a place solely to borrow books. They function as a community hub offering services and facilities to cater for a range of community needs including those of children, students, job seekers, and the elderly. Libraries offer free, authoritative, non-judgemental information services and supported access to online resources and services. They provide access to books, audio material, magazines, newspapers and community language material in both physical and digital formats. Access to public computers, new and emerging technologies, Wi-Fi, the internet, and online services as well as ICT-based and other learning opportunities ensure that no one gets left behind. They also offer neutral places to promote community wellbeing and enable people to connect within their communities.
- 11.3 The recent publication *Libraries and the cost of living crisis* (a briefing note produced by Libraries Connected who are a body that represents, supports and promotes libraries, dated June 2022, **Appendix R**) clearly sets out and demonstrates the importance of libraries to the local community, particularly to those considered the most vulnerable in society. The survey from the publication shows that libraries are delivering a very broad range of services to help people navigate the cost of living crisis. Whilst some of these are part of the library service's core offer, others have been specifically developed to address those struggling with rising prices and falling wages. Services include; information and advice, digital support, skilling up, support for health and wellbeing, and clubs and cultural activities. Whilst the report is specific to the cost of living crisis it still demonstrates the wide range of services offered by libraries and their importance to local communities.
- 11.4 Any increase in population puts additional demand on the stock of the library service, whether this is physical stock or "virtual stock" in the case of electronic resources. Depending on the nature of the development, participation at library activities may also increase and this puts pressure on the physical space available in library buildings, requiring reconfiguration of layouts.

- 11.5 Planning obligations towards library services are assessed using the Hertfordshire Demographic Model which forecasts the number of people able to access library services likely to emerge from different types, sizes and tenures of dwellings. Based on the illustrative mix set out at paragraph 3.13 above the Model estimates that 255.80 additional people arising from this development are expected to require library provision.
- 11.6 Bricket Wood is served by St Albans Library for provision of library and information services, so this is the local library facility that will serve this development. St Albans Library is a large central Tier 1 library and is the busiest library in Hertfordshire. The library is already under intense pressure and we do not have the capacity to mitigate the additional residents arising from the new development. This is consistently demonstrated by our key performance indicators. Book issues at St Albans Library are already 43% above the band average. Stock turnover is 20% above the band average. Visitor figures to St Albans Library increased by over 59% in 2022/23 compared to the previous year. Visitor figures to the library already account for 10% of the total visits to libraries for the whole county.
- 11.7 A financial contribution is therefore required in order to mitigate the additional cumulative demand on library services from the new development in the area. Any funding from this proposal would be used towards the re-provision of St Albans Library if a suitable site becomes available or to improve the capacity of our community spaces. This includes our reading areas, study areas, public Wi-Fi spaces and digital access areas. The mitigation project to re-provide the St Albans Library in a new facility is the same project as set out within the county council's response to the planning application (**Appendix C**).
- 11.8 As set out in the Guide, the financial contribution towards the mitigation of library services is based on the need to increase resources (on the basis of £89.93 per person) multiplied by the number of additional people (255.80 additional people arising from this development, as calculated by the Model). This is a total contribution of **£23,004** (£89.93 x 73).
- 11.9 The financial contribution of **£23,004** (index linked to 1Q2022 – BCIS All in TPI) is required towards **increasing capacity of St Albans Central Library (or its future re-provision)**. This project is required in order to accommodate the additional residents arising from new developments in the area, including this site.
- 11.10 The funding of the project will be through financial contributions secured from developments in the area, including this site, with any shortfall being met through alternative funding sources. The project will therefore be able to be delivered.

11.11 As set out in paragraph 2.25, the county council has a responsibility to ensure that appropriate mitigation measures are in place prior to the need generated by a development site with consideration of lead-in times for project delivery. On this basis, the county council therefore considers that the following triggers for payment of the library contributions arising from this development are reasonable and justifiable:

- 100% of the library contribution prior to commencement of development

11.12 Library contributions, towards this project, were requested in the original response to the planning application (**Appendix C**). However, the requested contribution amount has changed as HCC has published updated guidance as described in paragraph 2.19. Further information on the assessment of library contributions is available in the technical appendix to the Guide, *Technical Appendix 6: Libraries (Appendix S)*.

12.0 Waste Provision

12.1 Under the Environmental Protection Act 1990, the county council is required to perform the statutory functions of the Waste Disposal Authority (WDA) for Hertfordshire. The WDA is also required to provide facilities in its area where residents may deposit their own household waste free of charge. In Hertfordshire, these facilities are known as recycling centres.

12.2 As WDA, Hertfordshire County Council is responsible for the disposal of Local Authority Collected Waste (LACW) arising in the county. LACW consists of household waste and commercial waste collected by the ten Borough and District Councils in their role as the Waste Collection Authorities (WCA's) for Hertfordshire and waste collected at the county's recycling centres.

12.3 In order to support this disposal function, Hertfordshire County Council requires strategically placed waste transfer facilities to enable the proximate bulking and segregation of waste prior to processing, treatment and disposal.

12.4 Waterdale Transfer Station currently handles the majority of Hertfordshire's residual waste, however there is currently insufficient spare capacity to cope with demand and additional waste transfer facilities are planned to more sustainably support the north and east of the county. An increase in population within Hertfordshire as a result of new residential development will increase the amount of LACW and waste generated from recycling centres. The need to further segregate waste types to enable their efficient processing/recycling means that an increase in strategically placed bulking capacity is required.

12.5 Hertfordshire County Council currently manages a network of 16 recycling centres. At these locations residents can deposit a number of waste items and materials including

Commented [AP2]: We will be seeking contributions towards Waste Transfer Stations for every application so please leave in the Waste introductory paragraphs. If Recycling Centre provision is not being sought then paragraphs 12.5 and 12.6 can be deleted (as well as paragraphs 12.12 – 12.14).

those not collected at the kerbside by District and Borough Councils in their role as the WCA. An increase in population within Hertfordshire as a result of new residential development will require increased capacity and therefore investment in the network. Several recycling centres within the network are identified as unsuitable and therefore are in need of expansion or relocation.

- 12.6 Any additional users resulting from new development will increase the pressure on facilities within the county, thereby limiting service provision. Not all recycling centre locations are close to, at or over capacity so calculations will be considered based on the most up to date evidence available from the Waste Disposal Authority.
- 12.7 The impact of additional dwellings on waste management infrastructure will vary depending on the size of the development and its location. Therefore, it may be necessary to develop new infrastructure or improve existing infrastructure. For example, should an existing facility be identified as having insufficient capacity to accommodate increased usage due to additional dwellings, financial contributions will be identified towards increasing the capacity of the local service provision. This may be achieved through improvements to existing facilities or the development of a new facility.
- 12.8 Given that the geographical catchments for the Hertfordshire recycling centres and waste transfer stations vary, there will be a different project cost for each facility and project. Costs per project will be calculated based on the individual catchment areas. The cost of the project will be divided by the projected total number of residents in the catchment area in order to get a cost per person rate for the project. This will then be multiplied against the number of new residents arising from the individual development based on the Office for National Statistics (ONS) data.
- 12.9 This development is within the catchment area of the Waterdale Transfer Station. Waterdale has insufficient spare capacity to cope with demand and also causes significant impact on queuing on the road network. In order to ensure the impact of additional growth in the area is mitigated, work is needed to increase provision at this transfer station, therefore a contribution is required in order to provide additional provision.
- 12.10 The cost per person rate arising from this project is £24.53 per person. Based on ONS data, of 2.4 persons per dwelling, this development of 109 units is likely to generate 261.6 new residents (109 units x 2.4 persons per dwelling). Therefore, the waste transfer station contribution arising from this development is £6,416 (261.6 x £24.53 per person).
- 12.11 The financial contribution of **£6,416** (index linked to 3Q2022 – BCIS All in TPI) is required towards the **increasing capacity of Waterdale Transfer Station and/or**

provision serving the development. This project is required in order to accommodate the additional residents arising from new developments in the area, including this site.

12.17 Waste contributions, towards this project, were not requested in the original response to the planning application (**Appendix C**). However, the requested contribution amount has changed as HCC has published updated guidance as described in paragraph 2.19. Further information on the assessment of waste contributions is available in the technical appendix to the Guide, *Technical Appendix 7: Waste Management (Appendix T)*.

14.0 Monitoring Fees

14.1 Once the S106 legal agreement is signed, and the development starts to build, the county council incurs costs associated with managing and monitoring the agreement. The county council considers that it should reasonably be able to recover a degree of the costs incurred as part of this process.

14.2 It is the aim of the county council to provide as transparent, efficient and cost-effective service as possible within the resources available. Costs may include:

- The maintenance and development of its planning obligations monitoring system (via an integrated database), to help co-ordinate obligation preparation, completion, monitoring and review;
- Monitoring of trigger points and development progress;
- Pre-emptive alerts for obligations that are or are to become overdue;
- Recovery of obligation payments not made, including any necessary formal or legal action;
- Liaison between the county council and district/borough councils, where infrastructure and facilities are provided by one level of authority but the financial contribution is held by the other;
- Providing reports on the operation and outcome of county council developer contributions.

14.3 A charge for undertaking this work would be made based on the number of triggers within each legal agreement. Each distinct trigger point will attract a charge of **£340**. For example:

- a) a total of four obligations all due on commencement of development would require a total monitoring fee of £340 as the work associated with monitoring that trigger can be combined into one process;
- b) a total of four obligations due at different stages of development (e.g. prior to commencement of development, on occupation of the 50th dwelling, on occupation of the 100th dwelling and on occupation of the 150th dwelling) would

require a total monitoring fee of £1,360 (4 x £340) as the work associated with monitoring each different trigger will be replicated four times in the process

- 14.4 The figure of £340 per distinct trigger point is based on 8 hours for a Monitoring Officer and 4 hours for a Senior Planning Officer per trigger.
- 14.5 Monitoring fees will be adjusted for inflation against Retail Price Index (RPI) of July 2021. Given that the county council starts to incur costs associated with managing and monitoring the legal agreement from the point it is signed, all monitoring fees will need to be paid prior to commencement of development.
- 14.6 Monitoring fees were requested in the original response to the planning application (**Appendix C**). Further information on monitoring fees is available in section 5.5 of the Guide (**Appendix A**).

15.0 Fire Hydrants

- 15.1 The county council, in its capacity as the Fire and Rescue Authority (FRA), has statutory duties under The Fire and Rescue Services 2004 and must make provisions for:
- extinguishing fires in their area
 - protecting life and property in the event of fires in their area
 - rescuing and protecting people in the event of a road traffic collision, and
 - rescuing and protecting people in the event of other emergencies.
- 15.2 The capability and availability of water resources to fight fires is a key consideration for the Service. All dwellings must be adequately served by fire hydrants in the event of fire. The county council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. HCC therefore seek the provision of hydrants required to serve the proposed residential units by the developer through a planning condition. If the developer does not provide the hydrants required as a direct result of their development the responsibility and cost would fall upon the county council.
- 15.3 In addition, buildings fitted with fire mains must have a suitable hydrant provided and sited within 18m of the hard-standing facility provided for the fire service pumping appliance.
- 15.4 Paragraph 6.1(c) of BS 5588-5 2004 states that every building needs to have a suitable hydrant:
- Not more than 60m from an entry to any building on the site;
 - Not more than 120m apart;

- Preferably immediately adjacent to roadways or hard-standing facilities provided for fire service appliances; and
- Not less than 6m from the building or risk so that they remain usable during a fire (generally a water supply capable of providing a minimum of 1500 litres per minute at all times should be provided).

15.5 The provision of public fire hydrants is not covered by Building Regulations 2010 (Part B5 as supported by Secretary of State Guidance 'Approved Document B') and developers are expected to make provision for fire hydrants to adequately protect a development site for fire-fighting purposes.

15.6 The provision of fire hydrants is sought from this development, sufficient to address the needs of the proposed development in the event of a fire, as opposed to a financial contribution. In practice, the location and number of hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known which is usually after planning permission is granted.

15.7 Fire hydrants should be designed into the development at the masterplanning stage and implemented through a planning condition. The following condition wording should be used:

No above ground works shall take place until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been implemented in accordance with the approved details.

Reason for condition: to ensure adequate water infrastructure provision is made on site for the local fire service to discharge its statutory firefighting duties.

15.8 Further information on fire hydrants is available in the technical appendix to the Guide, *Technical Appendix 8: Fire and Rescue Service (Appendix U)*.

16.0 Audit Trails and Monitoring

16.1 Information regarding Section 106 deeds and the obligations relating to the county council and its services are kept in both paper form and in electronic databases. These enable effective monitoring and reporting of Section 106 matters both internally to Members and service departments and externally to District/Borough Councils three times a year, and to developers and members of the public yearly via the Infrastructure Funding Statement. HCC related Section 106 matters and processes

are also regularly audited and, if necessary, recommendations are made to senior officers to ensure improvements can be made where possible.

- 16.2 When Section 106 funding is received, each contribution is allocated an individual reference enabling each one to be individually managed, monitored and reported on.
- 16.3 Before Section 106 funding can be spent by a service provider, a request needs to be submitted setting out amongst other details, the Section 106 funds being sought (including identifying the individual accounts) and the purposes/projects each will be used towards. This request is then assessed to ensure compliance with the terms of the Section 106 deed and the requirements of Section 106 contributions. The request must then be authorised by the Assistant Directors of HCC Property and Finance, the Assistant Chief Legal Officer and reported to the Executive Member for Resources. Members of the relevant electoral divisions are also informed.

17.0 Summary and Conclusions

- 17.1 HCC is seeking the financial contributions set out in this Statement, together with fire hydrant provision to be secured through a planning condition, to mitigate the impact of this proposed development.
- 17.2 It is considered that these requirements meet the tests set out within Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended 2019) and paragraph 57 of the NPPF. This is as follows:

- 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 as outlined above (see Section 2). The provision of community facilities is a matter that is relevant to planning.

The development plan background supports provision of planning contributions, through Policy 143B of the St Albans City & District Local Plan (adopted November 1994) covers the requirement for development to provide for its infrastructure consequences. The contributions sought will ensure that additional needs brought on by the development are met.

The HCC Guide (**Appendix A**) and its technical appendices covers the requirement for development to provide for its infrastructure consequences in terms of specific county council service and infrastructure requirements. The approach to seeking

contributions as set out within the Guide is consistent, fair and transparent, providing certainty to all involved in the process.

As set out in this Statement the county council have analysed the existing capacity of the various service requirements and notes that there is insufficient spare capacity to mitigate the impact of this development. Therefore, the contributions sought will ensure that additional impacts arising from this development are able to be mitigated and the contributions are therefore **necessary to make the development acceptable in planning terms**.

- Directly related to the development:–

As set out in detail in this Statement the contributions will only be used towards services and facilities which are in the locality of, and therefore mitigating, the proposed development. These mitigation projects are therefore **directly related to the development**.

Only those fire hydrants required to provide the necessary water supplies to the buildings comprising this proposal for fire fighting purposes are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

- Fairly and reasonably related in scale and kind to the development:–

The financial contributions sought to mitigate this development have been calculated using the Hertfordshire Demographic Model. These are based on the specific size, type and tenure of each individual dwelling or unit within the indicative development mix. The calculation of need is therefore based on a robust and up to date methodology, which allows the proportionate impact of the specific development to be calculated. Therefore, the level of contributions sought from this development is **fairly and reasonably related in scale and kind to the development**.

Only those fire hydrants required to provide the necessary water supplies to the buildings comprising this proposal for fire fighting purposes are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

Ends (28 March 2023)

