

CIL COMPLIANCE STATEMENT

PRODUCED BY ST ALBANS CITY AND DISTRICT COUNCIL (SADC)

Appeal by: Mr R Martin

LPA Ref: 5/2022/0267

PINS Ref: APP/B1930/W/24/3343986

Site: Land between Caravan Site and Watling Street, Park Street, St Albans

Date: 06/092024

A. Description

A.1. Outline application (access) - Erection of up to 95 dwellings, including 40% affordable dwellings and 5% self-build and custom build dwellings, public open space, landscaping and associated infrastructure

B. Background

B.1. Regulation 122 of the Community Infrastructure Levy Regulations 2010 Statutory Instrument 2010/948 makes it unlawful for any planning obligation to be taken into account as a reason to grant a planning permission if it does not meet the three tests set out in the Regulation.

B.2. The National Planning Policy Framework 2023 (NPPF) sets out at paragraph 57, three policy tests which mirror the tests in the Regulations:

- 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.

B.3. This statement should also be read in conjunction with the statement of Jamie Glazebrook of Hertfordshire County Council's Growth and Infrastructure Unit, with associated appendices A to T, submitted to in full to The Planning Inspectorate on 24/06/2024.

C. Relevant Policy

C.1. The policies for the contributions sought by Hertfordshire County Council (HCC) are set out in HCC Guide to Developer Infrastructure Contributions. See the Statement of the Growth and Infrastructure Unit for further detail at Appendix 1.

C.2. The policies for seeking the contributions sought by SADC are set out in the Local Plan Review 1994 and NPPF. In particular, saved Policy 143B of the St Albans Local Plan Review provides that:

"The District Council will expect planning applications for the development of sites to include within them, provision for the infrastructure consequences. Such provisions may include:

(i) on-site facilities directly related to the proposed use in the interests of comprehensive planning.

(ii) off-site facilities necessary as a result of the development, in order to avoid placing an additional burden on the existing community.

...”

C.3. Relevant policies in relation to specific contributions are referenced as appropriate below.

D. Justification for the Obligations

D.1. Justification is set out below in the order the obligations are set out in the draft s106 agreement.

1. County Council Contributions

1.1. Secondary Education Contribution

1.1.1. See County Council Statement at Appendix 1.

1.2. Special Education Needs and Disabilities (SEND) Contribution

1.2.1. See County Council Statement at Appendix 1.

1.3. Library Service Contribution

1.3.1. See County Council Statement at Appendix 1.

1.4. Youth Service Contribution

1.4.1. See County Council Statement at Appendix 1.

1.5. Monitoring Fee Contribution

1.5.1. See County Council Statement at Appendix 1.

1.6. Waste Contribution

1.6.1. See County Council Statement at Appendix 1.

2. Sustainable Transport Improvements

2.1. Policy 35 of the Local Plan relates to Highway Improvements in Association with Development and sets out that in order to mitigate the highway effects of development proposals, the District Council, in conjunction with the County Council where appropriate, will seek highway improvements or contributions to highway improvements and/or improvements to the public transport system from developers whose proposals would otherwise result in detrimental highway conditions.

2.2. Policy 34 of the Local Plan relates to Highways Considerations in Development Control and sets out a number of considerations which are generally consistent with those of Section 9 of the NPPF (apart from its degree of emphasis on sustainable transport). It states that in assessing applications, account will be taken of the advice contained in current documents prepared by HCC, amongst others. The County Council as the local Highway Authority (HA) adopted a Local Transport Plan (LTP4) in 2018 which sets out in Policy 1 'Transport User Hierarchy' that to support the creation of built environments that encourage greater and safer use of sustainable

transport modes, the county council will in the design of any scheme and development of any transport strategy consider in the following order:

- Opportunities to reduce travel demand and the need to travel.
- Vulnerable road user needs (such as pedestrians and cyclists).
- Passenger transport user needs.
- Powered two wheeler (mopeds and motorbikes) user needs.
- Other motor vehicle user needs.

2.3. In this case, both Sustainable Transport Contributions and a Full Travel Plan are sought through planning obligations.

2.4. The Sustainable Transport Contributions in total amount to £648,470 and this will be used towards the off-site works / mitigation (s278) identified in the planning conditions, funding of the Travel Plan (measures and monitoring), and associated schemes for active travel betterment identified in the County Council's Local Transport Plan. The monies will in the first instance be used to fund Travel Plan (measures and monitoring) and off-site works identified in the planning conditions, providing active travel betterment in the vicinity of the site for new and existing residents. Any unspent contribution will be payable to the Highway Authority who will distribute the monies to the associated schemes identified in the County Council's Local Transport Plan and its supporting documents, South Central Hertfordshire Growth & Transport Plan.

2.5. Additionally, a Travel Plan is required which seeks to achieve sustainable transport objectives associated with the proposed development, through seeking to reduce car usage. The Travel Plan would need to include vehicle and cycle parking measures as well as transport/retail vouchers to encourage active travel. The Travel Plan will need to be monitored and reviewed annually for five years.

2.6. These contributions are therefore:

- a) Necessary to make the development acceptable in planning terms, by virtue of Policies 35 and 143B, so as to promote active travel opportunities and encourage the use of sustainable transport.
- b) Directly related to the development, as the Sustainable Transport Contribution identifies measures directly associated/related with the proposed development, whilst the Travel Plan seeks to reduce car usage within this proposed development.
- c) Fairly and reasonably related in scale and kind, as it has been calculated on the basis of the number of dwellings proposed within the proposed development.

3. NHS Contributions

3.1. East of England Ambulance Service NHS Trust (EEAST) Contribution

3.1.1. The proposed development would put increasing pressure and demand on EEAST providing nationally set response times for ambulance emergency services around the local area. EEAST advises that this

development is likely to increase demand upon existing ambulance services and blue light response times.

3.1.2. The funding would be used towards the capital cost of providing new additional ambulances and/or new additional medical equipment (both within and external to the ambulance), and/or new additional parking space(s) for ambulances at existing ambulance stations or if ability to expand is constrained to support relocating the ambulance station to an appropriate site to meet the needs of the existing and additional residents. In addition, capital funding could be used to recruit and train new volunteer community first responders or provide new volunteer community responder equipment.

3.1.3. A financial contribution of £25,009 is sought, based on the population likely to be generated from the proposed development.

3.1.4. This contribution is therefore:

- a) Necessary to make the development acceptable in planning terms, by virtue of Policy 143B.
- b) Directly related to the development, as it would fund the ambulance service that serves the appeal site and local area.
- c) Fairly and reasonably related in scale and kind, as it has been calculated on the basis of the population likely to be generated from the proposed development.

3.2. Hertfordshire and West Essex ICB

3.2.1. The proposed development would put additional strain on local GP services, and would create around 228 new patient registrations. Even when surgeries are significantly constrained Herts Valley CCG and NHS England would not wish an individual patient to be denied access to their nearest GP surgery. It is therefore important that new housing contributes financially towards healthcare infrastructure. Patient lists are only closed in exceptional circumstances.

3.2.2. When new dwellings and registrations are planned the preferred option is to find a way to absorb those significant demands upon surgeries by providing additional resources, e.g. by re-configuring, extending or relocating the premises to provide sufficient space to increase resources and clinical services and thus keep the patient lists open. Developers' contributions under these circumstances is considered fair, reasonable and necessary.

3.2.3. Based upon 228 new patient registrations, a contribution of £1,292 is sought (totalling £122,740 for the proposed development), which would be focused on Midway Surgery. This contribution could be spent on expansion, reconfiguration and digitisation of patient records, with a view to increasing clinical space and increasing the level of patient access in line with what will be needed.

3.2.4. This contribution is therefore:

- a) Necessary to make the development acceptable in planning terms, by virtue of Policy 143B.

- b) Directly related to the development, as it would fund the provision of additional primary care capacity in the local area at Midway Surgery.
- c) Fairly and reasonably related in scale and kind, as it has been calculated on the basis of the population likely to be generated from the proposed development.

4. Affordable Housing

4.1. Paragraph 7.13 of the Affordable Housing SPG (2004) states:

“The Council will seek, by negotiation, a target level of 35% affordable units on suitable sites above the site size thresholds.”

4.2. The SPG states at paragraph 7.10 that the Council is applying the threshold of Circular 6/98 that on all sites of 1ha or more or of 25+ dwellings the Council will seek an on-site affordable housing provision equivalent to 35% of dwellings on the site. However, Circular 6/98 is no longer relevant and SADC therefore applies the threshold that affordable housing is required on sites where 15 or more dwellings are proposed, as set out in Policy 7A (Affordable Housing in Towns and Specified Settlements), across the entire District.

4.3. The application proposes 40% affordable housing (including First Homes). It is considered reasonable and necessary to secure the provision of 40% affordable housing by way of the legal agreement given the policy requirement and the level of proposed provision which is a central element of the Appellant’s very special circumstances case.

4.4. A condition would not be capable of securing the provision and retention of the housing in line with an appropriate tenure mix and other detailed requirements.

4.5. The obligation is therefore:

- a) Necessary to make the development acceptable in planning terms, since affordable housing is a local policy requirement of SADC.
- b) Directly related to the development, because the affordable housing is secured on site.
- c) Fairly related in scale and kind because the affordable housing provided for is at the proportion proposed by the appellant.

5. Self-Build and Custom House Building

5.1. The application includes the provision of self-build and custom build housing plots.

5.2. It is considered reasonable and necessary to secure the provision of 5% self-build and custom build housing plots by way of the legal agreement given this provision is part of the Appellant’s very special circumstances case. A condition would not be capable of securing all of the provisions required to secure the self-build and custom build housing.

5.3. The obligation is therefore:

- a) Necessary to make the development acceptable in planning terms, by securing the provision of the proposed self-build and custom build housing plots.
- b) Directly related to the development, because it relates to provision on site.
- c) Fairly and reasonably related in scale and kind, because it refers only to the self-build and custom house building plots proposed on site by the appellant.

6. Provision/Management of Public Open Space and Play Space

6.1. Policy 70 of the St Albans Local Plan Review requires the provision of public open space and play space on site for developments of more than 100 dwellings and toddlers play space in developments of over 30 dwellings. Policy S17 of the St Stephen Parish Neighbourhood Plan states major development that includes playgrounds and leisure facilities for children and young people will be viewed favourably, with an expectation set out in the policy for the likely needs of the under-18 population (particularly older children and teenagers) to have been assessed and where possible provided.

6.2. It is considered reasonable and necessary to secure the provision and ongoing management of public open space and play space by way of the legal agreement given the policy requirement. Furthermore, it is necessary to ensure that the management of the open space/play space provision is sustained over the lifetime of the development. A condition would not be capable of securing all of the provisions required to secure the management company.

6.3. The obligation is therefore:

- a) Necessary to make the development acceptable in planning terms, by securing the long term retention and management of open space required by policy and that forms part of the Appellant's very special circumstances case.
- b) Directly related to the development, because it relates to provision on site.
- c) Fairly and reasonably related in scale and kind, because it refers only to the open space proposed on site by the appellant.

7. Biodiversity Net Gain

7.1. The application includes the provision of 10% biodiversity net gain. A biodiversity onsite compensation scheme is required at Reserved Matters stage as details of the final layout and landscaping plans are not currently known. However, expected that biodiversity net gain can be achieved on site in this case.

7.2. It is considered reasonable and necessary to secure the 10% biodiversity net gain by way of the legal agreement given this provision is part of the Appellant's very special circumstances case.

7.3. The obligation is therefore:

- a) Necessary to make the development acceptable in planning terms, by securing the provision of the proposed 10% biodiversity net gain which forms part of the Appellant's very special circumstances case.
- b) Directly related to the development, because it relates to a net gain in biodiversity as a result of the proposed development.

- c) Fairly and reasonably related in scale and kind, because it refers only to the biodiversity net gain that the Appellant has proposed.

Appendix One - Hertfordshire County Council's Growth and Infrastructure Unit Statement

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 Maddox Planning on behalf of M Scott Properties Limited under S78 of the Town and Country Planning Act 1990 (as amended) against the decision of St Albans City & District Council to refuse planning permission in respect of the Outline planning application for the erection of up to 95 dwellings, including 40% affordable dwellings and 5% self-build and custom build dwellings, public open space, landscaping and associated infrastructure.

Land Between Caravan Site and Watling Street, Park Street, St Albans

Jamie Glazebrook
Senior Planning Officer (Infrastructure)
Growth and Infrastructure Unit
On behalf of Hertfordshire County Council (non-highways) services
24.06.2024

Appeal Ref: **APP/B1930/W/24/3343986**

LPA Ref: **5/2022/0267**

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Appendices

- A. **Hertfordshire County Council Guide to Developer Infrastructure Contributions** (Hertfordshire County Council, 2021)
- B. **Hertfordshire County Council Cabinet Meeting Minutes** (Hertfordshire County Council, 12 July 2021)
- C. **St Albans City and District Planning (Development Management) Committee report** (St Albans City and District Council, 14 August 2023)
- D. **Hertfordshire County Council response to application 5/2022/0267 – S106 contributions requirements** (Hertfordshire County Council, May 2023)
- E. **A Guide to the Hertfordshire Demographic Model** (Hertfordshire County Council, 2021)
- F. **Hertfordshire County Council Pupil Yield Survey – Methodology for a census of residential mainstream pupil yield from new build housing developments within the boundary of Hertfordshire** (Hertfordshire County Council, 2021)
- G. **Securing developer contributions for education** (Department for Education, November 2019)
- H. **Local Authority School Places Scorecard Costs** (Department for Education, 2023)
- I. **Basic Need Allocation 2023-24 and 2024-25: Explanatory note on methodology** (Department for Education, 2022)
- J. **Hertfordshire County Council Guide to Developer Infrastructure Contributions – Technical appendix 3: Education (Mainstream Schools)** (Hertfordshire County Council, 2021)
- K. **Appeal decision for Land to the west of Lytton Way, Stevenage (APP/K1935/W/20/3255692)** (The Planning Inspectorate, 20 August 2021)
- L. **Secondary pupil planning area – 12.0 St Albans** (Hertfordshire County Council)
- M. **SEND Special School Place Planning Strategy 2020-2023** (Hertfordshire County Council, Autumn 2020)

- N. **Hertfordshire County Council Guide to Developer Infrastructure Contributions – Technical Appendix 4: Education (Special Schools and Specialist Provision)** (Hertfordshire County Council, 2021)
- O. **Hertfordshire County Council Guide to Developer Infrastructure Contributions – Technical Appendix 5: Youth Connections** (Hertfordshire County Council, 2021)
- P. **Inspiring Libraries: My Place 2022-2032 – A Strategy for Hertfordshire Libraries** (Hertfordshire County Council, July 2022)
- Q. **Libraries and the cost of living crisis – Briefing Note** (Libraries Connected, June 2022)
- R. **Hertfordshire County Council Guide to Developer Infrastructure Contributions – Technical Appendix 6: Libraries** (Hertfordshire County Council, 2021)
- S. **Hertfordshire County Council Guide to Developer Infrastructure Contributions – Technical Appendix 7: Waste Management** (Hertfordshire County Council, 2021)
- T. **Hertfordshire County Council Guide to Developer Infrastructure Contributions – Technical Appendix 8: Fire and Rescue Service** (Hertfordshire County Council, 2021)

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 Land Between Caravan Site and Watling Street, Park Street, St Albans (planning application reference number 5/2022/0267).
- 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 up to 95 dwellings, financial contributions are sought towards education, 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 & District Local Plan (adopted November 1994) and Strategic Policy SP7 of the emerging St Albans City & 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 & District Local

Plan (adopted November 1994) and HCC's Planning Obligations Toolkit. Policy 143B of the St Albans City & District Local Plan sets out that 'The District Council will expect planning applications for the development of site to include within them provision for the infrastructure consequences.' A new local plan is being produced and a regulation 18 draft local plan was consulted on in 2023.

Background to County Council policy

- 2.12 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**).
- 2.13 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.
- 2.14 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.
- 2.15 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.

- 2.16 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.
- 2.17 When the planning application for this development (5/2022/0267) was presented to the St Albans City & District Council Planning (Development Management) Committee on 14 August 2023 it included the following county council requirements, set out in paragraph 6.11 – 6.11.61 of the Committee report (**Appendix C**):
- Primary Education - £919,862 towards the expansion of Killigrew Primary School and/or provision serving the development (index linked to BCIS 1Q2022)
 - Secondary Education – £1,012,378 towards the expansion of Marlborough School and/ or provision serving the development (index linked to BCIS 1Q2022)
 - Special Educational Needs and Disabilities (SEND) £114,074 towards the delivery of additional Severe Learning Difficulty (SLD) special school places (WEST), through the relocation and expansion of Breakspeare School and/or provision serving the development (index linked to BCIS 1Q2022)
 - Library Service – £20,935 towards increasing the capacity of St Albans Central Library and/or provision serving the development (index linked to BCIS 1Q2022)
 - Youth Service – £27,681 towards the re-provision of the St Albans Young People's Centre in a new facility (index linked to BCIS 1Q2022)
 - Monitoring Fees – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each district trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021).
- 2.18 These requirements had previously been provided by Hertfordshire County Council in May 2023 in response to the planning application consultation (**Appendix D**).
- 2.19 However, since the county council responded to the application and it was determined by St Albans City & District Council Planning (Development Management) Committee (on 14 August 2023) HCC has updated its position. This is to reflect changes in the education strategy in Chiswell Green and surrounding areas following the determination of the relevant appeals at Land South of Chiswell Green Lane and St Stephen's Green Farm, which are providing a new primary school in the south and west of Chiswell Green. A number of applications and appeals in this area are likely to

contribute to the new school. This means that existing capacity in the Park Street area will mitigate this site and a primary education contribution is no longer required.

2.20 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:

- Secondary Education – £1,012,378 towards the expansion of Marlborough Science Academy and/or provision serving the development (index linked to BCIS 1Q2022)
- Special Education Needs and Disabilities (SEND) - £114,074 towards the delivery of additional Severe Learning Difficulty (SLD) special school places (WEST), through the relocation and expansion of Breakspeare School and/or provision serving the development (index linked to BCIS 1Q2022)
- Library Service – £20,935 towards increasing the capacity of St Albans Central Library and/or provision serving the development (index linked to BCIS 1Q2022)
- Youth Service – £27,681 towards the re-provision of St Albans Young People’s Centre in a new facility and/or provision serving the development (index linked to BCIS 1Q2022)
- Waste Service - £5,592 towards increasing capacity at Waterdale Transfer Station and/or provision serving the development (index linked to BCIS 3Q2022)
- Monitoring Fees – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each district trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021).

2.21 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 current HCC guidance, as set out in this Statement.

2.22 This application is for outline planning permission. Therefore, the development mix is currently to be confirmed. Working with the appellant and St Albans City & 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**) 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: Planning obligation contributions table for including in the S106 Legal Agreement (to be index linked)

Output Tables for Section 106 Reports

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
Secondary Education (Including Post-16 Provision)	Flat	Affordable Rent and/or Social Rent**	£2,895	£18,810	£16,948	£18,827
Secondary Education (Including Post-16 Provision)	Flat	Open Market and/or Shared Ownership	£3,083	£6,730	£6,216	£7,507
Secondary Education (Including Post-16 Provision)	House	Affordable Rent and/or Social Rent**	£1,007	£13,148	£17,881	£19,959
Secondary Education (Including Post-16 Provision)	House	Open Market and/or Shared Ownership	£2,959	£5,665	£9,141	£11,139
SEND Primary Education	Flat	NA	£194	£194	£194	£194
SEND Primary Education	House	NA	£654	£654	£654	£654
SEND Secondary Education	Flat	NA	£66	£66	£66	£66
SEND Secondary Education	House	NA	£752	£752	£752	£752
Youth Services	Flat	Affordable Rent and/or Social Rent**	£29	£167	£499	£592
Youth Services	Flat	Open Market and/or Shared Ownership	£23	£70	£213	£317
Youth Services	House	Affordable Rent and/or Social Rent**	£28	£249	£586	£1,015
Youth Services	House	Open Market and/or Shared Ownership	£52	£81	£259	£488
Waste Transfer Station	Flat	Affordable Rent and/or Social Rent**	£0	£0	£0	£0
Waste Transfer Station	Flat	Open Market and/or Shared Ownership	£59	£59	£59	£59
Waste Transfer Station	House	Affordable Rent and/or Social Rent**	£0	£0	£0	£0
Waste Transfer Station	House	Open Market and/or Shared Ownership	£59	£59	£59	£59

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)

2.23 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

2.24 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

- 2.25 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).
- 2.26 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.

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 8 of the Department for Education (DfE) Guidance (*Securing developer contributions for education*, November 2019, **Appendix G**):
- “Pupil yield factors should be based on up-to-date evidence from recent local housing developments, so you can forecast 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 secondary education) have been rounded to the nearest two decimal places.
- 3.8 As such, the level of contributions, for, secondary education, 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 secondary education section 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 secondary education section 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 1** below:

TABLE 1: Indicative Development mix for Land Between Caravan Site and Watling Street, Park Street, St Albans (5/2022/0267):

HOUSES			FLATS		
Number of bedrooms	Market & Shared Ownership	Affordable Rent & Social rent	Number of bedrooms	Market & Shared Ownership	Affordable Rent & Social rent
1	0	2	1	0	8
2	14	6	2	0	9
3	29	10	3	0	0
4+	14	3	4+	0	0
Total	57	21	Total	0	17

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 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 to 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 In order to determine whether or not education contributions are required, the county council firstly calculates the number of pupils arising from the development and then 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 In order to calculate the number of pupils arising from developments, the County Council uses the Hertfordshire Demographic Model. The Model projects the average number of children likely to emerge from different types, sizes and tenures of dwellings over time.
- 4.6 Once the pupil yield has been calculated, current information on the school capacity is then used to determine if there is sufficient space to accommodate the children arising from the development. The school capacity is considered at the point that the development starts to yield children rather than any earlier date in time when dwellings will not have 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.
- 4.7 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 actual up to date data of 0 to 4 years olds living in an area as well historic migration patterns. The forecasts may also take account of an element of known new housing developments which are proposed nearby.
- 4.8 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 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).
- 4.9 If there is a lack of 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, additional congestion from car trips and would not align with the county council's sustainability aspirations, and its adopted local transfer plan policies.
- 4.10 When considering the cost of new education provision, and the level of contributions which should be sought, HCC applies the DfE scorecard costs. The rationale for this is the DfE guidance (*Securing developer contributions for education*, November 2019, **Appendix G**) which is 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 15 of *Securing developer contributions for education*, November 2019):

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

- 4.11 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.
- 4.12 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.
- 4.13 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**).

- 4.14 It is important to note that the approach highlighted above (using the Model to calculate the pupil yield arising from the development and then applying that yield to the DfE scorecard costs) 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 Secondary Education Provision

- 5.1 Secondary education services are assessed on the basis of secondary education planning areas. The development at Land Between Caravan Site and Watling Street, Park Street, St Albans falls within the pupil planning area *12.0 St Albans* (**Appendix L**), with families living in Park Street predominantly look to St Albans for secondary education provision.
- 5.2 As can be seen in the forecast (**Table 2**), there is currently a deficit of secondary places projected within the St Albans secondary planning area for coming years, with only a small amount of surplus capacity forecast towards the latter stage of the forecast.

TABLE 2: Pupil Planning Area 12.0 – St Albans 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 Breakspear 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 (FE)						3.2	-2.8	-2.4	-2.8	-3.1	-1.6	0.9

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

- 5.3 Given the levels of new housing growth proposed in and around St Albans and its surrounding areas, of which much 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.
- 5.4 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 Science Academy and/or provision serving the development.
- 5.5 This mitigation project was reflected in the county council's response to this planning application (on 16 May 2023, **Appendix D**) in which HCC noted that secondary education mitigated of this development would be through the expansion of Marlborough Science Academy and/or provision serving the development.
- 5.6 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 Science Academy and/or provision serving the development.
- 5.7 The mainstream secondary education and Post-16 provision contributions total **£1,012,378** (index linked to 1Q2022 – BCIS All in TPI), to be used **towards the expansion of Marlborough Science Academy and/or provision serving the development.** 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 £1,012,378 which is being sought.

- 5.8 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 31.46 secondary-aged children, resulting in a peak of 0.21 forms of entry (FE).
- 5.9 Based on the DfE scorecard costs (**Appendix H**), the permanent cost per place for a secondary school expansion is £27,503 of which 28.20 places are charged at this rate. Based on the DfE scorecard costs, the temporary rate is £10,414 of which 3.26 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.
- 5.10 For compulsory secondary education provision a financial contribution of £809,542 would be sought. **Table 3** provides an indication of how this contribution has been calculated. The minimal difference in the contribution set out in **Table 3** 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 3: 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
	28.20	£ 27,503	£ 775,593
	3.26	£ 10,414	£ 33,949
Total	31.46		£ 809,542

- 5.11 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 7.88 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.

5.12 In paragraph 16, the DfE guidance (*Securing developer contributions for education*, November 2019, **Appendix G**) is clear that “further education places provided within secondary school sixth forms 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 £202,771 in post-16 contributions. **Table 4** provides an indication of how this contribution has been calculated. The minimal difference in the contribution set out in **Table 4** 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 4: Permanent and temporary charging rate and number of places charged for Post-16 contributions:

	Number of Places	Charge Rate	Contributions Sought
	7.06	£ 27,503	£ 194,268
	0.82	£ 10,414	£ 8,503
Total	7.88		£ 202,771

5.13 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 will therefore be able to be delivered.

5.14 As set out in paragraph 2.26, 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

5.15 Secondary education contributions, towards this project, were requested in the original response to the planning application (**Appendix D**). 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 J**).

6.0 Special Educational Needs and Disabilities Provision

- 6.1 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.
- 6.2 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.
- 6.3 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.
- 6.4 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.
- 6.5 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**).
- 6.6 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.
- 6.7 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 Breakspeare 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.

- 6.8 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.
- 6.9 In paragraphs 10 – 13 of the DfE guidance (*Securing Developer Contributions for Education*, April 2019, **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.
- 6.10 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 £654 per house and £194 per flat. For SEND secondary provision this is £752 per dwelling and £66 per flat.
- 6.11 Therefore, based on the indicative development mix set out at paragraph 3.13 above the total contributions sought for SEND provision are **£114,074**. The details for how this has been calculated are set out in **Table 5** and **Table 6**.

Table 5: Charging rate and number of dwellings charged for SEND Contributions (primary):

SEND Primary			
	Cost Per Dwelling	No. Dwellings	Contributions Sought
Houses	£ 654	78	£ 50,993
Flats	£ 194	17	£ 3,294
Total			£ 54,287

Table 6: Charging rate and number of dwellings charged for SEND Contributions (secondary):

SEND Secondary			
	Cost Per Dwelling	No. Dwellings	Contributions Sought
Houses	£ 752	78	£ 58,658
Flats	£ 66	17	£ 1,130
Total			£ 59,788

- 6.12 The total SEND contribution of **£114,074** (index linked to 1Q2022 – BCIS All in TPI) is to be used towards the delivery of **113 additional Severe Learning Difficulty (SLD) special school places (WEST) for pupils aged 2 to 19 years old, through the relocation and expansion of Breakspeare School and/or provision serving the development.**
- 6.13 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.
- 6.14 As set out in paragraph 2.26, 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
- 6.15 SEND contributions, towards this project, were requested in the original response to the planning application (**Appendix D**). 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**).

7.0 Youth Provision

- 7.1 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.”

- 7.2 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.

- 7.3 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.
- 7.4 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.
- 7.5 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.
- 7.6 Based on the illustrative mix set out at paragraph 3.13 above the Model estimates that 28 additional young people are likely to reside in this development requiring youth service provision.
- 7.7 In the consultation response to this application (**Appendix D**) HCC stated that contributions from this proposal would be used at the St Albans Young People's Centre, which 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.
- 7.8 The St Albans Young People's Centre will be unable to support this additional demand in its current configuration and will therefore need to be re-provided in a new facility.

To maximise this use of space the service will in addition seek the provision of new portable equipment that can be used within the centre and as part of the services outreach work in the community.

- 7.9 Therefore, financial contributions from this proposal, and others in the area, would be used towards the re-provision of the St Albans Young People's Centre in a new facility, as well as purchasing new portable equipment, which will allow a greater number of young people access to this important facility. The re-provision of St Albans Young People's Centre in a new facility and/or provision serving the development is the same project as set out within the county council's response to the planning application (**Appendix D**).
- 7.10 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 £1004.06 per person) multiplied by the number of additional young people (28 additional young people arising from this development, as calculated by the Model). This is a total contribution of **£27,681** (£1004.06 x 28).
- 7.11 The financial contribution of **£27,681** (index linked to 1Q2022 – BCIS All in TPI) is required towards **the re-provision of St Albans Young People's Centre in a new facility 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.
- 7.12 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.
- 7.13 As set out in paragraph 2.26, 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
- 7.14 Youth contributions, towards this project, were requested in the original response to the planning application (**Appendix D**). Further information on the assessment of youth service contributions is available in the technical appendix to the Guide, *Technical Appendix 5: Youth Connections (Appendix O)*.

8.0 Library Provision

- 8.1 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 P**).
- 8.2 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.
- 8.3 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 Q**) 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.
- 8.4 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.
- 8.5 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 233 additional people arising from this development are expected to require library provision.

- 8.6 St Albans Central library is the local library facility which serves this development. St Albans Central 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 additional residents arising from the new development. This is consistently demonstrated by our key performance indicators. Book issues at St Albans Central library are already 43% above the band average. Stock turnover is 20% above the band average. Visitor figures to St Albans Central 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.
- 8.7 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 improving the capacity of St Albans Central library community spaces, which includes our reading areas study areas, public Wi-Fi spaces and digital access areas. Should a suitable site become available the re-provision of St Albans Central library would be sought instead. The mitigation project to increase the capacity of St Albans Central Library is the same project as set out within the county council's response to the planning application (**Appendix D**), however this now includes the potential need for relocation, not previously identified when the county council's response to the planning application was sent.
- 8.8 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 (233 additional people arising from this development, as calculated by the Model). This is a total contribution of **£20,935** (£89.93 x 233).
- 8.9 The financial contribution of **£20,935** (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.
- 8.10 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.
- 8.11 As set out in paragraph 2.26, 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

8.12 Library contributions, towards this project, were requested in the original response to the planning application (**Appendix D**). Further information on the assessment of library contributions is available in the technical appendix to the Guide, *Technical Appendix 6: Libraries* (**Appendix R**).

9.0 Waste Provision

9.1 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.

9.2 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.

9.3 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. A network of waste transfer stations are needed to enable the proximate bulking and segregation of waste prior to processing, treatment or disposal and to meet the Government's Resources and Waste Strategy (RWS) which increases the need to segregate different waste types so that material resources can be reserved and the country can move towards a circular economy.

9.4 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.

- 9.5 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.
- 9.6 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.

Waste Transfer Stations

- 9.7 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.
- 9.8 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 95 units is likely to generate 228 new residents (95 units x 2.4 persons per dwelling). Therefore, the waste transfer station contribution arising from this development is £5,592 (228 x £24.53 per person).
- 9.9 The financial contribution of **£5,592** (index linked to 3Q2022 – BCIS All in TPI) is required towards **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.

- 9.10 The funding of the waste management 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.
- 9.11 As set out in paragraph 2.26, 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 waste contributions arising from this development are reasonable and justifiable:
- 100% of the waste contribution prior to commencement of development
- 9.12 Waste contributions were not requested in the original response to the planning application (**Appendix D**). Although capacity issues were known at this transfer station, the justification and modelling needed to seek financial obligations had not been finalised at the time this response was submitted. Further information on the assessment of waste contributions is available in the technical appendix to the Guide, *Technical Appendix 7: Waste Management (Appendix S)*.

10.0 Monitoring Fees

- 10.1 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.
- 10.2 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.

- 10.3 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
- 10.4 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.
- 10.5 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.
- 10.6 Monitoring fees were requested in the original response to the planning application (**Appendix D**). Further information on monitoring fees is available in section 5.5 of the Guide (**Appendix A**).

11.0 Fire Hydrants

- 11.1 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.
- 11.2 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.

- 11.3 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.
- 11.4 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).
- 11.5 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.
- 11.6 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.
- 11.7 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.

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

12.0 Audit Trails and Monitoring

12.1 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.

12.2 When Section 106 funding is received, each contribution is allocated an individual reference enabling each one to be individually managed, monitored and reported on.

12.3 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.

13.0 Summary and Conclusions

13.1 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.

13.2 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 are based on the likely population arising from it. This has been calculated using the Hertfordshire Demographic Model which allows the specific yield and population for each service to be calculated based on the specific size, type and tenure of each individual dwelling or unit. The calculation of need is 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 are ***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 (24 June 2024)

Hertfordshire County Council Appendix A

Hertfordshire County Council

Guide to Developer

Infrastructure Contributions



2021



Foreword

Planning for infrastructure provision is critical to ensure infrastructure is in the right place, made at the right time and sufficient to unlock opportunities into the future. The future approach to infrastructure planning and delivery in Hertfordshire will necessarily need to be funded by a variety of funding mechanisms and promoters of development sites will need to play their part. It is important that the infrastructure requirements identified to mitigate the impact of development are funded by developer contributions. This is fundamental to ensuring the delivery of good places, designed sustainably and without adding further stress to the infrastructure network.

Hertfordshire authorities have identified housing growth needs over the 13-year period to 2031 of on average requiring delivery of 6,425 dwellings per annum. This is a total housing supply of 83,530 dwellings that are expected between 2017/18 and 2031/32. ONS Population projections forecast a population increase of 107,400 people and 44,650 additional jobs are projected by the East of England Forecasting Model.

The Hertfordshire Infrastructure & Funding Prospectus 2018–2031 is a comprehensive piece of work documenting the scale of the growth challenging and highlighting infrastructure priorities for Hertfordshire. The document outlines a total projected infrastructure funding cost of £5.7bn and a projected funding gap of £3.59bn. To assist in bridging the gap, this Guide provides a transparent approach to how Hertfordshire County Council will work with developers through early engagement in the planning process.



Stephen Boulton
Hertfordshire County Councillor
Executive Member for Growth, Infrastructure & Planning

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1.0 Introduction

1.1 The Purpose of this Guide

- 1.1.1 The town planning process makes places better and more sustainable balancing the social, economic and environmental effects to shape the way new communities grow. Healthy place making is supported by the development of infrastructure to support the way in which new communities will live. Planning obligations play a key part in the process of development, ensuring that infrastructure is timely, well-located and accessible.
- 1.1.2 This 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. It replaces the previous Hertfordshire County Council policy document “Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements)” approved in January 2008.
- 1.1.3 This Guide reflects the changes brought about by the introduction of the Community Infrastructure Levy (CIL) Regulations 2010 and includes changes to county council service delivery. It is further designed to identify the county council’s approach to the negotiation, preparation and completion of planning obligation agreements to developers; the District/Borough Councils; and other interested parties.
- 1.1.4 Following the publication of the Government White Paper, Planning for the Future¹, it is clear that significant changes may be proposed. Until such time as a new mechanism is enacted, the county council intends to refer to this Guide to support requests for developer contributions.

¹ <https://www.gov.uk/government/consultations/planning-for-the-future>

1.1.5 This Guide will be considered for review to reflect legislative changes, government guidance and as guidance and evidence to support county council representations is developed. Significant changes will be subject to further consultation.

1.2 The Status of this Guide

1.2.1 This Guide is not a statutory planning document unless adopted as such. It is a Guide with reference documents. Hertfordshire local planning authorities have the responsibility of weighing up the importance of this Guide and the identified planning obligations against competing requirements/issues when considering planning applications.

1.3 The Legislative Framework

1.3.1 **The Town and Country Planning Act** (1990) sets out the statutory provisions for planning obligations in Section 106 agreements (more commonly known as S106). Planning obligations may:

- restrict development or use of the land in any specified way;
- require specified operations or activities to be carried out in, on, under or over the land;
- require the land to be used in any specified way; or
- require a sum or sums to be paid to the authority on a specified date or dates or periodically.

- 1.3.2 **The Planning Act** (2008) introduced a new system for approving major infrastructure of national importance, such as waste facilities, and replaced current regimes under several pieces of legislation. A key area of the Act was the introduction of CIL to finance infrastructure.
- 1.3.3 **The National Planning Policy Framework** (NPPF) is designed to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. The NPPF cross references the specific legislative framework outlined in the Community Infrastructure Levy Regulations 2010 (as amended).
- 1.3.4 **Planning Practice Guidance** adds further context to the NPPF and it is intended that the two documents should be read together. There are more than 40 pieces of guidance, including on CIL and Planning Obligations.
- 1.3.5 This Guidance is clear that plans should ‘seek to meet the development needs of their area, including community facilities such as schools’².
- 1.3.6 The **Community Infrastructure Levy Regulations** (2010) were introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. The CIL Regulations came into force on 6 April 2010 and a development may be liable for a charge under CIL, if a local planning authority (LPA) has chosen to set a charge in its area. CIL is not mandatory and under the current legislative context, county councils are unable to adopt a CIL.
- 1.3.7 The legal tests for when a planning obligation can be applied are set out in Regulation 122 (R122) of the CIL Regulations. The three tests of R122 are summarised below. A planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:
- necessary to make the development acceptable in planning terms;

² [Healthy and safe communities, paragraph 8.](#)

- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

1.3.8 Further information on CIL and CIL charges in those areas adopting a charge are available on the District and Borough websites. Links to those websites can be found in Appendix 1.

1.4 The interaction between S106 and CIL

1.4.1 Where a local planning authority has adopted a CIL Charging Schedule, the way in which service providers seek developer contributions changes. Projects which may have previously been funded by planning obligations in S106 agreements might now be funded via the CIL mechanism. Except where charging authorities expect specific projects or types of project to be wholly funded by a CIL, the county council will use this Guide to outline the process for seeking planning obligations on behalf of service areas.

1.4.2 The CIL Regulations (as amended in September 2019) no longer impose a 'pooling restriction' on the use of planning obligations to fund the same type of infrastructure or infrastructure project, and an infrastructure project may receive funding from both CIL and Section 106.³

1.4.3 The collection, distribution and prioritisation of CIL funding is the responsibility of each charging authority. In coordination with our local authority stakeholders, the information within this Guide and the technical appendices may be referred to by the county council when seeking the allocation of CIL funding from a CIL charging authority. This may assist in the justification of appropriate levels of CIL towards projects which reflect the impact of growth.

1.4.4 In line with the current legislative context, the county council will ensure its obligations are handled in a fair, open and reasonable way and that they

³ [Securing developer contributions for education \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

enable development to go ahead which would otherwise be refused.

Planning obligations can relate to matters other than those covered by the planning permission provided there is a relationship between the planning obligation and the planning permission. Unacceptable development should never be permitted because of unnecessary or unrelated benefits offered by applicants.

2.0 Hertfordshire

2.1 The making of place

2.1.1 “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve.”⁴ The NPPF clearly sets out that the Local Plan will set out the overall strategy for the pattern, scale and quality of development and this will involve the scale of infrastructure required to support the successful delivery of the Plan.

2.1.2 Investment in good place-making and masterplanning can be financially rewarding for developers and ultimately emotionally rewarding for residents. Whether in the physical design characteristics, the creation of new homes or businesses, job creation, biodiversity, addressing climate change or a place which provides a general sense of well-being, there are many factors which combine to create a place. New neighbourhoods are supported by fundamental buildings blocks, infrastructure, and the timely and appropriate location of that infrastructure can provide the foundation of the future place.

2.1.3 The county council is wholly supportive of masterplanning, to define and illustrate a vision for the place which is understood by all of the stakeholders in the development process. This includes existing residents and potential future residents.

2.1.4 Designing higher densities at transport nodes, walkable neighbourhoods which prioritise walking and cycling as the natural first option requires careful masterplanning, helps support healthier lifestyles, promotes community engagement in places where people can come together, children can play and supports local businesses. And overall can increase land value. People should be prioritised over cars.

⁴ [Paragraph 124, National Planning Policy Framework, 2019](#)

- 2.1.5 Schools can play an important part of the masterplanned design, helping shape a focus at neighbourhood centres, combined with other community uses, parents drop kids off by foot, use shops, coffee shops etc.
- 2.1.6 Place-making and good design is supported by the timely delivery of infrastructure. Unlocking development and achieving housing delivery is sometimes restricted by financial cashflows. Government has recognised this issue through opportunities to bid for funding streams which unlock development schemes through the early delivery of infrastructure projects. The county council encourages the early delivery of infrastructure to support place-making, creating new neighbourhoods with the opportunity for residents to come together in shared space, community buildings and the public realm.
- 2.1.7 The continued stewardship of the place also creates a sustainable legacy, maintaining a high-quality place. This might cover a wide range of assets ordinarily managed by a variety of organisations. A commitment to the long-term stewardship of assets is part of the development process. Particularly for larger development sites, long-term funding for community assets needs to be explored at an early stage to ensure these considerations are protected, from the outset, in new developments.
- 2.1.8 A commitment to long-term stewardship puts people at the heart of delivering successful places, maintaining the quality of new facilities for new and existing residents. For developers it can add value to a development from the outset, create confidence in the place. For local authorities this can assist in minimising financial liabilities enabling any surplus to be reinvested, providing greater value to the community.
- 2.1.9 The county council is able to coordinate with developers to discuss how stewardship might best be approached. Not every situation is the same but there are various stewardship models available and the county council welcomes early engagement to protect these principles.

2.2 Sustainability and Climate Change

2.2.1 In 2019 the Climate Change Act was amended to include the legislative target for the UK to be a net zero greenhouse gas emissions country by 2050. Like many organisations (including the District and Borough Councils in Hertfordshire), Hertfordshire County Council declared a Climate Emergency in July 2019 and committed to preparing the [Sustainable Hertfordshire Strategy](#). This declaration was made in response to the need to act locally, having observed the global impacts of climate change including those from within Hertfordshire; dry riverbeds, reduced water supply, intense weather events, localised flooding and Hertfordshire specific loss of habitat and species.

2.2.2 The county council is very aware that we cannot take action alone and in parallel to the work of the county council, the Leaders and CEXs of each Hertfordshire local authority unanimously agreed that a countywide approach to tackling climate change and ensuring sustainable development principles are at the forefront of the growth agenda. The Hertfordshire Climate Change and Sustainability Partnership consists of all the Hertfordshire local authorities and the Local Enterprise Partnership (LEP). Four priority areas for action are identified as: Water, Carbon, Biodiversity and Transport. Officer working groups support the partnership to prepare action plans for each of the priority areas and these action plans will cover; resilience, mitigation and adaptation. It is very keenly recognised that planning has a significant role to play in the development and implementation of suitable policies and this will be reflected in engagement and the delivery of projects required to mitigate the impact of development.

2.3 Infrastructure Contributions

2.3.1 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.

- 2.3.2 Local services are also provided by the appropriate local authority (City, Borough or District Councils). There are eleven local planning authorities in Hertfordshire (including the County Council). These local authorities plan for services such as affordable housing, waste collection, leisure and recreation services. The local authorities may seek developer contributions towards the infrastructure for which they are responsible.
- 2.3.3 The authorities also consult with other infrastructure providers to understand the complete needs of infrastructure required to mitigate the impact of development. This might, for example, include Highways England, the NHS, the Hertfordshire Constabulary and the Environment Agency.
- 2.3.4 The following paragraphs briefly outline those types of infrastructure which may be secured by developer contributions in Hertfordshire. This chapter does not necessarily present an exhaustive list. The level and range of developer contributions will be the subject of negotiation between the local planning authority and developer.

Not all of the infrastructure types indicated below are requested by the county council, this chapter is intended to be an indication of the different types and organisations involved in this work for Hertfordshire generally. Developers should contact the local planning authority for further advice.

Affordable housing

- 2.3.5 Affordable housing includes social rented, affordable rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. It can be a new-build property or a private sector property that has been purchased for use as an affordable home. Most residential development proposals in Hertfordshire will require the provision of on-site affordable housing provision that meets the needs of all resident groups. Local planning authorities will define affordable housing policies

through their Development Plan and further information is available from each Hertfordshire authority using the links shown in Appendix 4.

Adult Care Services

- 2.4 There are a number of proposed projects which are identified to meet very specific needs of people accessing adult care services in Hertfordshire. For mental health needs, these might include small blocks of 12 or so flats with an on-site office, in a number of areas. In addition, there is a need for move-on accommodation of self-contained flats in general needs accommodation. For vulnerable people this includes support currently provided to a range of groups such as women fleeing domestic violence; homeless single people and families, and people with substance misuse problems. Where there is an identified local need which will be exacerbated by new development, contributions will be sought towards on-site or off-site projects to meet new demand.
- 2.5 The county council has developed design guidance which details the preferred geographical location and layouts for some adult care services and developers are advised, particularly for larger strategic sites where on-site provision may be sought, to seek early engagement to support the development of masterplans.

Air quality

- 2.6 Local authorities in the UK have a responsibility under Local Air Quality Management (LAQM) legislation to review air quality. Where concentrations exceed national objectives, measures should be put in place to reduce emissions, and be reported in the local Air Quality Action Plan (AQAP). Most such Action Plans are designed to address difficulties in complying with national objectives for either NO₂ or PM₁₀. In some instances, it may be necessary to seek developer obligations towards improvement measures either via direct delivery of a project or via a financial contribution to a project serving a wider local area.

Ambulance service

- 2.7 Where new development would require improvements to expand provision and/or the redistribution or re-organisation of ambulance services to meet new areas of demand it may be necessary to seek obligations towards the ambulance service. This may be part of hub projects to co-locate blue-light services (with the police and fire services).

Archaeology

- 2.8 In most cases, the investigation and recording of archaeological remains can be covered by planning condition. However, in some circumstances a planning obligation may be necessary and could cover, for example, the deposit and storage of archaeological artifacts. Early engagement with specialist county council officers is advised.

Community centres/ halls

- 2.9 Community centres can act as a social focus for new communities and they may play an important part in the development of new relationships for residents. A community centre might act as a hub for a variety of public and private uses and where there is an identified need for a new centre or hall a variety of infrastructure providers might be interested in accessing space.
- 2.10 Community centres can provide for a co-location of many services such as: blue-light services (with access to lockable storage space for equipment); health services (with access to private consulting space); libraries (with potential to support roll-able shelving for books or storage for digital project work); play space for early years education groups; community meeting groups; and youth clubs.
- 2.11 Where community centres or halls are required, the transfer of land and buildings might be dealt with via a S106 agreement. Where existing centres

or halls can expand or improve their provision to meet additional demand, it may be appropriate to provide financial contributions for off-site provisions.

Cultural facilities

- 2.12 Demand for improvements to museums, galleries or theatres would ordinarily be outlined within the Development Plan although smaller projects such as public art installations may not. Where obligations can be supported by a clear evidence of need and/or policy, and where they meet the tests for S106, developer contributions or on-site provision (for example as part of town centre regeneration projects) may be identified as part of a S106.

Digital connectivity

- 2.13 Digital connectivity has the ability to dramatically alter the way in which we live, work, travel, learn and access services. Some Hertfordshire authorities have adopted specific policy in their Development Plan which guides the expectations for new developments, further information is available from each Hertfordshire authority using the links shown in Appendix 4.
- 2.14 Whilst direct financial contributions might not be sought for the delivery of digital access (i.e. cabling in the ground), more and more infrastructure providers are developing projects which rely on fast connectivity to digital networks. Projects which enable access to digital services may be identified to support new development, for example improvements to WIFI projects at a local library or community centre.

Education: Early Years

- 2.15 The county council currently has a number of statutory duties it has to meet regarding free early education (FEE) and childcare which are outlined in a technical appendix which accompanies this Guide. Financial contributions may be sought to help extend existing provision or provide a new facility.

Where the development in question also triggers the need for other community facilities it is often appropriate to co-locate early years facilities.

- 2.16 Wholly new provision will be considered on a case by case basis but should be DfE compliant. County council officers can provide details of Ofsted complaint space requirements which can save time and money later in the process of delivery of FEE space. The ability to access known networks of FEE providers and how best to market new accommodation is also a service offered by the county council which can ensure timely provision of facilities to meet demand from early occupations.

Education: Mainstream

- 2.17 The county council is the local authority which has the statutory responsibility for education. It has a duty to ensure that there are sufficient school places to meet the needs of the population now and in the future. Mainstream education provision includes nursery, primary, secondary and post-16 (up to the age of 19) education. In three tier areas primary and secondary education is divided into first, middle and upper education.
- 2.18 Where there is considered to be insufficient capacity in local schools to cater for the development (and other sites if appropriate) planning obligations will be sought. On strategic sites, the provision of land and build costs for on-site schools is usually required. Nursery provision is made at primary schools, while new secondary schools will also offer post-16 education.
- 2.19 Schools play an important part in the establishment of new communities. Community use agreements for school playing fields can also form an important part of on-site open space. This can be one example of providing a more flexible use of the space outside of school operating hours. The county council would advise early engagement for masterplanning purposes on strategic sites.

Education: Special Schools and Specialist Provision

- 2.20 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 school provision. The county council must secure sufficient education and training provision for young people with an Education, Health and Care (EHC) plan up to the age of 25.
- 2.21 Where existing capacity is unable to mitigate the impact of development, the county council will seek planning obligations to create new provision, whether through the expansion of existing special schools or specialist provision, or through the creation of new special schools or specialist resource provision in mainstream schools.
- 2.22 Few, if any, new developments will generate the requirement for an entire new SEND school. However, on strategic sites the county council may seek land allocations for SEND provision through the local plan process to serve a wider need arising from growth across a district or other wider geography.

Fire and Rescue service

- 2.23 The county council, in its capacity as the Fire and Rescue Authority, has a statutory duty to ensure that all development is provided with adequate water supplies for firefighting. This includes the provision of fire hydrants which may be secured through the planning process.
- 2.24 The ability of developments to be adequately served by fire and rescue services will be assessed on an individual basis and impacts may need to be addressed through financial contributions. This may include contributions towards a new blue-light hub, a new fire station or an extension to an existing facility or alternatively, the provision of sprinklers in commercial and/or domestic properties.

Green (and blue) infrastructure

- 2.25 Green infrastructure (sometimes referred to as blue infrastructure in relation to watercourses) can include: parks; fields; woodlands; rivers; wetlands; allotments; and private gardens. Green infrastructure should be networked. Networking urban parks, footpaths and quiet country lanes to open access land provides better access to the countryside and therein provides greater positive benefits to health and wellbeing. Developments may be required to provide onsite projects to support and improve the green infrastructure network, and meet biodiversity net gain requirements, or financial contributions may be sought towards off site projects.
- 2.26 Contributions may also be sought by the local planning authority for the maintenance of green infrastructure as part of any development. On larger development sites, there may instead be a requirement for the establishment of a management company for ongoing maintenance and management of these networks.
- 2.27 Public Rights of Way can form important connections between open spaces and improvements are managed by the county council. Contact with specialist county council officers as part of the application process will confirm any requirements on a case by case basis.

Health

- 2.28 The need for new health service facilities in connection with new development is assessed by NHS England, who will also consult with the local CCG. This would take into account the capacity of existing primary care/acute facilities provision and the demographic nature of the area. The scope of health care infrastructure may include capital provision and/or related funding and services. Opportunities for combining health service provision, with other infrastructure or facilities provision as part of shared floor space within a local centre, might also be explored.

- 2.29 Public Health functions and strategies are delivered by the county council and those responsibilities are set out with the Hertfordshire Health and Wellbeing Strategy and the Hertfordshire and West Essex Sustainability and Transformation Plan. The need for planning obligations is assessed on a case by case basis.
- 2.30 Further to this, the county council advocates the completion of Health Impact Assessments and sets out when it expects one to be undertaken, guidance on appropriate methodology and clarity on how it will be assessed is available via the county council website.

Libraries

- 2.31 As Local Libraries Authority, the county council has a duty to provide a comprehensive and efficient library service for everyone who lives, works, or studies in the county. The 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. Where improvements and/or new provision is required to mitigate the impact of new developments, financial contributions will be sought on behalf of the library authority.
- 2.32 Where new community facilities are due to be built, the library service may also consider the use of space within that facility, where appropriate, supported by additional resources.

Mineral workings

- 2.33 The county council identifies potential new sites for minerals extraction in the Minerals Local Plan. In instances where applications require mineral workings, it may be necessary to seek financial contributions or mitigation projects for the restoration and aftercare of mineral sites and to meet biodiversity net gain requirements. Each application is assessed on a case

by case basis and developers are advised to seek professional guidance from the specialist county council officers.

Open space, sport and recreation

- 2.34 The provision of outdoor space for sport and recreation will be outlined within a Development Plan and Sport England is a statutory consultee for any application for development affecting playing field land. Planning Practice Guidance also recommends consultation with Sport England on a number of other sports related applications.
- 2.35 Contributions may be requested by the local planning authority to support the maintenance of onsite provision and/or financial contributions towards off-site projects. This may include: play areas; playing fields; tennis courts; multi-use games areas; indoor sports facilities; and swimming pools.
- 2.36 Some uses can also be provided as part of school sites and where this would not affect the operation of schools, the county council will consider community use agreements for shared facilities. In some instances, it may be appropriate to provide additional funding to ensure that facilities for use by the wider community are compliant with Sport England standards. Each one is considered on a case by case basis.

Police service

- 2.37 Local authorities have a statutory duty to work with the Police and other partners to reduce crime and disorder in their area. Carefully planned design would only mean that where sites are located near to crime hotspots contributions may be sought for community or locally based safety projects. For strategic sites there may also be potential for co-location with other blue-light services in a single location and proportionate financial contributions may be sought from individual applications in areas of demand.

Public realm

- 2.38 Contributions may be sought towards improvements to the street scene which may include: hard and soft landscaping; street furniture; signage; public art. On-site improvements may also be sought by condition. Anticipated improvements may be set out within town centre or area specific strategies and developers should contact the local planning authority for further advice.

Sustainable drainage systems (SuDS)

- 2.39 The county council is the Lead Local Flood Authority and is a statutory consultee in planning for all major development in relation to the management of surface water drainage. Further guidance is available on the county council website which includes SuDS design guidance.
- 2.40 The inspection and monitoring of drainage works during construction can be covered by planning condition. Whilst each development is assessed on a case by case basis, a planning obligation may be necessary to cover the future maintenance and adoption of the SuDS in the new development, by an appointed management company, for example.

Transport

- 2.41 Planning obligations can be used to ensure developments maximise accessibility by sustainable modes. They can also be used to ensure developments have safe access/egress and minimise development-related impacts such as traffic congestion.
- 2.42 For larger strategic developments, it may be necessary for engagement with Highways England and/or the Department for Transport.

- 2.43 In line with the Local Transport Plan (LTP4) the county council will actively seek planning obligations which will improve sustainable transport facilities and services for passenger transport users who are using the development and generally for those users in the surrounding area. This will also include improvements to Public Rights of Way (see also green infrastructure).
- 2.44 Measures necessary to mitigate against the impact of new developments should be identified through Transport Assessments (TAs) or via site specific negotiations. Further detail for county council functions is provided in Chapter 5 and the Technical Appendix for Transport.

Waste infrastructure

- 2.45 The Hertfordshire district, borough and city councils are Waste Collecting Authorities (WCAs) and as such may seek financial contributions towards WCA receptacles which are used by householders for kerbside collections. Larger developments may also be required to support the development of community recycling points.
- 2.46 As Waste Disposal Authority, the county council is responsible for disposal of local authority collected waste arising in the county and collected by the WCAs. The county council achieves this via a network of waste transfer stations and household waste recycling centres. Where capacity is evidently reached, new development will exacerbate the function of the WDA and developers may be asked to contribute towards the expansion of existing or delivery of new sites.

Wildlife Sites, habitat and landscape improvements

- 2.47 The Environment Bill will introduce a mandatory biodiversity net gain, to ensure that new developments enhance biodiversity; compensate for biodiversity loss where it cannot be avoided or mitigated.

- 2.48 Even small-scale developments may have detrimental impacts on habitats and landscapes and where onsite solutions to mitigate impacts cannot be met, contributions to offsetting via projects offsite will be sought.
- 2.49 A county-level shared service known as Hertfordshire Ecology, provided by the county council, provides ecological planning advice to eight Hertfordshire local authorities and the county council. This service can provide guidance on development impacts and advise on any likely solutions and/or contributions which could be sought via planning obligations.

YC Hertfordshire

- 2.50 YC Hertfordshire provides a varied planned informal education programme across the county, in order to promote young people's personal and social development. This includes youth work projects and programmes, information, advice, guidance, work-related learning, outdoor education and one-to-one support. The service provides a statutory function in supporting the well-being of young people and where new development increases demand for young people's services, financial obligations will be sought.
- 2.51 A number of infrastructure providers are involved in the assessment of requirements necessary to make development acceptable. The local planning authority will weigh the balance of needs in the determination of each individual planning application. The following chapter outlines those service areas which are a responsibility of the county council. The chapter is supported by a number of technical appendices available alongside the Guide.
- 2.52 This list is not exhaustive and you should contact the local planning authority for further advice.

3.0 Hertfordshire County Council: Contributions

3.1 Overview

3.1.1 The county council is responsible for ensuring the provision of a range of services and seeks contributions and/or facilities from development, where not covered by a CIL charge (to eliminate any occasion where infrastructure may be sought by S106 and CIL), which would have an additional impact on service provision, including but not limited to:

- Adult Care Services;
- Education:
 - Early Years;
 - Mainstream;
 - Special Schools;
- Fire and rescue services;
- Libraries;
- Transport;
- Waste Disposal;
- Youth.

3.1.2 Whilst not related directly to service provision, other matters such as: economic development; archaeology; green infrastructure; sustainable drainage systems; and public health may also attract the need for planning obligations.

3.1.3 Planning obligations towards the above can be in the form of financial contributions; works; on site provision; or land.

3.2 How we assess the impact of each development

3.2.1 Hertfordshire County Council has developed a demographic model to project the likely population of any given development. A Guide to the model and an online version of it are available alongside this Guide.

- 3.2.2 The model can operate at different levels of complexity to account for the level of information available at any given point in the planning application process. The more detail provided for input into the model, the more detailed the result.
- 3.2.3 The model methodology is consistently applied to assist in determining the impact of an individual development on an infrastructure project. For example, the model can estimate how many 11 to 19 year olds might reside in a development over time, and therefore allow the county council to indicate a reasonable contribution towards a YC Hertfordshire (youth) project.
- 3.2.4 The approach to pupil yield calculations (for school place projections) differs slightly and is explained within the relevant technical appendix.
- 3.2.5 Outputs from the demographic model can be provided to applicants on request. Details of the total number of units, number of flats and/or houses and the tenure of an application are helpful datasets to facilitate the modelling. Each of the (non-transport) service technical appendices will refer to the demographic model. Full detail on the model is available alongside this Guide at hertfordshire.gov.uk.
- 3.2.6 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. However, information regarding specific projects will be provided at the time of a pre-application enquiry or consultation on a case by case basis.
- 3.2.7 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, 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 (see Technical Appendices) are considered appropriate for such a mechanism. This is particularly true in instances where an application has been submitted in outline allowing the mix and number of dwellings to change at the Reserved Matters stage. Where the cost of an identified project is known in advance of a Section 106 being agreed, bespoke calculations may also be considered.

3.2.8 Aside from thresholds identified in national guidance, the county council does not intend to set a specific county wide threshold in relation to seeking planning obligations. The need for planning obligations from individual applications will be assessed on a site by site basis and will be determined by local circumstances. This is compatible with the requirements of the CIL Regulations.

3.2.9 Local planning authorities may set their own thresholds or deem contributions inapplicable in certain instances. This should be checked with the relevant local planning authority.

3.2.10 Where an application involves demolition the obligations sought are assessed according to the net gain of dwellings or floor space. In instances where an application is made for a change of use which may not result in a change in floor space, an assessment of impact will still be needed, particularly in relation to Highway matters as, for example trips rates may be affected.

3.3 How infrastructure projects are identified

- 3.3.1 In alignment with the NPPF, the county council would expect infrastructure to be planned and tested throughout the development of a Local Plan and therefore policy making. The county council will coordinate with Hertfordshire local planning authorities throughout plan production, and engagement is outlined in the Local and Strategic Plans Engagement Document.
- 3.3.2 This Guide outlines the approach of the county council at the decision-making stage, although infrastructure requirements, particularly from strategic development sites, should be outlined within Local Plan policies and supporting evidence such as Infrastructure Delivery Plans. This aligns with the NPPF.
- 3.3.3 When determining the impact of strategic sites, the county council would generally expect such sites to generate the need for a new infrastructure setting, for example a new school. However, to mitigate the impact of a selection of smaller sites, the county council may explore pooling of S106 contributions, subject to legislation, in order to fairly and efficiently mitigate their combined or cumulative effects.
- 3.3.4 In order to forward plan for infrastructure provision, the county council monitors the progression of allocated and potential windfall sites by coordinating with the Hertfordshire LPAs, and neighbouring planning authorities where appropriate. Local Plans form the basis for service-related infrastructure planning. The NPPF recognises that:

“

34. Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.

”

- 3.3.5 Strategic sites are usually supported by specific planning policy which dictates the key infrastructure required to mitigate a development's impact. Further supporting infrastructure may also be required and each service provider is expected to provide robust evidence to support the lawfulness of any request by illustrating how the project meets the three tests of R122⁵.
- 3.3.6 In support of a Local Plan, an LPA may publish an Infrastructure Delivery Plan (IDP). An IDP sets out the infrastructure required to support the development outlined within a Local Plan. The county council encourages collaborative working to develop a joint working approach to IDPs.
- 3.3.7 In support of known infrastructure requirements to 2031, The Hertfordshire Infrastructure Funding Prospectus (HIFP) was completed in 2018. The HIFP key findings for Hertfordshire included:

“

- *an identified housing growth over the 13 year period to 2031 of on average 6,425 dwellings per annum. This compares to average annual completions of 3,189 dwellings per year across Hertfordshire from 2011/12 to 2016/17;*
- *a total housing supply of 83,530 dwellings that are expected between 2017/18 and 2031/32;*
- *an identified housing need for approximately 97,411 homes between 2018 and 2031;*
- *a forecast population increase of 107,400 people (an increase of 9%);*
and
- *a forecast of 44,650 additional jobs, an increase of 6%.*

”

The HIFP is available online [via this link](#)

⁵ [CIL Regulations 2010 \(as amended\)](#).

3.3.8 Circumstances may change if there are delays to developments coming forward as part of the town planning process. Service needs can fluctuate depending on a number of variables which may be beyond the control of a service provider, for example change in national policy, a sudden rise in birth rates or parental choice for a particular school. Applicants are therefore strongly advised to contact their local planning authority at the earliest opportunity to discuss potential infrastructure impacts.

3.3.9 Hertfordshire County Council welcomes engagement at the earliest opportunity and would expect the local planning authority to be included in discussions relevant to a planning application.

3.4 The scale of obligation

3.4.1 The scale of each obligation will depend on the infrastructure project identified to mitigate the impact of an individual development site. The county council will only seek obligations towards a particular service area where there is an identified need. Developers and applicants are encouraged to contact the local planning authority in the first instance to coordinate this process.

3.4.2 The county council provides indications of costs within the Technical Appendices. As project costs will vary by application, and therefore mitigation measure, the county council will confirm precise obligations at the point of consultation. This enables the county council to ensure that it meets the three tests in seeking reasonable and proportionate obligations.

3.4.3 Before requesting a planning obligation, the county council will assess:

- a) If there is an identified need in the local area; and
- b) If the project identified to mitigate the impact of development aligns with the estimated costs shown in the Technical Appendix.

Where the scope of a project varies from the examples shown within each Technical Appendix these costs may change.

3.4.4 Additional service requirements may be identified on a case by case basis. Many issues such as the conservation and enhancement of public rights of way (PROW), archaeology, wildlife, geology, habitats and the landscape (as well as creating opportunities for new environmental features including biodiversity) are where the county council often advises the local planning authority. These issues are often equally as important as those which attract financial obligations but are likely to vary considerably depending on specific site circumstances.

3.4.5 Other matters may therefore be considered on a case by case basis and the county council advises early engagement to identify contributions as soon as possible.

3.5 Viability of development sites

3.5.1 The county council would expect viability in the decision-making process to be assessed in line with national guidance.

3.5.2 It is recognised that it is the responsibility of the local planning authority to assess the reasonableness of the level of contribution sought by any individual S106 obligation. Only a local planning authority can consider the combined implications of all of the obligations on an individual application. Hertfordshire County Council requests that all discussions regarding a level of contribution are directed to the local planning authority in the first instance.

3.5.3 On occasion, it may be necessary for a local planning authority to take a view on the viability of a development to meet the infrastructure requirements outlined by each infrastructure provider. In these instances, and specifically where a County service need is reduced, Hertfordshire

County Council would expect viability evidence to be prepared and shared in alignment with national guidance.

3.5.4 There should be no reduction to obligations where it is found that an applicant has paid too much for land.

3.5.5 County council officers will be required to report any departure from the normal approach for S106, as outlined within this Guide, to County Council senior teams and Executive Members. Hertfordshire County Council will be transparent regarding any and all S106 processes, decisions and procedures.

4.0 Hertfordshire County Council: Land transfers

4.1 The requirement for land

4.1.1 There are a number of circumstances under which the county council may need land to be transferred to its ownership. These might include new or expanded schools and nurseries, buildings for community services or land to be dedicated as Highway or other form of travel infrastructure.

4.1.2 In most cases land is needed to establish a new facility on the development itself but in some circumstances it may be needed to expand an existing service location. There may be instances whereby the total land area, for a new school as an example, is not required to make the planning application acceptable in planning terms. In those instances there may be a need for developers to work together to agree an approach to land equalisation. Each development will be considered on a site by site basis.

4.2 Location and suitability

4.2.1 To identify the most appropriate location for a particular infrastructure project, Hertfordshire County Council would encourage developers to discuss plans at the earliest opportunity. The applicant will need to work closely with Hertfordshire County Council and the local planning authority to identify potential locations for new services which should, for large strategic sites, include the production of a masterplan. The location of a potential Hertfordshire County Council service need will need to be carefully considered in relation to other potential non-compatible uses.

4.2.2 Once the location of a site has been agreed, ground conditions must be considered. The most current and relevant Hertfordshire County Council Land Specification should be referred to. A current version of the Education Land Specification is shown in Appendix 2 but developers should contact **growth@hertfordshire.gov.uk** for the most up to date version.

4.1.3 In order to confirm site acceptability, Hertfordshire County Council would request the opportunity to visit the site is provided to officers and that, specifically in relation to the site area in question, the following checklist of items is compiled into a report and provided to Hertfordshire County Council for review:

- Site boundary plan (must include GIS polygon file)
- Development master-plan including partner organisation intentions
- Site history & previous uses
- Neighbouring land uses including ditches and power lines
- Ground conditions including local geology maps
- Topography including survey maps
- Contamination including radiation, soil and ground water
- Flood risk including Environment Agency flood zone designation
- Mobile phone/radio mast locations
- Physical encumbrances
- Habitat, arboriculture & ecology study including site walkover report
- Archaeology
- Noise (for education sites assessment)
- Air quality including reference to local Air Quality Management Areas
- Access (pedestrian & vehicular) and public rights of way
- Utility and service connections/capacity including searches
- Proposed pre-transfer works.
- Pre-existing claims or evidence of past use as a highway or Right of Way.

The availability of any information in GIS files will improve the efficiency in reviewing the data and information.

4.2.4 Upon receipt of the requested information, the county council will provide feedback to the local planning authority on site suitability. Developers will be expected to adhere to the Land Specification shown in Appendix 2 (or its

equivalent replacement), and for a 'Typical Standard' (also in Appendix 2) also to be included within any S106 agreement. Developers must obtain collateral warranties for any studies and works undertaken to support the site agreement or site preparation works. These warranties must be transferred to Hertfordshire County Council.

4.2.5 See also Appendix 2 for the current site sizes for education purposes.

5.0 Hertfordshire County Council: Process

5.1 Who to contact

- 5.1.1 Planning obligations in relation to all non-transport matters are sought by officers in the Growth and Infrastructure Unit. The team can be contacted via the following email address:

growth@hertfordshire.gov.uk

- 5.1.2 Planning obligations in relation to transport matters are sought by officers working within the Highways Development Management Team. The team can be contacted via the following email address:

highwaysplanning@hertfordshire.gov.uk

- 5.1.3 The county council works closely with the Hertfordshire local planning authorities. The authorities receive and determine planning applications. When planning applications are made, the county council is consulted by each local planning authority and will provide appropriate advice and comments regarding the needs of infrastructure for which is it responsible. Those needs may be met through a S106 obligation, or, where one exists the Community Infrastructure Levy or through another alternative and appropriate mechanism. Where the needs of a development are not met by an individual development, the county council may object to the application.
- 5.1.4 Alternative mechanisms to a S106 agreement might reasonably include planning conditions, highway works carried out pursuant to agreements under section 38 or section 278 of the Highways Act 1980. The

appropriateness of each approach and their interrelationship as a means of delivering infrastructure requirements will be considered on a case by case basis.

In all scenarios, the county council encourages early and ongoing engagement throughout the planning process, whether this be through the plan-making or decision-making processes.

5.2 Planning Performance Agreements and Service Specific Advice

- 5.2.1 In developing a planning application and the subsequent S106 legal agreement, applicants may request a planning performance agreement (PPA). PPAs are voluntary agreements that enable applicants and local authorities to agree timescales, actions and resources necessary to support the development of a planning application. For a large organisation such as the county council, this has numerous benefits not least of which is a coordinated response from a number of internal service departments.
- 5.2.2 On a case by case basis, the county council will consider the need for PPAs alongside available resource. In some instances this requires securing external resources which are also chargeable through the PPA. Stakeholders are invited to contact the growth email address provided in paragraph 5.1 with details of the development site to discuss this in the first instance. Template examples of PPAs can be provided upon request. Fees may be incurred for legal checks if the format of the PPA varies considerably from the template document.
- 5.2.3 In some scenarios, applicants prefer to secure specific chargeable advice from one service area in advance of any other county council functions. This is sometimes referred to as pre-application advice. The most common areas and contact email addresses for specific service area requests are detailed in the table below:

Service area	Email address
Transport	highwaysplanning@hertfordshire.gov.uk
Flood and drainage	frmconsultations@hertfordshire.gov.uk
Ordinary watercourses	ordinarywatercourses@hertfordshire.gov.uk
Historic environment	historic.environment@hertfordshire.gov.uk
Ecology	ecology@hertfordshire.gov.uk
Landscape	landscape@hertfordshire.gov.uk
Sustainability	sustainableherts@hertfordshire.gov.uk
Public Health	publichealth@hertfordshire.gov.uk
All other enquiries	growth@hertfordshire.gov.uk

5.3 Developing the Legal Agreement

- 5.3.1 Please refer also to the Legal Pack that accompanies this Guide.
- 5.3.2 Planning obligations must be included within a legal document often referred to as the Section 106 agreement (S106). This deed can also be in the form of a unilateral undertaking (the latter does not include reciprocal obligations from the receiving authorities).
- 5.3.3 The county council discourages the use of any legal agreement for which the county council is a receiving authority but not a signatory. This is to ensure that risk to public sector funding is minimised and planning obligations identified within the agreement are CIL compliant. The county council encourages early engagement in determining all planning obligations to ensure that they comply with the Regulations.
- 5.3.4 The first draft of a S106 can be produced by the county council, the local planning authority or the applicant/s. On behalf of the county council and the local planning authority S106s are usually handled by solicitors taking instructions from professional clients (e.g. planning and highway officers). The current county council model template document is included within the

legal pack that accompanies this Guide. However, some authorities have their own templates/standard clauses; accordingly it can be helpful to agree which template will be most appropriate in each case before the first draft is drawn up. The template/s attached to this document provide clauses which the county council regularly use and can be inserted into drafts based on alternative models where required.

- 5.3.5 Depending on the nature and complexity of the proposal, the attached templates may need to be amended and/or supplemented. Advice will be given on a case by case basis where necessary.
- 5.3.6 For land transfers, the county council would require an unencumbered freehold land transfer to form part of the S106 agreement.
- 5.3.7 Planning applicants are required to give an undertaking to pay costs for the preparation of legal agreements in advance of the S106 being drafted (fee rates are set out in the legal pack that accompanies this Guide). Further advice on the legal agreement process can be obtained by the contacts listed at paragraph 5.1, directly via the county council legal team at environmentlaw@hertfordshire.gov.uk or from the individual local planning authority listed at Appendix 1.

5.4 Appeals

- 5.4.1 Where a planning application is submitted to the Planning Inspectorate for appeal and the county council has sought planning obligations from the proposal, the council should be involved in the process.
- 5.4.2 The county council will assist and encourage applicants to make contact regarding the production of S106 drafts in advance of the appeal so that agreement can be reached where possible. The council will communicate with the appellant, LPA and the Planning Inspectorate as appropriate, and prepare statements, or appear as witnesses at appeal hearings and inquiries where necessary in support of the obligations being sought. It will also

provide any additional information (or updated information where there has been a significant period of time between responding to a consultation on application and an appeal) required in respect of the CIL Regulations.

5.5 Monitoring fees, Indexation, Receipt and Spending of S106 Monies

Monitoring fees for county council matters

5.5.1 Once the S106 is agreed, 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. 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.

5.5.2 A charge would be made based on the number of triggers within each legal agreement. Each trigger will attract a charge of £340.00⁶. For example:

⁶ This figure is based on 8 hours for a Monitoring Officer and 4 hours for a Senior Planning Officer per trigger.

- 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 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.

Monitoring fees will be adjusted for inflation against RPI. VAT is not charged on monitoring fees.

5.5.3 Where strategic housing development occurs of more than 500 dwellings a fixed negotiated monitoring administrative cost would be charged to reflect the associated costs of monitoring large schemes, which may have, for example, multiple builders, several phases of development and be built out over a longer time period.

5.5.4 Section 106 contributions are required to be paid in accordance with the terms of the S106 agreement. A form is attached to the model template shown in the legal pack which sets out this process, including how and where contributions should be paid.

Indexation

5.5.5 The county council requires contributions to be subject to indexation to account for inflation and ensure their value is retained. Historically a number of different indices have been used. To provide clarity and simplicity, the following indices will be used by the county council:

- Building Cost Information Service, BCIS (all non-highways/ transport infrastructure);
- SPON'S Index (Highways and transportation);

- Confederation of Passenger Transport Index, CPT (Passenger Transport i.e. bus services); and
- Retail Price Index, RPI (travel plans).

5.5.6 Indexation should be applied from the date at which the costs are set not at the point of committee or S106 agreement. Each agreement will detail specifically how indexation should be applied.

Receipts and spend

5.5.7 Once received, contributions are held and spent in accordance with the relevant S106. Financial contributions are monitored and tracked to expenditure on specified projects to ensure that it occurs within relevant timeframes as set out in the legal documents.

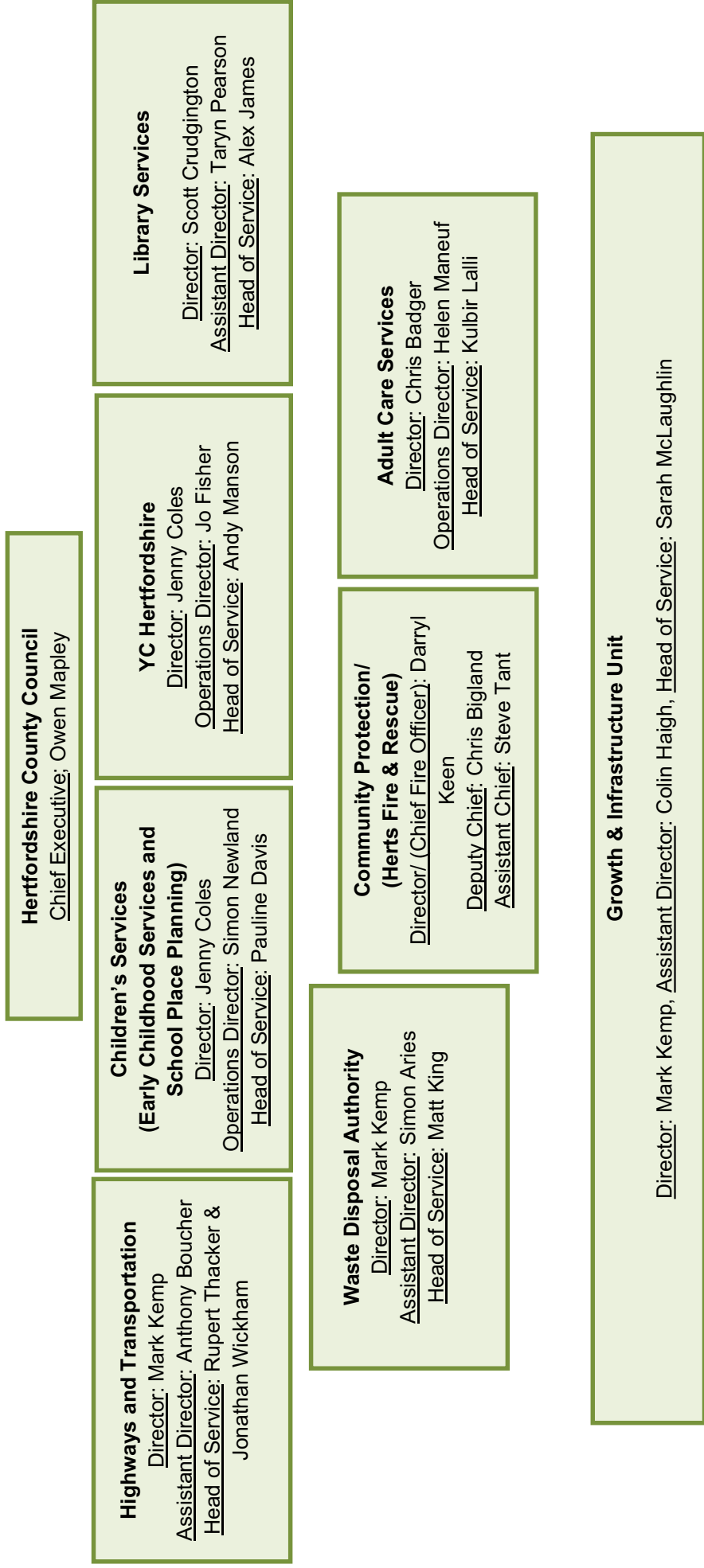
5.5.8 Annual Infrastructure Funding Statements will be published by the county council. If a contribution is not spent within the timeframes identified within the S106 it will be refunded to the relevant party as prescribed within the deed. Information on expenditure can be made available on request.

5.5.9 The county council maintains a register of all planning obligations and follows a clear internal process to approve spend. Its planning obligation processes are regularly audited and if necessary, recommendations made to senior officers to ensure improvements can be made where possible.

Developer Contributions Guidance 2021

Appendix 1 – Contacts

Hertfordshire County Council Service Structures



Supported by:












Estates
Director for Resources: Scott Crudgington
Assistant Director: Sass Pledger
Head of Service: Emily White

Legal
Chief Legal Officer: Quentin Baker
Head of the Environment and Property
Law Group: Gavin Milnthorpe
Principal Lawyer: Damian Oabonnava

Hertfordshire County Council Contacts for Developer Contributions

Local Planning Authority		Non-transport services		Transport Services	
		Lead: Sarah McLaughlin	Lead: Mark Youngman	Lead: Roger Flowerday	
		Growth and Infrastructure Unit		Local Plans, Strategic Development & Future Transport	
		growth@hertfordshire.gov.uk		highwaysplanning@hertfordshire.gov.uk	
North East					
Borough of Broxbourne Council	Team Leader: Antony Proietti.		Development Manager: Matthew Armstrong.		
East Hertfordshire District Council	Supported by: Ben Bowles, Sarah Burgess, Trish Lyons, Christine Perkins, Xavier Preston, Garden Towns: Matthew Wood.		Supported by Senior Development Officers: Ania Jakacka, Roger Taylor and a team of Development Officers.		
Stevenage Borough Council					
North Hertfordshire District Council					
Welwyn Hatfield Borough Council					
South West					
Dacorum Borough Council	Team Leader: Russell Monck.		Development Manager: Alan Story.		
Hertsmere Borough Council	Supported by: Terri Brooks, Jamie Alderson, Martin Wells, Velda Wong.		Supported by Senior Development Officers: Adam Whinnett, Samuel Tearle and a team of Development Officers.		
St Albans City & District Council					
Three Rivers District Council					
Watford Borough Council	Garden Towns: TBC		Development Officers: Adrian McHale, Faye Panah and Jenny Applestone.		

Hertfordshire Local Planning Authorities:

	Borough of Broxbourne	www.broxbourne.gov.uk 01992 785555
	Dacorum Borough Council	www.dacorum.gov.uk 01442 228000
	East Hertfordshire District Council	www.eastherts.gov.uk 01279 655261
	Hertsmere Borough Council	www.hertsmere.gov.uk 0208 207 2277
	North Hertfordshire District Council	www.north-herts.gov.uk 01462 474000
	Stevenage Borough Council	www.stevenage.gov.uk 01438 242242
	St Albans City & District Council	www.stalbans.gov.uk 01727 866100
	Three Rivers District Council	www.threerivers.gov.uk 01923 776611
	Watford Borough Council	www.watford.gov.uk 01923 226400
	Welwyn Hatfield Borough Council	www.welhat.gov.uk 01707 357000
	Hertfordshire County Council	www.hertfordshire.gov.uk 0300 123 4040

Developer Contributions Guidance 2021

Appendix 2 – Land specification: education

Please refer to the notes below to support work on initial feasibility for the land/build requirement of a new two form of entry (2FE) primary school. For alternative school sizes, please contact Hertfordshire County Council at growth@hertfordshire.gov.uk.

When working with developers on potential new school sites, the county council asks the developers to check the site against the following criteria which forms part of the draft summary terms used for the S106 agreements.

We are aware there may be site issues, such as gradient or drainage, and therefore such issues would need further investigation to clarify suitability of the space for external sports and other school facilities. The investigation findings will assist demonstrating the potential of the site to meet school standards.

Typical standard initial draft - A 'suitable' site being one that is;

- of regular shape;
- relatively flat (not more than 1:20 gradient);
- free of physical landscape or topographical features or other things which might constrain its development and use for its intended purpose;
- the Owner shall provide results of site investigations for the proposed School Land carried out to the relevant current British and European Standards, including BS 5930, BS EN 1997 – 1 BSEN 1997 – 2 and all related standards referred to therein. This shall determine load bearing capacity of soils, soil types (and depths), type and location of any contamination and ground water level;

- insurances through collateral warranties will provide the county council with redress from the provider in the event of error or inaccuracy;
- drainage – there will be a requirement by the approving authorities to provide a drainage strategy. The Owner will design and install a network to facilitate additional and appropriate capacity including surface water storage. A connection will be available at the site boundary. Foul water capacity will be available to the site boundary and will connect to an adoptable drainage system. The connection points for both foul and surface water drainage will be located to avoid the need to provide pumping infrastructure;
- free from contamination (to such extent as is appropriate for the intended use of the site);
- free from any protected species (any appropriate mitigation measures to be wholly completed by the transferor);
- within flood Zone 1;
- noise level of the intended outdoor play areas within British Standard Requirements (based on after construction phase is finished);
- consistent low levels of air pollutants (gases and particulates) likely to adversely impact upon the health and wellbeing of all users. Baseline air quality monitoring of a nature and scope proportionate to the sensitivity of the proposed location and to be agreed by the county council should be undertaken in advance of a planning application; reliance solely upon modelled assessments will not be considered a sufficient method through which the exposure of the school community to poor air quality can be objectively considered;
- having direct access from a highway of an adoptable standard with achievable/viable opportunity for walking and cycling as the preferred mode of travel;
- vacant possession.

Sports England may also direct the approach to design and delivery of outdoor space and, for completeness, up to date Sports England guidance should also be referred to.

The transferor should prepare the necessary survey evidence required for Hertfordshire County Council to be satisfied that the site is suitable for educational use.

Developers/ site promoters are advised to consider access to the education land early in the masterplanning process. The county council would expect consideration of a construction access to the land, and direct access from a highway of an adoptable standard at the point the school becomes operational.

Initial Feasibility

The county council's site standards are based on Department for Education guidance "Area guidelines for mainstream schools: Building Bulletin 103" (BB103).

As each site is different, there must be consideration to town planning requirements and any abnormalities such as:

- highways (access, constraints, improvements) car parking, cycle bays, drop off and turning circles;
- abnormalities leading to site constraints such as; topography, trees, ancient woodland, contaminated land, archaeological remains & ancient monuments;
- sewers, drainage and sustainable drainage such as balancing ponds or swales (which can require considerable land take depending on design);
- fencing and hedging; and/or
- external storage, refuse area and recycling point.

Hertfordshire County Council may require further detailed work to be completed to demonstrate deliverability, for example if significant on-site drainage solutions are required. This will be considered on a site by site basis.

School site sizes

Hertfordshire County Council currently seeks land allocations of the following sizes for new mainstream school locations:

Table 1: Hertfordshire School Land Areas for New Schools: 2021

School Size	Total School Area
Primary 2 Form of Entry School	2.03ha
Primary 3 Form of Entry School	2.92ha
Secondary 6 Form of Entry School	8.36ha
Secondary 7 Form of Entry School	9.57ha
Secondary 8 Form of Entry School	10.78ha
Secondary 9 Form of Entry School	11.99ha
Secondary 10 Form of Entry School	13.20ha

Schools sites are expected to be provided as whole sites, with no barriers to movement. Exceptional circumstances will be considered on a case by case basis. Applicants are urged to seek advice from Hertfordshire County Council to ensure the most up to date information is available.

Hertfordshire County Council Appendix B



Minutes
of the
Meeting of the
Cabinet
on
Monday, 12 July 2021

1. **Public Notice 1**
2. **Minutes**
3. **Public Notice 2**
4. **Agenda**
5. **Appendices to Item 13**
6. **Minutes**

Minutes



To: All Members of the Cabinet,
Chief Executive, Chief Officers

From: Democratic & Statutory Services
Ask for: Deborah Jeffery
Ext: 25563

CABINET 12 July 2021

ATTENDANCE

MEMBERS OF THE CABINET

P Bibby, S J Boulton, M Bright, E H Buckmaster, R C Deering, T L F Douris, T C Heritage,
S N M Nash, R M Roberts (*Leader of the Council*)

Other Members in Attendance

M B J Mills-Bishop

Upon consideration of the agenda for the Cabinet meeting on 21 June 2021 as circulated, copy annexed, conclusions were reached and are recorded below:

PART I ('OPEN') BUSINESS

1. MINUTES

1.1 Cabinet agreed the Minutes of the meeting held on 21 June 2021.

2. QUESTIONS FROM MEMBERS OF THE COUNCIL TO EXECUTIVE MEMBERS

2.1 There were no questions from Members of the Council to Executive Members.

3. PUBLIC PETITIONS

3.1 There were no public petitions.

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The full Cabinet Meeting can be viewed here: [Cabinet - 12 July 2021](#).

4. REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA): ANNUAL REPORT 1 APRIL 2020 – 31 MARCH 2021
[Forward Plan Ref: A024/21]

Decision

4.1 Cabinet approved the policies in relation to:

- (a) Directed Surveillance and Covert Human Intelligence Sources, attached at Appendix A to the report;
- (b) Acquisition and Disclosure of Communications Data from Communication Service Providers, attached at Appendix B to the report; and
- (c) Use of Social Media in Investigations, attached at Appendix C to the report.

Reasons for the decision

4.2 The Regulation of Investigatory Powers Act 2000 (RIPA) regulates Directed Surveillance and Covert Human Intelligence Sources. The Investigatory Powers Act 2016 (IPA) regulates the acquisition and disclosure of communications data from communication service providers, including such by local authorities. They were introduced to ensure that individuals' rights are protected, whilst also ensuring that law enforcement and security agencies have the powers they need to do their job effectively.

4.3 The County Council has separate policies on covert investigations, the acquisition and disclosure of communications data, and on the use of social media in investigations. These each require Councillors to consider reports on their use of RIPA and IPA on at least an annual basis, to ensure that they are being used consistently with the Council's policies and that the policies remain fit for purpose. Cabinet has, therefore, received its Annual Report on their use and has approved updated policies for 2021/22.

Any alternative options considered and rejected

4.6 None.

**5. DEVELOPER CONTRIBUTIONS GUIDANCE:
A REPLACEMENT FOR THE HERTFORDSHIRE TOOLKIT**
[Forward Plan Ref: A016/21]

Decision

5.1 Cabinet:

- i) approved the final version of the Guide to Developer Infrastructure Contributions (including Technical Appendices) and The Legal Pack (Appendices 1a, 1b and 2); and
- ii) agreed that the Appendices and Technical Appendices of the Guide can be amended under delegated authority by the Director of Environment and Infrastructure, in consultation with the Executive Member, and (in respect of the Technical Appendices) alongside the relevant Director (or equivalent), in consultation with the Executive Member of the respective County Council service department.

Reasons for the decision

5.2 The Planning Obligations Guidance – Toolkit for Hertfordshire (referred to as the Toolkit) was adopted in 2008. The Toolkit outlines the Council's approach to securing S106 planning obligations on behalf of Hertfordshire County Council services.

5.3 The new Guide, attached at Appendix 1 to the report, presents an up to date view of S106 and the integration with Community Infrastructure Levy (CIL). It provides more detail on Council working practices, providing clarity and transparency for developers and our local planning authority partners in a number of areas. The Guide is aimed at all persons involved in town planning processes such as the making of planning applications and particularly professionals such as town planners, surveyors, lawyers and highway engineers working within the County Council, the District/Borough councils and the development industry. It provides information on how the Council will coordinate a response to developer applications and advice on the infrastructure contributions required to mitigate the impact of developments.

5.4 In reaching its decision, Cabinet considered the above, together with the financial implications; the equalities implications; the sustainable Hertfordshire impact assessment; and the recommendations of the Growth, Infrastructure & Planning Cabinet Panel.

Any alternative options considered and rejected

5.5 None.

6. HERTFORDSHIRE COUNTY COUNCIL ADMISSION ARRANGEMENTS FOR 2021/22 AND 2022/23

[Forward Plan Ref: A031/21]

Decision

6.1 Cabinet agreed that: -

- i) the County Council's admission arrangements for 2021-22 and 2022-23 are varied in line with the requirements of the new School Admissions Code:
 - Rule 1 of the County Council's oversubscription criteria is amended to include all previously looked after children, including **those who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted.**
 - The definition and explanation regarding the allocation of places to children of service personnel and crown servants is amended to specifically reflect the new Code
- ii) these variations are conditional on the Code passing through its Parliamentary process (on or around 1 July 2021).

Reasons for the decision

- 6.2 The County Council must determine on an annual basis the admission arrangements and published admission number for all community and voluntary schools in Hertfordshire; and the coordinated schemes of admission to all maintained schools and academies in the county.
- 6.3 The School Admissions Code requires all admission authorities to consult on their admission arrangements (if there have been no changes) every 7 years. Hertfordshire County Council consulted on its admission arrangements for both 2021-22 and 2022-23 and Cabinet then determined arrangements.
- 6.4 The School Admissions Code, paragraph 3.6, only allows admission authorities to vary their admission arrangements in very limited circumstances, if:
“such revision is necessary to give effect to a mandatory requirement of the Code, admissions law, a determination of the Adjudicator or a misprint in the admissions arrangements”
All other revisions (except an increase in a school's Published Admission Number) require the approval of the Office of the Schools Adjudicator.
- 6.5 The new School Admissions Code will be implemented, subject to Parliamentary approval, on 1 September 2021. The County Council is required to vary its determined admission arrangements for 2021-22 and 2022-23, in line with the new Code, before that date.
- 6.6 In reaching its decision, Cabinet considered the above, together with the consultation responses; the financial implications; the equalities implications; the sustainable Hertfordshire impact assessment; and the recommendations of the Education, Libraries & Lifelong Learning Cabinet Panel.

Any alternative options considered and rejected

6.7 None.

7. OUTCOME OF THE PUBLIC CONSULTATION ON THE PROPOSAL TO CHANGE THE AGE RANGE OF OXHEY EARLY YEARS CENTRE TO ENABLE THE SCHOOL TO OFFER NURSERY PROVISION TO 2-YEAR-OLD CHILDREN FROM JANUARY 2022

[Forward Plan Ref: A029/21]

Decision

7.1 Cabinet accepted the proposal to change the age range of Oxhey Early Years Centre to enable the school to offer nursery provision to 2-year-old children from January 2022 and authorised the Director of Children’s Services to publish a statutory notice.

Reasons for the decision

7.2 A public consultation began on 11 May 2021 and ended on 7 June 2021. At the close of the consultation a total of 8 responses were received of which 5 respondents agreed with the proposal, 1 disagreed and 2 were undecided. The school’s governing body responded to the consultation and is in agreement with the proposal.

7.3 The proposal will ensure that 2-year-old children in the community, particularly the most vulnerable, are able to access the free place that they are entitled to.

7.4 In reaching its decision, Cabinet considered the above, together with the consultation responses; financial implications; the equalities implications; the sustainable Hertfordshire impact assessment; and the recommendations of the Education, Libraries & Lifelong Learning Cabinet Panel.

Any alternative options considered and rejected

7.5 None.

8. HERTFORDSHIRE SKILLS AND EMPLOYMENT STRATEGY 2021-24

[Forward Plan Ref: A026/21]

Decision

8.1 Cabinet noted the work undertaken by Hertfordshire County Council, the Local Enterprise Partnership (LEP) and the Department for Work and Pensions (DWP) adopted the Skills and Employment Strategy, including but not limited to:

- i) by unlocking emerging talent with support for young people aged 16-24 years.
- ii) through adult learning and employment, working towards full employment, promoting lifelong learning and retraining opportunities
- iii) skills to grow small and medium size businesses, enabling employers to build their future workforce
- iv) priority and growth sectors, harnessing the opportunities and investing in skills of the future
- v) placemaking, seizing the opportunities of Hertfordshire's business assets together with the proximity to London and other key economic areas

Reasons for the decision

- 8.2 The aim of the strategy is to ensure the county's skills provision addresses the local skills challenges and opportunities and meets the employment needs of the future, whilst supporting all residents to reach their potential.
- 8.3 The need for collective leadership on skills development remains and the County Council, together with the Hertfordshire Local Enterprise Partnership (LEP) and the Department for Work and Pensions (DWP) will continue the partnership approach of developing and implementing the strategy.
- 8.4 The strategy is a joined-up approach to develop Hertfordshire's workforce to support a strong economy where businesses can thrive, whilst enabling all residents to maximise their potential.
- 8.5 In reaching its decision, Cabinet considered the above, together with the financial implications; the equalities implications; the sustainable Hertfordshire impact assessment; and the recommendations of the Education, Libraries & Lifelong Learning Cabinet Panel.

Any alternative options considered and rejected

- 8.6 None.

9. OUTTURN FINANCE BUDGET MONITOR

[Forward Plan Ref: A011/21]

Decision

- 9.1 Cabinet approved the following:
- i) The proposed carry forward amounts including ring-fenced funding, attached at Appendix B to the report;
 - ii) The proposed application of the final outturn underspend and unallocated COVID-19 emergency funding; and
 - iii) The proposed reprogramming of capital budgets, attached at

Reasons for the decision

- 9.2 Cabinet approved the carry forward amounts and recommended re-programming in order to continue to support the delivery of key capital investments in Hertfordshire during 2021/22.

Any alternative options considered and rejected

- 9.3 None.

10. COVID-19 RECOVERY STRATEGY

Decision

- 10.1 Cabinet:-

- i) noted the progress made to date on developing a Covid-19 Recovery Strategy;
- ii) approved the proposed two-stage approach to delivering the strategy; and
- iii) approved the initial investment of £9.6m to support Covid-19 recovery

Full Council will be invited to endorse the proposals at its meeting on 20 July 2021.

Reasons for the decision

- 10.2 Over the past eighteen months, the Council has been working closely with its strong network of partners to ensure Hertfordshire's residents and businesses can live and work as safely as possible, as the Council responds to the unprecedented challenges brought about by the global Covid-19 pandemic. As the focus starts to move beyond immediate responses to the crisis, it is critical that a clear plan is in place to ensure that services are effectively restored, and the Council help our communities recover from the impacts of the pandemic. This work will build on the lessons learned and opportunities to further innovate services, so they are fit for the future.
- 10.3 Work has now begun to develop a strategy that sets out the Council's recovery from the challenges and pressures faced in Hertfordshire. The strategy is being developed alongside the urgent, immediate responses and recovery projects that are already in progress. It is not intended to duplicate or re-work any existing recovery plans.
- 10.4 The Strategy provides an overview of the next steps that the Council and partners will take to drive local recovery and describes the short-term priorities

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and longer-term ambitions, specifically focusing on managing the emerging issues across Hertfordshire.

- 10.5 As part of the Integrated Plan approved in February 2021, funding was established to support recovery actions. A total of £11.5m was set aside, comprising an initial sum of £5.5m in 2021/22 and £2m in each of the subsequent three years.
- 10.6 Full Council will be invited to endorsement the proposal of the initial investment of £9.6m to support Covid-19 recovery, and the actions that investment will support at its meeting on 20 July 2021.
- 10.7 In reaching its decision, Cabinet considered the above, together with the financial implications; the equalities implications; and the recommendations of the Resources & Performance Cabinet Panel.

Any alternative options considered and rejected

- 10.8 None.

11. COVID LOCAL SUPPORT GRANT

Decision

- 11.1 Cabinet noted the £2.3m additional funding from the Governments Local Support Grant for Hertfordshire and agreed:
- (i) £1,720,000 to be allocated through a £50 voucher to support all children in families facing financial difficulties, defined as those currently in receipt of benefit-dependant Free School Meals, and those who meet the national criteria for free two-year-old education and childcare, and for Early Years Pupil Premium;
 - (ii) £445,000 allocation of funding to support adults;
 - (iii) £194,850 other support for families and children.

Reasons for the decision

- 11.2 Hertfordshire County Council has been allocated a further £2.3m of Covid Local Support Grant from the Department of Work and Pensions (DWP) for the period from 21 June to 30 September 2021. This follows on from earlier phases of Covid Winter Support Grant (£2.9m for Dec – March) and Covid Local Support Grant (£1.1m for April – June).
- 11.3 The DWP has confirmed that this will be the final allocation of this grant, bringing it in line with the ending of the furlough scheme. Notice of the grant extension was received on 22 June 2021, and in order to issue vouchers before the end of term, schools will need time before the end of term to process this.
- 11.4 Cabinet considered the above, together with the financial implications and the

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equalities implications when making its decision.

Any alternative options considered and rejected

11.4 None.

12. ADDITIONAL SCHOOL PLACES – THE PRIORY SCHOOL, HITCHIN
[Forward Plan Ref: A030/21]

Decision

12.1 Cabinet:

- (i) approved the capital costs of The Priory School enlargement (contained within the Part II Report);
- (ii) authorised the Director of Children’s Services to enter a Funding Agreement with The Priory School, Hitchin, to enable it to permanently enlarge to 7fe from September 2023; and
- (iii) approved the allocation of s106 funding secured for the enlargement of The Priory School, and to other previously approved schemes as contained in Appendix 1.

Reasons for the decision

12.2 The Council has been working with The Priory School in Hitchin to agree the provision of an additional 1 form of entry of permanent capacity through its enlargement to 7fe.

12.3 The School’s determined Published Admission Number (PAN) is 180. Although it has offered over its PAN in recent years, it has insufficient permanent accommodation to accommodate an increase in the number of places it offers and therefore capital funding approval is sought to enable the School to deliver a building scheme which provides the right level of additional accommodation to meet its increased PAN.

12.4 The enlargement of The Priory School will meet the forecast need for additional secondary school places in the area.

12.5 In reaching its decision, Cabinet considered the above, together with the information within the Part II report; the financial implications; the equalities implications; the sustainable Hertfordshire impact assessment; and the recommendations of the Education, Libraries & Lifelong Learning Cabinet Panel.

Any alternative options considered and rejected

12.6 None.

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13. ACQUISITION OF BROOKDELL YARD, WATFORD, ADJACENT TO WATERDALE RECYCLING CENTRE, WATFORD, TO ENLARGE CAPACITY OF FACILITY TO ENSURE LONG TERM FUTURE OF SERVICE

[Forward Plan Ref: A028/21]

Decision

13.1 Cabinet:

- i) recommended to County Council that it approves the amendments to the Capital Strategy outlined in Section 5 and Appendix A to the report to enable the scheme to be added to the 2021/22 Integrated Plan;
- ii) subject to County Council approval of 13.1(i) above, approves the acquisition of Brookdell Goods Yard; and
- iii) delegates authority to the Director of Resources in consultation with the Executive Member for Resources and Performance, the Director of Environment and Infrastructure and the Executive Member for The Environment to agree final terms of the purchase.

Full Council will be invited to approve the amendments at its meeting on 20 July 2021.

Reasons for the decision

13.2 The Hertfordshire Local Authority Collected Waste (LACW) Spatial Strategy sets out the requirement to invest in the Waterdale Waste Transfer Station and the potential for short, medium and long-term improvements that would substantially improve the resilience of the network and develop Hertfordshire's ability to sustainably manage its waste.

13.3 The Brookdell site sits immediately to the south of Waterdale and represents a once in a lifetime opportunity to expand and reconfigure the site to provide necessary operational improvements and safeguard the most significant asset for waste management in Hertfordshire.

13.4 In reaching its decision, Cabinet considered the above, together with the information within the Part II report; the financial implications; the equalities implications; the sustainable Hertfordshire impact assessment; and the recommendations of the Resources & Performance Cabinet Panel.

PART II ('CLOSED') AGENDA

- 1. **ADDITIONAL SCHOOL PLACES – THE PRIORY SCHOOL, HITCHIN**
[Forward Plan Ref: A030/21]

Decision

- 1.1 The Part I decision reached on this item of business is recorded at item 12.1 above. The Part II decision reached on this item of business is recorded in the separate Part II Minutes.

- 2. **ACQUISITION OF BROOKDELL YARD, WATFORD, ADJACENT TO WATERDALE RECYCLING CENTRE, WATFORD, TO ENLARGE CAPACITY OF FACILITY TO ENSURE LONG TERM FUTURE OF SERVICE**
[Forward Plan Ref: A028/21]

Decision

- 2.1 The decision reached on this item of business is set out at item 13.1 above.

QUENTIN BAKER
CHIEF LEGAL OFFICER

CHAIRMAN _____

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Hertfordshire County Council Appendix C

REGISTERED NUMBER:	5/2022/0267/LSM
APPLICANT:	Mr R Martin M Scott Properties Ltd
PROPOSAL:	Outline application (access) - Erection of up to 95 dwellings, including 40% affordable dwellings and 5% self-build and custom build dwellings, public open space, landscaping and associated infrastructure - AMENDED & ADDITIONAL INFORMATION
SITE:	Land Between Caravan Site and Watling Street Park Street St Albans Hertfordshire
APPLICATION VALID DATE:	18/02/2022
HISTORIC BUILDING GRADE:	N/A
CONSERVATION AREA:	N/A
DISTRICT PLAN REVIEW:	Metropolitan Green Belt
WARD	Park Street

RECOMMENDATION	<p>A. That the applicant, within four months of the date of this committee meeting, enters into a legal agreement pursuant to S106 of the Act in relation to the provision of:</p> <ul style="list-style-type: none"> • 40% Affordable Housing Provision • 5% Self-Build and Custom Housebuilding Plots Provision • Primary Education (expansion of Killigrew Primary School) • Secondary Education (expansion of Marlborough School) • Special Educational Needs and Disabilities (delivery of new severe learning difficulty school places through the relocation and expansion of Breakspeare School) • Youth Service (re-provision of St Albans Young People's Centre) • Library Service (increasing capacity of St Albans Central Library) • Sustainable Transport Contribution • County Council Monitoring Fee • Open Space Provision • Biodiversity Onsite Compensation Scheme • NHS (GP Surgeries/Ambulances)
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B. That conditional outline planning permission be granted.

C. That the application be referred to the Secretary of State as a Departure from the Development Plan (Green Belt development)

D. That in the event that the S106 agreement is not completed within four months of the date of the committee resolution, grant officers delegated authority to refuse planning permission for the following reason:

“In the absence of a completed and signed s106 legal agreement or other suitable mechanism to secure the provision of 40% Affordable Housing Provision, 5% Self-Build and Custom Housebuilding Plots Provision, Primary Education (expansion of Killigrew Primary School), Secondary Education (expansion of Marlborough School), Special Educational Needs and Disabilities (delivery of new severe learning difficulty school places through the relocation and expansion of Breakspare School), Youth Service (re-provision of St Albans Young People’s Centre), Library Service (increasing capacity of St Albans Central Library), Sustainable Transport Contribution, County Council Monitoring Fee, Open Space Provision, Biodiversity Onsite Compensation Scheme, NHS (GP Surgeries/Ambulances); the infrastructure needs of the development would not be met and the impacts of the proposal would not be sufficiently mitigated. The proposal is therefore contrary to the National Planning Policy Framework, 2021 and Policy 143B (Implementation) of the St Albans District Local Plan Review 1994.”

E. In the event that four months from the date of the committee resolution elapses, but significant progress has been made on the S106 agreement, that an extended period may be agreed between the Development Manager and the Chair of the Planning (Development Management) Committee, to allow for the S106 Agreement to be completed and the decision notice to be formally issued.

1. Reasons for Call in to Committee

- 1.1. Former Councillor Richard Curthoys called-in this application for the reasons set out below. Whilst the application was called-in under the Council's previous scheme of delegation, the call-in nonetheless remains valid.

"The site lies entirely within Green Belt and represents nearly the entire separation space between St Albans and Park Street, along the line of Watling Street. The proposed development would therefore affect many residents in Park Street, so should be considered carefully by committee, to determine whether it meets the 'very special circumstances' requirement for building in the Green Belt and whether the application is in a 'sustainable location'. The proposed site borders land owned by SADC under HM Land Registry title number HD487901. The proposed site was one of the locations put forward by the land owner in a recent 'call for sites' in relation to the works on the emerging strategic local plan and is in the green belt. As this is site in the Green Belt and will affect many residents in Park Street this application needs to be considered very carefully by committee to discuss the above reasons for call in and determine if this is a 'sustainable location' and if the necessary 'very special circumstances' exist to permit building in the Green Belt. Policies 1 (Metropolitan Green Belt), 2 (settlement strategy) 8 (affordable housing in the Metropolitan Green Belt) 69 (general design and layout) and 70 (design and layout of new housing) of the St Albans District Local Plan Review 1994 need consideration.

I have not predetermined this application"

- 1.2. In any event, the application is reported to committee for determination as the application raises District-wide implications.
- 1.3. This application was previously reported to the Planning (Development Management) Committee meeting of Monday, 14th August, 2023, where the application was deferred. Further detail in relation to this deferral is set out in the discussion section below, whilst the committee report from the August meeting is attached as Appendix One.

2. Relevant Planning History

- 2.1. Site specific and other relevant planning history is included within the appended report.
- 2.2. At the time of writing there are no updates in respect of other relevant applications/appeals. However, any changes Officers are aware of prior to the committee meeting taking place will be verbally reported.

3. Site Description

- 3.1. The application site consists of a broadly triangular parcel of land, extending to around 4.5 hectares, located to the west of Watling Street and to the north of Old Orchard. The site is mainly adjacent to residential properties to the east and south, whilst open fields mainly lie to the west of the site beyond existing trees. Watling Street Caravan Park and an electricity substation lie beyond the north eastern boundary of the site, whilst a petrol station is opposite the site's north western most point. The site principally slopes down from Watling Street towards the fields west of the application site. The site is currently used for agricultural purposes and is sited within the Metropolitan Green Belt.

4. The Proposal

- 4.1. Outline application (access) - Erection of up to 95 dwellings, including 40% affordable dwellings and 5% self-build and custom build dwellings, public open space, landscaping and associated infrastructure - AMENDED & ADDITIONAL INFORMATION

5. Representations

- 5.1. Please refer to the appended report for details of the consultation exercises undertaken in respect of this application prior to the committee meeting of 14/08/2023.
- 5.2. Following the receipt of additional information after the committee meeting of 14/08/2023, a further round of public consultation was undertaken. This involved local residents and the Parish Council being written to, as well as new site notices being displayed in the vicinity of the application site.
- 5.3. Since the previous committee report was drafted, comments objecting to the proposed development have been received from: Greenbelt; 161 Watling Street; 28A Seaman Close; 23 Mount Drive; 31 Old Orchard; 1 Old Orchard; 9 The Rise; 12 Sycamore Drive; 15 Mount Drive; 15 Birchwood Way; 16 Brinsmead; Park St Resident Association; 3 The Rise; 14 Old Orchard; 139 Watling Street, 41 Mount Drive; 21 Old Orchard; 11 Mount Drive; 232 Watling Street; 18 Seaman Close; 3 Hawfield Gardens; 16 Old Orchard; 139 Watling Street; 117 Watling Street; 1 Maplefield; 151 Watling Street; 8 Old Orchard; 230 Watling Street; 1 Penn Road; 180 Watling Street; 228 Watling Street; 104 Tippendell Lane; 23 Old Orchard; 10 Old Orchard; 3 Penn Road; 4 Old Orchard; 21 Upton Close; 208a Watling Street; 92 Tippendell Lane; 167 Park Street; 9 Old Orchard; 1 Old Orchard; Ambleside; 147 Watling Street; 218 Radlett Road; 10 Mount Drive; 188 Watling Street; 190 Watling Street; 13 Wynchlands Crescent; 135 Watling Street; 27 Mount Drive; 46 Mount Drive.
- 5.4. Comments from incomplete addresses were also received. Multiple responses from the same address were also received.
- 5.5. These comments can be summarised as:
- Loss of Green Belt
 - No very special circumstances
 - Coalescence
 - Concerns with Green Belt Review and Draft Local Plan
 - Previous appeal next to site dismissed
 - Green Belt appeals have been dismissed elsewhere
 - Inaccurate additional information
 - Disagree with additional information
 - Loss of agricultural land
 - Concerns with traffic count
 - Access is on a hill

- Access safety
- Impact on Park Street Roundabout
- Railfreight impacts
- Traffic pollution
- Poor service on Abbey Line
- Concerns with road safety audit
- Footpath safety
- Dropped kerbs are a bare minimum
- Independent traffic survey was requested
- Visual impact
- Density too great
- Pedestrian access to St Albans is through a tunnel
- Flooding and drainage impacts
- Site is unsustainable
- Cause strain on infrastructure
- Impact on capacity on Midway Surgery
- Schools are oversubscribed
- Would not provide affordable housing
- People don't need to live in St Albans
- Wildlife impacts
- Flaws in previous officer report
- Approving application would be unlawful
- Breach of Development Management Procedure Order
- No consideration being given to the impact this will have on the local community
- Won't benefit local people
- Other permissions have been granted in the area

5.6. Councillor Nuala Webb commented on this application in objection. The comments can be summarised as:

- Current Green Belt review contradicts previous ones which found that the site contributed to the Green Belt
- Site visit recommended to see the extent to which the site is surrounded by houses
- Traffic surveys based on data taken during a lockdown period
- The impact on Park Street Roundabout is not recognised
- Local knowledge is invaluable
- The impact of Railfreight has not been considered
- Access arrangements are potentially dangerous being near brow of a hill
- Safety concerns re. footpaths and pedestrian access
- The proposed housing will not meet the needs of local residents, some of whom are about to be made homeless

5.7. Comments in support of the application was received from 40 Park Street Lane and 32a Hazel Road, which can be summarised as:

- Additional information is welcomed
- Many objections from NIMBYs who themselves live in houses that were built in the Green Belt
- Traffic impact will be reduced/ mitigated somewhat through Railfreight improvements – not all warehouses will generate heavy traffic such as trucks
- Green Belt assessment did not see a detrimental impact on the Green Belt
- Would not result in coalescence
- Scheme would provide wider benefits such as footpath provision
- Proposed footpath is welcomed
- Development will benefit those people without houses

6. Consultations:

6.1. Following the previous committee meeting, Officers have consulted Spatial Planning and HCC Highways on the additional information provided. The below responses should therefore be read in conjunction with the consultation responses as reported to committee previously (included at Appendix One).

6.2. Spatial Planning

6.2.1. We understand that additional information was received consisting of:

- Technical Note re. Traffic Impact of Proposed Development (Traffic Counts)
- Road Safety Audit

- Designer's Response to Road Safety Audit
- Proposed Site Access Plan
- Swept Path Analysis Plan
- Green Belt Review (Letter of Recommendation)

6.2.2. Spatial Planning response to this re-consultation:

No change from previous response dated June 2023.

6.3. HCC Highways (Response date 13/12/2023)

6.3.1. Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

Analysis

6.3.2. HCC Highways has been consulted on a Stage 1 Road Safety Audit for a proposed scheme associated with the proposed development at Land Between Caravan Site And Watling Street Park Street St Albans.

6.3.3. The purpose of the scheme is to provide a priority junction to facilitate access from Watling Street (A5183) to a residential development of up to 95 dwellings, with associated infrastructure. The proposed development site is located north of Park Street village and currently consists of agricultural land bounded to the west by hedgerows and arable farmland, and to the east by Watling Street. A simple priority T-junction is proposed on the A5183 Watling Street to provide vehicular access to and egress from the proposed development.

6.3.4. The Stage 1 Road Safety Audit has been reviewed by the HCC Road Safety team and provided the following comments:

Possible risk of hazards to pedestrians and pedal cyclists.

6.3.5. The drawings show a 2m wide footway to the north of the access and 3m wide cycleway to the south of the access are proposed. During the site visit it was noted that at the proposed access location, the existing footway is a very narrow track.

6.3.6. There is a considerable amount of vegetation at ground level and low hanging branches which could pose a hazard to pedestrians and pedal cyclists using the route with a risk of pedestrians tripping over or cyclists falling from their bikes. There is also a risk of users of the footway spilling into the carriageway, increasing the risk of collisions with road users.

6.3.7. It was recommended the vegetation clearance is undertaken to the north of the proposed access, extending to the existing section of clear footway, and to the south of the access to allow a clear route to the existing bus stop.

6.3.8. The designer response identified the recommendation is accepted. Vegetation clearance to be undertaken prior to completion of the junction works to ensure access along the footway is clear.

6.3.9. HCC Road Safety confirmed the designer's response is considered acceptable. The plan referred to in Appendix A has been provided as part of this review.

Possible risk of collisions between road users and the central island.

- 6.3.10. It is noted on the swept path analysis that tracking has been provided for a Vulture 2225 refuse vehicle, and that this vehicle type can just make the right turn out of the access without colliding with the existing central island to the south of the access in Watling Street. However, this swept path analysis suggests that it is unlikely that a longer vehicle such as a large removal lorry would be able to make the right-turn without overrunning the kerb lines, increasing the risk of collisions with the island and injury to occupants of long vehicles.
- 6.3.11. Recommendation for swept path analysis to be undertaken for all vehicles likely to use the access and that measures are undertaken such as relocating the island if manoeuvres cannot be undertaken within the kerb lines.
- 6.3.12. The designer response accepted the recommendation. Tracking of an 18 tonne Rigid vehicle has been undertaken and included in Appendix B of this document. This demonstrates that an 18T vehicle can turn right out of the access without colliding with the island. It is anticipated that access for 18T vehicles will only be required very infrequently. Furthermore, the existing traffic island has high containment kerbs to protect the island from vehicle overrunning. Nonetheless, the swept path analysis will be repeated at detailed design to confirm whether the traffic island requires modification or relocation.
- 6.3.13. HCC Road Safety confirmed the designer's response is considered acceptable. The swept paths mentioned in Appendix B have been provided as part of this review.

Possible risk of trip hazards for pedestrians and cyclists

- 6.3.14. It is noted from the drawings that no drop kerb crossing points are proposed to assist pedestrians and cyclists to cross the proposed access along the western side of Watling Street. This may result in a trip hazard for pedestrians, and cyclists may have to 'bump' their bicycles up and down the full height kerb, increasing the risk of injury.
- 6.3.15. Recommendation that a drop kerb crossing point with tactile paving is provided at the mouth of the proposed access within the pedestrian desire line.
- 6.3.16. Designers response accepted the recommendation. Dropped kerb at the mouth of the site access to be included in the detailed design to provide a safe crossing point for pedestrians.
- 6.3.17. HCC Road Safety identified the designer's response is considered acceptable.

7. Relevant Planning Policy

- 7.1. The local planning policy context remains as reported to committee previously (as per the appended report).
- 7.2. Since the previous committee meeting, the National Planning Policy Framework has been updated. This is considered further in the report below.

8. Discussion

8.1. Background

- 8.1.1. This planning application was previously reported to the 14/08/2023 Planning (Development Management) Committee, where the application was deferred to

seek advice from expert witnesses in respect of reasons for refusal. The following were put forward as potential reasons for refusal to be investigated:

The proposed development comprises inappropriate development, for which permission can only be granted in very special circumstances. There is harm to the Green Belt and other harm which is not clearly outweighed by other considerations (paragraph 148 NPPF 2021). We do not consider that the benefits outweigh the harm caused by this proposed development due to the harm to the Green Belt openness, coalescence and merging of towns and urban sprawl. The harm also relates to landscape character and the loss of agricultural land. The proposal is therefore contrary to the National Planning Policy Framework 2021, Policy S1 of the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 1 and Policy 102 of the St Albans District Local Plan Review 1994.

By reason of insufficient information in the form of accurate traffic surveys and detailed consideration of the access into and out of the site in particular, right turns into and out of the site, the applicant has failed to demonstrate that the proposal would not have a severe impact on the highway network and would fail to comply with the National Planning Policy Framework 2021.

In the absence of a completed and signed S106 legal agreement or other suitable mechanism to secure the provision of affordable housing provision; self-build dwellings; biodiversity net gain; provision of open space and play space; health contributions; education contributions; library service contribution; youth service contribution; leisure and cultural centres contribution; provision of highways improvements and sustainable transport measures; the infrastructure needs of the development and benefits put forward to justify Very Special Circumstances would not be met and the impacts of the proposal would not be sufficiently mitigated. The proposal is therefore contrary to the National Planning Policy Framework 2021, the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 143B (Implementation) of the St. Albans District Local Plan Review 1994.

- 8.1.2. Following the 14/08/2023 meeting, Officers have sought the views of potential expert witnesses and have continued work in progressing the legal agreement on the application. Moreover, additional information was received from the applicant on the application.
- 8.1.3. This new report therefore seeks to respond to the above matters. The next section of the report will consider the additional information provided by the applicant, with the section after considering the responses from potential expert witnesses. The other matters section thereafter will provide updates and consideration of matters as required which have been raised since the deferral, before Officer conclusions are set out at the end of this section of the report. As noted above, as this report is focussed primarily on matters arising out of and from the previous committee meeting, and this report should therefore be read in conjunction with the previous committee report which is appended at appendix one.

8.2. Additional Information

- 8.2.1. Since the previous committee meeting, several pieces of additional information have been received. This includes a letter in respect of the Green Belt Review. The letter provides some background to the green belt review process, noting the site was identified as being located within Parcel DB28 of the Stage 1 Green Belt Review, and as being located within Parcel SA-108 of the Stage 2 Review. The letter advises that in their opinion the parcel feels connected to the existing settlement and cannot be described as unspoilt. The letter advises that 'when viewing the parcel from the north, it is possible to look across the parcel and view settlement edge dwellings along two of its three boundaries. Mature vegetation along the parcel's western edge creates a strong defensible boundary between the

parcel and open countryside beyond, and serves to contain the parcel to the west, further strengthening its relationship to the settlement edge to the east and its isolation from the surrounding countryside.’ The letter then goes on to compare the performance of the parcel the site is located within to other parcels within the green belt review.

- 8.2.2. Officers note that this letter was prepared in respect of the recent local plan consultation, and therefore raises a number of specific points (such as comparisons to the performance of other land parcels) which are not wholly relevant to the determination of this application. It is however noted that spatial planning has commented that their position on this application has not changed since their previous response. Moreover, after reviewing the content of the letter, the view of Officers in respect of the Green Belt and visual impacts is unchanged from that set out in detail in the appended report.
- 8.2.3. A suite of additional highways documents and plans were also provided, including a Technical Note re. Traffic Impact of Proposed Development (Traffic Counts), Road Safety Audit, Designer's Response to Road Safety Audit, Proposed Site Access Plan, Swept Path Analysis Plan, Green Belt Review (Letter of Recommendation).
- 8.2.4. Hertfordshire County Council as Highways Authority were consulted on the above. Their analysis shows that the risk of hazards to pedestrians and pedal cyclists is acceptable subject to vegetation clearance being undertaken. In respect of the risk of collisions between road users and the central island, following the undertaking of swept path analysis, it is considered that the proposal would be acceptable. The swept path analysis will be repeated at detailed design stage to confirm whether the traffic island requires modification or relocation. In respect of the risk of trip hazards to pedestrians and cyclists, there will now be a dropped kerb at the mouth of the site access to be included in the detailed design to provide a safe crossing point for pedestrians, which the highways authority considers acceptable.
- 8.2.5. Based on the above, Officers have no reason to disagree with the findings of the highways authority. It is considered that on the basis of the additional information provided, a safe access into the site can be provided. Officers recommend that the proposed site access plan (5153233-ATK-GEN-PRKST-DR-C-000001 Rev P1.6) is included within the approved plans condition as it is more up-to-date than that listed in this condition previously.

8.3. Responses from expert witnesses following deferral

- 8.3.1. The deferral essentially had three potential reasons for refusal. Officers went out to consultants in respect of reasons one and three as they related mainly to planning matters, and separately in respect of reason two as this related to a technical matter. It should be noted that the responses outlined below were received prior to the additional information considered above being available.

Reason One – Green Belt and Reason Three – Legal Agreement

- 8.3.2. In line with standard practice, Officers went out to three consultants to seek their views on the defensibility of the first and third reason for refusal. Two responses were received, albeit one response advised of a potential conflict of interest. To this end, the detailed response that was received in respect of this reason set out the following:

As I understand matters the site in question is a draft allocation site in the emerging Reg 18 Local plan. As such, at this time it comprises a site that the Council are promoting to meet their housing needs over the plan period and is (presumably) sequentially preferable to the other sites in the HEELA and GB Studies.

The eLP will inevitably result on housing sites being accommodated in the current Green Belt. The Council does not have a 5YHLS and the HDT score is below 75%. The Affordable Housing position is acute and CSB completions are well below demand.

In that context given the weight to the “other considerations” and the reduced weight to harm I would not be able to defend RfR 1 as in light of the Bullens Green decision this site would appear to have more favourable features that are accepted by the Council (in light of its draft allocation). In essence the Council’s position would appear to be one of prematurity and the NPPF advises that such arguments are rarely successful and the proposals do not appear to meet the exceptions in paragraph 49 NPPF.

With regard to RfR 3 that is defensible but I would assume that the Appellant will complete a s106 ahead of the appeal being heard and at that point the reason will fall away, or have they said they will not enter into a s106 undertaking?

- 8.3.3. In the above it is understood that eLP is emerging local plan, HEELA is Housing and Economic Land Availability Assessment, GB is Green Belt, 5YHLS is five year housing land supply, HDT is housing delivery target, CSB is custom and self-build, and RfR is reason for refusal.
- 8.3.4. Officers would advise that the above would be in keeping with their assessment of the application, particularly as per the ‘planning balance’ section of the appended officer report at section 8.16. Whilst weight was afforded to Green Belt harm (in terms of inappropriateness, openness and conflict with Green Belt purposes), landscape and visual effects, and loss of agricultural land; this harm was clearly outweighed by other considerations including the provision of 95 new homes, affordable housing provision, open space and play space provision, 10% biodiversity net gain provision, and the economic benefits of the proposed development. A detailed analysis of the Green Belt impact of the proposed development was included at Section 8.3 of the appended officer report which remains unchanged since the previous committee meeting.
- 8.3.5. In respect of the legal agreement, Officers would advise that this would appear to be at an advanced stage, and in line with the above comments from the consultant, Officers would expect this reason to fall away at appeal stage.

Reason Two - Highways

- 8.3.6. In line with standard practice, Officers went out to three consultants to seek their views on the defensibility of the second reason for refusal. Two detailed responses were received, whilst a third quote was received offering to look into highways matters in more detail.
- 8.3.7. The first detailed response received set out the following:

The TA itself is robust and it is clear from the consultation that the LHA ultimately had no objection to the development proposal. The initial advice included at Appendix A of the TA sets out an objection in principle to the formation of a new access on Watling Street based on policy at the time of writing but it notes that this is pending adoption of the new Local Plan. The site is, however, a draft allocation L2 in the Reg 18 Draft Local Plan, which I believe would outweigh the original objection in principle.

Some of the details pertaining to the access are a little confused throughout – the initial advice from highways identified a requirement for lateral visibility of 90m within a 40mph limit and references DMRB for this – I would have expected 120m. However, again, the ATC undertaken on Watling Street shows traffic speeds to be generally lower than 40mph, with 85%ile speeds (normally taken as the design

speed) of ~37mph in either direction. The visibility requirement for a design speed of 37mph is 90m, so the access has ended up being shown with the correct lateral visibility in my view.

The one factor relating to the access that I would have expected to see for the standard of major road and the level of turning movements is a ghost island right turn lane. This is not featured on the proposed access. However, this is not a mandatory requirement in the DMRB standards and the wording can be interpreted in different ways. The requirement for a ghost island right turn to be considered is when the level of movement on the minor road exceeds 300 vehicles per day. The trip generation of the proposal site will exceed this.

Relevant wording is included in two sections of the design guidance:

1. The 2-way AADT design year flows are used to determine the approximate level of junction provision prior to more detailed traffic modelling to check capacity.

This note within the standards is something of a 'get out of jail free' card when it comes to provision of a right turn lane – the applicant has checked the capacity of the junction as shown and demonstrated that it will provide sufficient capacity.

2. Priority junctions shall include a major road central treatment when the minor road flow exceeds 300 vehicles 2-way annual average daily traffic (AADT), or the major road flow exceeds 13,000 vehicles 2-way AADT.

This is the principal reference and the section of the standard that I would have expected to apply in this case – however it does not specify a full ghost island right turn lane, only 'major road central treatment' and there is hatching along the centre of Watling Street at present in the vicinity of the access.

As noted, there is currently central hatching on Watling Street, this could be interpreted as major road central treatment. No modification to the hatching is shown on the proposed access drawing, not even formation of a break in the hatching, but this could readily be modified and could even be undertaken at a later design stage.

Formation of a full ghost standard island right turn lane would be much more challenging, as this is likely to involve widening of the road which would likely also affect trees – but the requirement for this would come down to an interpretation of the wording in the design standard as set out above, and on balance for the scale of the scheme and dominant types of vehicles (cars) a lower scale of provision can more readily be argued to be acceptable.

On the matter of traffic surveys, I note that the survey data was submitted and is available on the portal, and even though the surveys were undertaken in November 2021 during the Covid period – this was not a period when lockdowns were in force. Further, post-pandemic traffic levels have not risen to pre-pandemic levels, in part due to a higher proportion of workers continuing to work at home for some or part of the week. I would imagine therefore that traffic flows on Watling Street will not have risen significantly and certainly not to a level that would cause capacity to be an issue at the access. New surveys could easily be undertaken by the applicant to demonstrate this.

In summary, whilst I consider there to be imperfections and I would even add that the reference to right turn movements in the rfr is a relevant one, I would expect that any outstanding concerns could be resolved and that the balance would be in favour of the applicant on Appeal with regard to highways.

8.3.8. The second detailed response received set out the following:

Thank you for sending through details of the above. I have been through the application, the highway responses and the committee report and have set out my

views below. As usual with appeals it is not a clear cut decision one way or the other.

The application is for up to 95 dwellings with associated landscaping, open space and associated infrastructure. The Members are minded to refuse, against officer advice, and require advice on ability to defend that decision at appeal. Three potential reasons for refusal are set out of which the second is highway related, namely:

“2. By reason of insufficient information in the form of accurate traffic surveys and detailed consideration of the access into and out of the site in particular, right turns into and out of the site, the applicant has failed to demonstrate that the proposal would not have a severe impact on the highway network and would fail to comply with the National Planning Policy Framework 2021.”

It is a relevant consideration that Hertfordshire County Council as highway authority did not ultimately object to the scheme subject to certain improvements, and this does potentially carry some weight as if we were appearing for the developer I would stress that fact often. Therefore in the paragraph below I will discuss the merits of a highway refusal and then discuss how we could reasonably argue that Hertfordshire County Council were misguided in their response.

In terms of the case itself, the first important element is the fact that the traffic surveys were done when the impacts of COVID were still being felt. We can clearly therefore cast considerably doubt on the validity of the data which is of course a strong starting point. If it does go to appeal a modest survey to establish the current level of traffic on Park Lane would be worthwhile as it should (hopefully) show a higher level of flow and in budget terms would be relatively cheap. In general current flows are not back to pre lockdown levels but are higher than in 2021.

The next consideration is the performance of the access in capacity terms. Here the case is much weaker as the analysis in the Transport Assessment shows very low ratios of flow to capacity (RFC) with quite a bit of spare capacity available. (The actual highest RFC is 0.11 and for a junction to be approaching capacity it would need to be in the range 0.85-1.00.) In practical terms this means that even if we could show the traffic flows on Park Street are now significantly higher the junction would almost certainly still operate well within capacity. We would of course look at this, including the trip generation/distribution and background growth) but it is very unlikely that an objection could be sustained based on the performance of the access.

In addition of course if it were at an appeal the appellants would almost certainly resurvey and present updated results.

If however we look slightly further afield the case is more promising. I am referring of course to the Park Street roundabout. This was not analysed in the original Transport Assessment but at Hertfordshire County Council's request was modelled with the results set out in the Transport Assessment Addendum. There are a number of relevant comments about this analysis:

- i) The survey date is November 2021 so previous comments apply.
- ii) The modelling shows the junction operating close to capacity with the development in place in the PM peak (maximum RFC value 0.96).
- iii) The modelling shows only modest queues. In practice, as acknowledged in the Transport Assessment Addendum, the junction does queue in the peak hour demonstrating the junction modelling is weak.
- iv) The Transport Assessment Addendum does briefly comment on this but frankly it is mainly waffle. The modelling work should have been revisited so more

realistic queues were modelled. It is a fact with ARCADY (the model used for the assessment) that when operating just within capacity forecast queues are modest but as soon as capacity is exceeded they build up quite quickly. The assessment should have revisited the various input parameters to see if adjustment were in order as, for example, modest amendments to the geometrical impacts can easily make a difference. It is clear that the modelling is overoptimistic in accessing the junction's performance. It is relevant to note that in their response Hertfordshire County Council do not accept the modelling although for reasons that will be discussed later they still didn't object.

v) This becomes important because the Transport Assessment Addendum then points out that the development traffic itself has little impact on the RFCs and queue lengths and so doesn't have a detrimental impact. This is true based on their analysis. However, as previously stated, once a junction exceeds capacity queues build up quite quickly and so if revised modelling shows the junction over capacity the impact of the development could be greater. On this basis as well as having a detailed look at the input parameters it would also be worth revisiting the survey data. Ideally the roundabout should be resurveyed, but this would not be as cheap as a simple count on Park Road, so the Council may not want the expense. In that case it would be possible to use the Park Road count to calculate a percentage increase in flow since 2021 and apply that to the 2021 roundabout survey.

vi) The test of course, based on NPPF, is whether the impact is severe. As I am sure you are aware "helpfully" severe is not defined but even a small increase in queues is easier to argue as unacceptable if the junction is already under strain.

To conclude this part therefore there is a case to be made on an unacceptable impact on the wider network, namely the Park Street roundabout. It is not guaranteed to be successful because an Inspector may still, in considering the planning balance and the lack of a 5 year supply, think the impact is not severe enough to warrant refusal but there is certainly a case to be made.

With regards Hertfordshire County Council, I am slightly surprised they weren't more robust on this one. It is however helpful they didn't accept the Park Street roundabout modelling. Their case is that any potential impact is offset by the proposed active travel measures including a toucan crossing, upgraded footways, bus stop improvements and the Travel Plan. To be frank this position doesn't surprise me as Hertfordshire County Council are very enthusiastic about active travel and the level of modal shift they think they can achieve, as I have found in discussions with them elsewhere where I am acting for developers. This approach is of course to be applauded up to a point but there needs to be some realism as to what can be achieved. I think it is quite legitimate to argue that the kind of measures proposed here are basic measures you would expect to see for a development of this size, and not ones that are going to cause significant levels of modal shift for existing drivers (noting the junction is already at capacity) or vastly reduce the level of traffic generation from the development itself. The wording would therefore have to be careful, as active travel is to be encouraged, but we can present a case that Hertfordshire County Council have overestimated the active travel benefits and underestimated the traffic impact of the development and therefore their lack of objection was misplaced.

In conclusion therefore a highway objection can be supported. It cannot be certain of success as you can never fully anticipate an Inspector's view, but at the least should give some weight to the negatives in the planning balance. I would however suggest the wording of the reason for refusal, if included, should focus less on the access and more on the impact of the development on the wider highway network.

- 8.3.9. In respect of the first detailed response, it is clear that while there are some concerns with the highways impact of the development (particularly in relation to turning right), overall the advice received sets out that the balance would be in favour of the appellant at appeal. In respect of the second detailed response, concerns are also raised albeit are instead arguably focused on Park Street roundabout and active travel instead, but equally stresses that success at appeal cannot be certain.
- 8.3.10. Officers note that the two detailed responses received do focus on different matters, and both do set out that there is a planning balance to be made at an appeal, and to this end Officers would not be optimistic about prospects for success in respect of defending the second potential reason for refusal. It should be borne in mind that Hertfordshire County Council as highway authority has not objected to the proposed development, and the matters raised in the potential reason for refusal appear subjective in the view of Officers based on the above responses. Moreover the Council cannot currently demonstrate a five year housing land supply, and as such even if highways harm were to be identified, the proposed development would provide significant benefits which could conceivably be argued on appeal outweigh any highways harm in this case.
- 8.3.11. The third quote received offered to undertake some preliminary investigations to ensure that the Council's position is as strong as possible, to meet two primary objectives of avoiding having an award of costs made against the Council, and having the appeal dismissed. Given the resolution was for officers to seek independent views on potential reasons for refusal, whilst the quote remains on the table, it has not been actioned further by Officers at this time.

Conclusions

- 8.3.12. Ultimately the proposed development has factors they weigh against the grant of planning permission, and factors that weigh in favour of planning permission. On any major planning application such as this, weighing these factors up is an important part of the determination process. The responses included above were sought in response to the previous deferral of this application. Whilst Officers note the content of the responses received, the officer recommendation on this application remains unchanged. As noted above and considered in detail in the appended report, it is not considered that the first reason for refusal would have good prospects of success at appeal. The second reason for refusal would based on the above appear to raise matters of subjectivity, which coupled with the lack of objection from the highway authority and the wider benefits of the scheme, is similarly not considered likely to have good prospects of success at appeal. The third reason for refusal would likely fall away at appeal given the progress being made with the legal agreement.

8.4. Other Matters

Legal Agreement

- 8.4.1. As noted above, work on the legal agreement has been progressing since the application was last reported to committee, and is now at an advanced stage. It is expected that the legal agreement can be finalised and signed in the near future.

National Planning Policy Framework (NPPF)

- 8.4.2. Since the publication of the previous committee report, the NPPF has been updated, with the most recent version being issued in December 2023. On the whole, Officers do not consider that the changes made to the NPPF are particularly significant in the context of determining this planning application. Nevertheless, Officers have set out below some of the more noteworthy changes

to the NPPF in their view in relation to the determination of this application. The numbering below refers to the paragraph numbers in the new NPPF.

- 8.4.3. Paragraph 6 of the NPPF has now been updated and explicitly mentions the Written Ministerial Statement on Affordable Homes Update (24 May 2021) which contains policy on First Homes. As currently drafted, the definition of 'affordable housing scheme' within the draft legal agreement states "*a scheme to be approved by the Council which specifies in relation to the Site securing a ratio of 2:1 Affordable Rented Housing to Shared Ownership Housing (or such other tenure mix as may be agreed in writing with the Council) and which may be amended from time to time with the written approval of the Council*". Officers therefore consider there is some flexibility within the currently drafted definition such that First Homes could potentially be provided at this site, and as noted above the definition within the legal agreement could also potentially be updated prior to being finalised. On this basis, it is not considered that there would be conflict with the Government's First Homes policy at this stage, with the overall affordable housing scheme to be fully considered at a later stage. As First Homes can constitute affordable housing provision, provided ultimately that 40% of the dwellings provided at the site constitute affordable housing provision, it is not considered that this matter would change the officer recommendation on this current application.
- 8.4.4. Paragraph 14 of the NPPF in respect of the tilted balance and neighbourhood plans has been updated, albeit in this case the neighbourhood plan does not contain housing allocations.
- 8.4.5. Paragraph 140 of the NPPF now explains that local planning authorities should ensure that relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about the design of the development, and are clear about the approved use of materials where appropriate. This will provide greater certainty for those implementing the planning permission on how to comply with the permission and a clearer basis for local planning authorities to identify breaches of planning control. Whilst this is noted, as this is an application for outline planning permission with access for approval, more detailed design matters would be considered further at reserved matters stage.
- 8.4.6. Paragraph 145 has been updated to clarify when Green Belt boundaries should be changed, and that proposals for changes should be made only through the plan making process. However, in this case the Green Belt designation of the application site would not alter as a result of granting planning permission.
- 8.4.7. Given the above, the updates to the NPPF has not in the view of Officers significantly altered the way development proposals in the Green Belt should be determined. The changes to the NPPF primarily relate to the plan-making process. Therefore, as noted above, notwithstanding the changes made to the NPPF, the officer recommendation on this application remains unchanged.

Public comments

- 8.4.8. Officers re-consulted on the additional information received following the previous deferral. Many of the matters raised in the comments received are either considered above or in the appended officer report. The officer recommendation on this application remains unchanged, and it is considered that very special circumstances exist in this case to justify the granting of planning permission. Matters relating to the Green Belt impact of the development, loss of agricultural land, visual impact, wildlife impact, and density of the scheme are considered in in the appended report.

- 8.4.9. The determination of this application is separate from the local plan process. Comments received raise the determination of other planning applications and planning appeals, however each case falls to be determined on its own merits.
- 8.4.10. The additional information in respect of highways is considered above, and it is noted that the County Council as Highways Authority has not raised objections in this case. Improvements to local transport infrastructure are also being sought by legal agreement in this case which are detailed in the appended officer report. Whilst it is acknowledged that there are many objections in relation to the highways impact of the development, for the reasons set out above and in the appended report, it is not considered that the proposed development would be unacceptable in terms of its highways impact.
- 8.4.11. The application site is considered to benefit from a sustainable location. The flooding/drainage impact of the development is considered acceptable in this case, and it is noted that a condition in respect of drainage is recommended. The section 106 agreement has obligations included within it which should assist in ensuring the development does not have an unacceptable impact on local social and community infrastructure.
- 8.4.12. The development will include affordable housing provision and this is being secured in the legal agreement.
- 8.4.13. Officers have taken into account all of the comments received on the application, and have followed due procedure in determining this application. However, notwithstanding the objections received, it is still considered that the application should be approved subject to conditions and a legal agreement.
- 8.4.14. The comments in support of the application are noted.

8.5. Conclusions

- 8.5.1. Officers have considered the additional information, the responses from expert witnesses following the previous deferral, the updated NPPF and the public and consultee comments received as noted above. Whilst these changes have all been taken into account, the officer recommendation on this application remains unchanged. It is still considered that very special circumstances exist in this case which would outweigh the harm identified, such that planning permission should be granted.

9. **Comment on Town/Parish Council/District Councillor Concern/s**

- 9.1.1. Please refer to appended report. The comments of Cllr Webb are noted – however for the reasons set out above and in the appended report, Officers are recommending that this application be granted subject to conditions and the completion of a legal agreement.

10. **Reasons for Grant/Refusal**

- 10.1. The site is situated in the Metropolitan Green Belt (Local Plan Review Policy 1). The proposed development comprises inappropriate development, for which permission can only be granted in very special circumstances, these being if the harm to the Green Belt and any other harm is clearly outweighed by other considerations (Paragraph 148 of the National Planning Policy Framework 2021). In this case, the harm relates to harm to the Green Belt openness and conflict with the purposes of including land within the Green Belt. The harm also relates to landscape character and the loss of agricultural land. The benefits include the provision of housing, affordable housing and self-build housing, the provision of open space and play space, the commitment to 10% BNG and economic benefits. These other considerations are considered to clearly outweigh the harm to the

Green Belt in this particular case. There are no technical objections to the application. The access is considered safe and appropriate. The impacts of the development can be appropriately mitigated by way of planning conditions and obligations in a s106 agreement.

EQUALITY AND HUMAN RIGHTS CONSIDERATIONS

Consideration has been given to Articles 1, 6, 8, 9, 10 and 14 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.

When considering proposals placed before the Council as Local Planning Authority, it is important that it is fully aware of and has themselves rigorously considered the equalities implications of the decision that they are taking. Therefore, rigorous consideration has been undertaken by the Council as the Local Planning Authority to ensure that proper appreciation of any potential impact of the proposed development on the Council's obligations under the Public Sector Equalities Duty.

The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

It is considered that the decision has had regard to this duty. The development would not conflict with either St Albans City and District Council's Equality Policy and would support the Council in meeting its statutory equality responsibilities.

RECOMMENDATION:	Conditional Permission	Decision Code:	A1
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11. Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called, the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

REASON Matters not particularised in the application are reserved for subsequent approval by the local planning authority. To comply with Section 92(1) of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON To comply with the requirements of Section 92 (2) of the Town and Country Planning Act 1990

4. The development hereby permitted shall be carried out in accordance with the following approved plans: 82-01 C, PP-01 F, 5153233-ATK-GEN-PRKST-DR-C-000001 Rev P1.6.

REASON For the avoidance of doubt and in the interests of proper planning.

5. Details shall be submitted as part of an application seeking approval of scale at reserved matters stage showing existing land levels and proposed slab levels for each proposed dwelling/building.

REASON So as to ensure that the visual impact of the development is acceptable, in accordance with Policies 1 and 69 of the St Albans District Local Plan Review 1994, Policy S5 of the St Stephen Parish Neighbourhood Plan 2022, and the National Planning Policy Framework.

6. Full details of the proposed housing mix, including a breakdown of unit sizes and tenure, should be submitted as part of application(s) for reserved matters approval as required by Condition 1.

REASON To ensure a suitable dwelling mix at the site in accordance with Policy 70 the St Albans District Local Plan Review 1994 and Policy S2 of the St Stephen Parish Neighbourhood Plan.

7. No development-related works shall take place within the site until a written scheme of archaeological work (WSI) has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a programme of initial trial trenching followed if required by open area excavation, followed by off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority. This must be carried out by a professional archaeological consultant or organisation in accordance with the agreed written scheme of investigation.

REASON To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with the National Planning Policy Framework paragraph 205. To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

8. Following the completion of the fieldwork and if needed the post-excavation assessment in Condition 7, appropriate resources will be agreed with the Local Planning Authority for the post-excavation project generated by the archaeological WSI in Condition 7. This will include all necessary works up to and including an appropriate publication and archiving and will include an agreed timetable and location for that publication.

REASON To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with the National Planning Policy Framework paragraph 205. To ensure the appropriate publication of archaeological and historic remains affected by the development.

9. As part of applications seeking approval of landscaping and layout at reserved matters stage, detailed planting plans shall be submitted in relation to additional tree planting along the western site boundary.

REASON So that the landscape and visual impact of the development is acceptable. To ensure that adequate tree planting can be provided on the application site, which can effectively mitigate the visual harm arising from the development, and create a stronger defensible edge to the application site. So as to ensure that the visual impact of the development is acceptable, in accordance with Policies 1 and 74 of the St Albans District Local Plan Review 1994, Policy S5 of the St Stephen Parish Neighbourhood Plan 2022, and the National Planning Policy Framework.

10. This permission does not extend to destroy, fell, lop or top the existing trees which are inside or outside the application site and which have been shown to be retained. These trees shall be protected during the implementation of the development in accordance with the recommendations set out in BS 5837 and any supplementary protection requested by the Local Planning Authority. Before excavation can commence, drawings shall be submitted to the Local Planning Authority giving details of the method of excavation, type of foundation proposed for the buildings and indicating how the roots of these trees shall be protected. No construction works shall commence until such drawings have been approved in writing by the Local Planning Authority.

REASON To protect existing trees during the course of construction works in order to ensure that the character and amenity of the area are not impaired. To comply with Policy 74 of the St. Albans District Local Plan Review 1994.

11. No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to and approved in writing by the Local Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

REASON This is a pre-commencement condition to promote sustainable development and to ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development management Policies document.

12. A Construction and Environment Management Plan (CEMP) shall be submitted as part of application(s) for reserved matters approval, as required by Condition 1. The CEMP will need to formalise the proposals set out within the Preliminary Ecological Appraisal in respect of the practicalities of undertaking any works in the context of safeguarding biodiversity. A site walkover survey should also be provided as part of the CEMP.

REASON To maximise the on-site mitigation for biodiversity impact, in line with the requirements of the NPPF.

13. A Landscape and Ecological Management Plan (LEMP) shall be submitted as part of application(s) for reserved matters approval, as required by Condition 1 and include:

- a) A description of the objectives;
- b) Details of habitats retained and created;
- c) Maintenance of habitat/feature creation measures in the long term (30 years) and those responsible for implementation, delivery and management;
- d) Lighting strategy (detailing how the ecological impact of light pollution will be minimised);
- e) Details of monitoring and potential mechanism for remedial measures to ensure habitat expectations are met.
- f) Details (type and location) of integrated bat boxes and bird (swift) boxes to be included in the proposal;
- g) Details of hedgehog highways between gardens;
- h) Details of reptile hibernacula or other ecological features proposed within the site;
- i) Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured;

The LEMP should cover all landscape areas within the site, other than small privately owned domestic gardens, unless specifically required in any of the criteria listed above.

REASON To maximise the on-site mitigation for biodiversity impact, in line with the requirements of the NPPF.

14. No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following on-site arrangements: i) roads, foot/cycleways; ii) foul and surface water drainage; iii) visibility splays; iv) access arrangements; v) parking provision in accordance with adopted standard; vi) loading areas; vii) turning areas.

REASON To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 34 of the St Albans District Local Plan Review 1994.

15. Prior to the first occupation of the development hereby permitted the vehicular access shall be

provided and thereafter retained at the position shown on the approved plan drawing number

(Drawing No.5153233-ATK-GEN-PRKST-DR-C-000001_P1.5 - located within the Transport Assessment dated 14 January 2022). Prior to the first use of the development hereby permitted arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

REASON To ensure satisfactory access into the site and avoid the carriage of extraneous material or

surface water onto the highway in accordance with Policy 34 of the St Albans District Local Plan Review 1994.

16. (Part A) Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works has been submitted to and approved in writing by the Local Planning Authority. This should include the provision of a Road Safety Audit. For the avoidance of doubt the obligations to provide all offsite works are to be contained within highways land only and include, but are not limited to: -

- o A toucan or tiger parallel crossing to the north of the proposed site access junction;

- o Upgrading of footway on the eastern side of Watling Street from the proposed toucan or tiger parallel crossing to connect with the existing segregated footway / cycleway at Park Street Roundabout leading to St Albans;

- o Upgrading of the footway along the frontage of the site to a segregated footway / cycleway on the western side of Watling Street between the proposed toucan or tiger parallel crossing and using reasonable endeavours to upgrade the surface of the footway that links with Park Street Station; and

- o Upgrading of the bus stops located on both sides of Watling Street to the north of the site to provide shelter, seating, real time passenger information and kassel kerbs.

(Part B) No dwellings within the scheme hereby permitted shall be occupied until the offsite highway improvement works referred to in Part A of this condition have been completed in accordance with the approved details; unless an alternative timeframe has been otherwise agreed in writing with the Local Planning Authority.

REASON To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policies 34 and 35 of the St Albans District Local Plan Review 1994.

17. No works shall commence until detailed design drawings and a scheme outlining timescales for delivery are submitted and approved in writing by the Local Planning Authority that show the provision of the two active travel accesses, being:

a) North of the Site to Watling Street: -

This access point will provide a direct link from the site to the proposed toucan or tiger parallel crossing on Watling Street;

b) Centre of the site to Watling Street:

This access point will provide a direct link from the site to the cycleway beside Watling Street towards Park Street Station

The accesses stated above must be completed and available for use in accordance with the approved design details and the scheme outlining timescales for delivery.

REASON To ensure construction of a satisfactory development and to promote sustainable development in accordance Policies 34 and 35 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework.

18. Prior to the first occupation of the development hereby permitted a scheme for the parking of cycles including details of the design, level and siting of the proposed parking shall be submitted to and approved in writing by the Local Planning Authority. The scheme must be designed in line with the cycle parking standards contained in the DfT's Cycle Infrastructure Design LTN1/20. The scheme shall also outline a timescale for delivery of the aforementioned requirements. Development shall thereafter proceed in accordance with the approved scheme, and the cycle parking provision shall be retained in perpetuity for this purpose.

REASON To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 34 and 39 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework.

19. No development shall commence until vehicle swept path movements plans are provided for the following:

a. a large car accessing all car parking spaces allotted to both housing and visitor parking bays;

b. a fire tender vehicle accessing the site in a forward gear to all properties within the boundary of the internal road layout (once detailed under Condition 14); and

c. a refuse vehicle accessing all properties and being able to safely and within a legal distance of residents bin collection points for a vehicle of dimensions L:10.875m x W:2.5m.

REASON To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 34 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework.

20. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in

accordance with the approved Plan. The Construction Management Plan / Statement shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

REASON In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy 34 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework.

21. No works involving excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority in conjunction with Affinity Water:

- i) An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.
- ii) A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination.
- iii) A Method Statement detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. appropriate piling design, off site monitoring boreholes etc.) to prevent and/or minimise any potential migration of pollutants to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.

The applicant or developer shall notify Affinity Water of excavation works 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply.

REASON Excavation works such as piling have the potential to cause water quality failures due to elevated concentrations of contaminants including turbidity. Increased concentrations of contaminants impacts the ability to treat water for public water supply. This can cause critical abstractions to switch off resulting in the immediate need for water to be sourced from another location, which incurs significant costs and risks of loss of supply during periods of high demand. To meet the aims of the National Planning Policy Framework.

22. If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until a Remediation Strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority in conjunction

with Affinity Water. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

REASON To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply or health from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water. To meet the aims of the National Planning Policy Framework.

23. Prior to the commencement of development, details of a Surface Water Drainage Scheme that does not include infiltration shall be submitted to and approved in writing by the Local Planning Authority in conjunction with Affinity Water.

REASON To provide confirmation that direct infiltration via soakaways will not be used due to the presence of contaminated land (historic landfill) and the risk for contaminants to remobilise, potentially impacting public water supply. To meet the aims of the National Planning Policy Framework.

24. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and ground gas contamination and provide information for a detailed assessment of the risk to all receptors that may be affected. The site investigation shall comply with BS10175:2011+A2:2017 Investigation of potentially contaminated sites - Code of practice. Copies of the interpretative report shall be submitted to the LPA without delay upon completion.

REASON To ensure that adequate protection of human health is maintained for the lifetime of the development. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

25. The results of the site investigation and the detailed risk assessment referred to in Condition 24, shall be used to prepare an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The options appraisal and remediation strategy shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person.

REASON To ensure that adequate protection of human health is maintained for the lifetime of the development. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

26. A verification report demonstrating completion of the works set out in the remediation strategy in Condition 25 and the effectiveness of the remediation shall be submitted in writing and approved by the LPA. The report shall include results of validation sampling and monitoring carried out in accordance with an approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON To ensure that adequate protection of human health is maintained for the lifetime of the development. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

27. No development shall be commenced until details of the surface water drainage scheme, based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority, which must include the following:

a. A fully detailed surface water drainage scheme has been submitted. The scheme shall include the utilisation of contemporary and appropriate sustainable

drainage (SuDS) techniques, with reference to the 'Watling Street, Park Street Drainage Strategy' by Hydrock and dated 13th October 2022.

- b. Accompanying hydraulic modelling calculations for the entire surface water drainage scheme should be submitted and approved. These detailed calculations should demonstrate that both the site and surrounding area will not flood from surface water as a result of the development for a full range of return periods and durations for summer and winter storm events, up to the 1 in 100 year return period event including the correct allowance for climate change.
- c. The maximum permissible flow controlled discharge rate shall no more than 2l/s for all events up to and including the 1 in 100 year return period event plus the correct allowance for climate change, as currently agreed in principle with Thames Water. This 'in principle' discharge agreement must be formally confirmed in writing with Thames Water and submitted in support of this condition, which shall also include full details of the point of connection, including cover and invert level(s).
- d. Submission of final detailed drainage layout plan(s) including the location and provided volumes of all storage and sustainable drainage (SuDS) features, pipe runs, invert levels and discharge points. If there are areas to be designated for informal flooding these should also be shown on a detailed site plan. The volume, size, inlet and outlet features, long-sections and cross sections of the proposed storage and SuDS features should also be provided.
- e. The surface water drainage plan(s) should include hydraulic modelling pipe label numbers that correspond with the hydraulic modelling calculations submitted, to allow for accurate cross-checking and review.
- f. If any infiltration drainage is proposed on the final drainage layout, this should be supported with appropriate infiltration testing carried out to the BRE Digest 365 Soakaway Design standard. This would also require confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above maximum groundwater levels.
- g. A detailed assessment of the proposed SuDS treatment train and water quality management stages, for all surface water runoff from the entire development site. The inclusion of suitable proprietary surface water treatment devices on the proposed drainage infrastructure as part of the treatment train is acceptable.
- h. The provision of a detailed plan showing the management of exceedance flow paths for surface water for events greater than the 1 in 100 year return period plus climate change event.
- i. A construction management plan to address all surface water runoff and any flooding issues during the construction stage is submitted and approved.
- j. If access or works to third party land is required, confirmation that an agreement has been made with the necessary landowners/consenting authorities to cross third party land and/or make a connection to a proposed sewer chamber location.
- k. A detailed management and maintenance plan for the lifetime of the development has been submitted and approved, which shall include the arrangements for adoption by an appropriate public body or water company, management company or maintenance by a Residents' Management Company and/or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

REASON To ensure that the development is served by a satisfactory system of sustainable surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development. In

compliance with Policy 84 of the St Albans District Local Plan Review 1994, the National Planning Policy Framework 2021 and the Technical Guidance to the National Planning Policy Framework.

28. Unless it can be demonstrated to the satisfaction of the Local Planning Authority that there is no requirement for fire hydrants to serve the development hereby permitted, no above ground works shall take place until a scheme for the provision of fire hydrants has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings hereby permitted shall be occupied until the approved scheme has been fully provided at the site.

REASON To ensure appropriate on site infrastructure is provided in accordance with Policy 143B of the St Albans District Local Plan Review 1994 and the NPPF.

29. Before the use commences a noise assessment should be carried out in accordance with BS8233: 2014 Guidance on sound insulation and noise reduction for buildings to establish the potential impact of noise from road traffic, aircraft, railways, industry, construction etc. on the proposed development. The noise assessment shall be submitted to and approved in writing prior to the first occupation of the dwellings hereby permitted.

Sound insulation measures shall be incorporated into the design of the proposed development so that the indoor ambient noise criteria described in BS8233:2014 are achieved within all habitable rooms.

In general, for steady external noise sources, it is desirable that the internal ambient noise level does not exceed the guideline values in the table below:

Internal ambient noise levels for dwellings

Activity	Location	0700 to 2300	2300 to 0700
Resting	Living room	35 dB Laeq, 16 hour	
Dining	Dining room/area	40 dB Laeq, 16 hour	
Sleeping (daytime resting)	Bedroom	35 dB Laeq, 16 hour	30 dB Laeq, 8 hour

The levels shown in the above table are based on the existing guidelines issued by the World Health Organisation.

The LA_{max,f} for night time noise in bedrooms should be below 45dBA; this is not included in the 2014 standard but note 4 allows an LA_{max,f} to be set. 45dBA and over is recognised by the World Health Organisation to be noise that is likely to cause disturbance to sleep.

REASON In the interests of residential amenity, in accordance with Policy 70 of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework.

30. The units hereby approved shall not be occupied unless details of the levels of noise and vibration in each of the flats' living rooms and bedrooms and within the external amenity space (post completion of the building works) have been submitted to and approved in writing by the Local Planning Authority in the form of an acoustic report demonstrating that "reasonable" resting levels of noise attenuation have been achieved in accordance with standards set out within BS8233: 2014 Guidance on sound insulation and noise reduction for buildings.

If "reasonable" noise levels have not been achieved, the report will details what additional measures will be undertaken to ensure that they are achieved. These additional measures shall be implemented prior to the occupation of the building in accordance with details so approved.

REASON In the interests of residential amenity, in accordance with Policy 70 of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework.

31. No development shall take place, other than works relating to access, until a submission has been made to the Local Planning Authority and is approved in writing, which demonstrates that either:

a) the development hereby permitted can be served by a superfast broadband (fibre-optic) connection alongside confirmation that such a connection will be provided; or,

b) such a connection would not be either possible, practical or economically viable.

In the event of b) being demonstrated, sufficient and suitable ducting should be provided within the site and to the properties hereby permitted to facilitate ease of installation at a future date on an open access basis. Confirmation that such ducting will be provided within the scheme should be given when discharging this condition.

REASON So as to meet the requirements of Policy S24 of the St Stephen Parish Neighbourhood Plan 2022.

12. Informatives:

1. The Local Planning Authority has been positive and proactive in its consideration of this planning application. The applicant and the Local Planning Authority engaged in pre-application discussions resulting in a form of development that improves the economic, social and environmental conditions of the District.

2. This determination was based on the following drawings and information: 82-01 C received 18/02/2022; BBS-BB-EGL-SU-01 received 02/02/2022; BBS-BB-EGL-SU-02 received 02/02/2022; BBS-BB-EGL-SU-03 received 02/02/2022; BBS-BB-EGL-SU-04 received 02/02/2022; BBS-BB-EGL-SU-05 received 02/02/2022; BBS-BB-EGL-SU-00 received 02/02/2022; PP-01 F received 09/06/2023; 4064/12/22-0160 v6 received 20/10/2022; IL-01 F received 20/10/2022; 20880-HYD-XX-XX-DR-D-2200 P03 received 01/06/2022; 4064/12/21-1600 v5 received 20/10/2022; Arboricultural Impact Assessment Ref: 21-0688 v2 dated January 2022; Transport Assessment dated 14 January 2022 received 02/02/2022; Letter from Nicholsons Lockhart Garratt dated 30 May 2022 ref: 22-0196 LET J OWEN ST ALBANS V2 AB160522 received 01/06/2022; Transport Assessment Appendix A - ATC received 01/06/2022; Transport Assessment Appendix A - J2 (Tuesday) received 01/06/2022; Biodiversity Metric received 20/10/2022; Agricultural Land Classification Report dated May 2022 received 01/06/2022; Planning Statement Addendum dated May 2022 received 01/06/2022; Transport Assessment Appendix A - J1 (Tuesday) received 01/06/2022; Transport Assessment Addendum dated 5 May 2022 received 01/06/2022; Transport Assessment Appendix A - J3 (Tuesday) received 01/06/2022; Preliminary Ecological Appraisal ref: 21-0662 v2 dated December 2021; Draft Heads of Terms received 24/05/2023; Nicholsons Lockhart Garratt Letter - Response to Ecology Comments / Land West of Watling Street ref: 22-0260 dated 24 November 2022 received

24/11/2022; Nicholsons Lockhart Garratt Letter - Response to spatial planning comments ref: 22-0458 dated 25 July 2022 received 20/10/2022; Thames Water E-mail Correspondence received 01/06/2022; Drainage Design Technical Note ref: 20880-HYD-XX-XX-TN-DS-001 rev P01 dated 23 August 2022 received 20/10/2022; Transport Assessment Addendum 2 dated 18 October 2022 received 20/10/2022; Archaeological Desk Based Assessment November 2021 received 02/02/2022; Additional Information Covering Letter dated 1 June 2022 received 01/06/2022; Design and Access Statement dated January 2022; Flood Risk Assessment dated 4 January 2022 ref: 20880-HYD-XX-XX-FP-FR-0001-P02; Planning Statement dated January 2022; Utilities Statement dated 5 January 2022 ref: 20880-HYD-XX-XX-RP-Y-3000; Green Belt Appraisal dated 20 December 2021 ref: 16-0603 V3; Biodiversity Impact Assessment dated January 2022 ref: 21-1590 V2; Phase 1 Desk Study dated 20 October 2021 ref: 20880-HYD-XX-XX-RP-GE-1000; Framework Travel Plan dated 5 May 2022 received 01/06/2022; Landscape and Visual Impact Assessment dated 24 May 2022 ref: 21-0781 V4 received 01/06/2022; Drainage Strategy dated 13 October 2022 ref: 20880-HYD-XX-XX-RP-D-5001-P05 received 20/10/2022.

Letter from Nicholsons titled 'Land West of Watling Street, Park Street, St Albans: Green Belt Review' received 15/11/2023; 5153233-ATK-GEN-PRKST-DR-C-000001 Rev P1.6 received 15/11/2023; Stage 1 Road Safety Audit received 15/11/2023; RSA Stage 1 Response Report received 15/11/2023; Technical Note Traffic Impact of Proposed Development received 15/11/2023; 5153233-ATK-GEN-PRKST-DR-C-000003 Rev P0.1 received 15/11/2023.

3. The applicant is encouraged to consider providing patios to the dwellinghouses hereby approved in the interests of well-being and to permit year round use of garden areas.

4. The county council, as the Minerals Planning Authority, would like to encourage the opportunistic use of any mineral deposits within the development, should they be found when creating the foundations/footings. Please however note that if such extraction constitutes a form of development in their own right, then separate planning permission may be required.

5. Please note the following comments from the Council's Recycling and Waste Officer:

The maximum trundle distance is 10 metres so if there are properties further than 10 metres from the end of a road, a bin collection point should be created.

There should be adequate parking to avoid parking on the road/ in undesignated areas which will narrow the road and could prevent our vehicles navigating the site.

Please note that on recycling collection day, each property will be presenting 2x 240lt bins, at least 1x 55lt bin for paper and card so the bin collection space must be large enough to accommodate these containers for the number of properties it serves.

6. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

7. Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

8. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all

vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

9. Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

10. Estate road adoption (Section 38): The applicant is advised that if it is the intention to request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No

development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

11. Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative

impacts of other nearby construction sites will be mitigated and managed. The level of detail required

in a CMP will depend on the scale and nature of development.

The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

12. Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6,000 and index-linked RPI May 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing travelplans@hertfordshire.gov.uk

13. Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking, and will help in Affinity Water's efforts to get emissions down in the district.

14. There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with Affinity Water's Developer Services Team to discuss asset protection or diversionary measures. This can be done

through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

15. In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

16. Please note the following advice from the Environment Agency:

In order to protect groundwater quality from further deterioration:

- o No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution (e.g. soakaways act as preferential pathways for contaminants to migrate to groundwater and cause pollution).
- o Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.

The applicant should refer to the following (non-exhaustive) list of sources of information and advice in dealing with land affected by contamination, especially with respect to protection of the groundwater beneath the site:

1. Follow the risk management framework provided in the updated guide LCRM, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guiding principles for land contamination for the type of information we require in order to assess risks to controlled waters from the site. The Local Planning Authority can advise on risk to other receptors, such as human health.
3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed. The Planning Practice Guidance defines a "Competent Person" (to prepare site investigation information) as: "A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation." For this definition and more please see here.
4. Refer to the contaminated land pages on Gov.uk for more information.
5. We expect the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by contamination e.g. British Standards when investigating potentially contaminated sites and groundwater, and references with these documents and their subsequent updates:
 - o BS5930:2015 Code of practice for site investigations;
 - o BS 10175:2011 A2:2017 Code of practice for investigation of potentially contaminated sites;
 - o BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points;
 - o BS ISO 5667-11:2009, BS 6068- 6.11: 2009 Water quality. Sampling. Guidance on sampling of groundwaters (a minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns but more may be required to establish the conceptual site model and groundwater quality. See RTM 2006 and MNA guidance for further details);
 - o BS ISO 18512:2007 Soil Quality. Guidance on long-term and short-term storage of soil samples;

- o BS EN ISO 5667:3- 2018. Water quality. Sampling. Preservation and handling of water samples;

- o Use MCERTS accredited methods for testing contaminated soils at the site;

- o Guidance on the design and installation of groundwater quality monitoring points Environment Agency 2006 Science Report SC020093 NB. The screen should be located such that at least part of the screen remains within the saturated zone during the period of monitoring, given the likely annual fluctuation in the water table. In layered aquifer systems, the response zone should be of an appropriate length to prevent connection between different aquifer layers within the system.

A Detailed Quantitative Risk Assessment (DQRA) for controlled waters using the results of the site investigations with consideration of the hydrogeology of the site and the degree of any existing groundwater and surface water pollution should be carried out. This increased provision of information by the applicant reflects the potentially greater risk to the water environment. The DQRA report should be prepared by a "Competent Person" e.g. a suitably qualified hydrogeologist. More guidance on this can be found at: <https://sobra.org.uk/accreditation/register-of-sobra-risk-assessors/>.

In the absence of any applicable on-site data, a range of values should be used to calculate the sensitivity of the input parameter on the outcome of the risk assessment.

Further points to note in relation to DQRAs:

- o oGP3 version 1.1 August 2013 provided further guidance on setting compliance points in DQRAs. This is now available as online guidance: <https://www.gov.uk/guidance/land-contamination-groundwater-compliance-points-quantitative-risk-assessments>

- o oWhere groundwater has been impacted by contamination on site, the default compliance point for both Principal and Secondary aquifers is 50 metres.

- o For the purposes of our Approach to Groundwater Protection, the following default position applies, unless there is site specific information to the contrary: we will use the more sensitive of the two designations e.g. if secondary drift overlies principal bedrock, we will adopt an overall designation of principal.

Where leaching tests are used it is strongly recommended that BS ISO 18772:2008 is followed as a logical process to aid the selection and justification of appropriate tests based on a conceptual understanding of soil and contaminant properties, likely and worst-case exposure conditions, leaching mechanisms, and study objectives. During the risk assessment one should characterise the leaching behaviour of contaminated soils using an appropriate suite of tests. As a minimum these tests should be:

- o o Up-flow percolation column test, run to LS 2 - to derive kappa values;

- o o pH dependence test if pH shifts are realistically predicted with regard to soil properties and exposure scenario;

- o o LS 2 batch test - to benchmark results of a simple compliance test against the final step of the column test.

Following the DQRA, a Remediation Options Appraisal should be completed to determine the Remediation Strategy, in accordance with the updated guide LCRM. The verification plan should include proposals for a groundwater monitoring programme to encompass regular monitoring for a period before, during and after ground works e.g. monthly monitoring before, during and for at least the first quarter after completion of ground works, and then quarterly for the remaining 9-month period. The verification report should be undertaken in accordance with in our guidance Verification of Remediation of Land Contamination.

17. Please note the following comments of Thames Water:

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://eu-west1.protection.sophos.comd=thameswater.co.uk&u=aHR0cHM6Ly93d3cudGhhbWVzd2F0ZXluY28udWsvZGV2ZWxvcGVycy9sYXJnZXItc2NhbGUtZGV2ZWxvcG1lbnRzL3BsYW5uaW5nLXlvdXItZGV2ZWxvcG1lbnQvd29ya2luZy1uZWZyLW91ci1waXBlcw==&i=NWQ1ZmMwOTQxNGFiNmYxMGEyYjA0MGY3&t=TzhISDIRWnlxbkwvbHk0bE9hVmxBdXZudlhycEludFFWUUtUcXRQZkVVRTT0=&h=c0a57b5e27904c4f81b094e8a9f55d32>

18. No demolition or construction works relating to this permission should be carried out on any Sunday or Bank Holiday nor before 07.30 hours or after 18.00 hours on any days nor on any Saturday before 08.00 hours or after 13.00 hours.

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

19. The attention of the applicant is drawn to The Building Regulations 2010, Approved Document E 'Resistance to the passage of sound', Section 0: Performance.

20. Internal ambient noise levels for dwellings

Activity	Location	0700 to 2300	2300 to 0700
Resting	Living room	35 dB Laeq, 16 hour	
Dining	Dining room/area	40 dB Laeq, 16 hour	
Sleeping (daytime resting)	Bedroom	35 dB Laeq, 16 hour	30 dB Laeq, 8 hour

The levels shown in the above table are based on the existing guidelines issued by the World Health Organisation.

The LA_{max,f} for night time noise in bedrooms should be below 45dBA; this is not included in the 2014 standard but note 4 allows an LA_{max,f} to be set. 45dBA and over is recognised by the World Health Organisation to be noise that is likely to cause disturbance to sleep.

21. Dust from operations on the site should be minimised by spraying water or by carrying out other such works necessary to contain/suppress dust. Visual monitoring of dust should be carried out continuously and Best Practical Means (BPM) should be employed at all times.

The applicant is advised to consider the document entitled 'The control of dust and emissions from construction and demolition - Best Practice Guidance', produced in partnership by the Greater London Authority and London Councils.

22. Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of following the proper duty of care and should not be burnt on the site. All such refuse should be disposed of by suitable alternative methods. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted.

23. Where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner.

24. An acceptable Desktop study would comprise a fully detailed statement of the previous uses and current activities on site by the landowner or operator at the time that potentially contaminative activities took place. The Desktop study must include a site walkover documented with photographs.

This should include consideration of excessive use or spills of the following materials; pesticides, herbicides, fungicides, bactericides, sewage sludge, farm waste disposal, asbestos disposal and hydrocarbons from farm machinery. Additionally, the study should also consider drainage, surface materials, ground conditions and obvious signs of contamination.

It should be noted that an internet search report or land condition report is not, in isolation, sufficient information to discharge the requirement for a Desktop study involving agricultural land.

Please be aware that full contaminated land conditions (attached) are being recommended at this stage because no information relating to potential contamination has been submitted to date. In this case it is possible that once the first condition, relating to the Desktop study, has been completed we will more than likely be able to recommend discharge of all remaining conditions. Unless of course it is found that it is likely or possible that significant contamination exists on the site.

25. Prior to works commencing it is recommended that the applicant carry out a survey to identify the presence of any asbestos containing materials on the site, either bonded with cement or unbonded. If asbestos cement products are found they should be dismantled carefully, using water to dampen down, and removed from site. If unbonded asbestos is found the Health and Safety Executive at Woodlands, Manton Lane, Manton Lane Industrial Estate, Bedford, MK41 7LW should be contacted and the asbestos should be removed by a licensed contractor.

26. When carrying out these works please give utmost consideration to the impact during construction on the environment, neighbours and the public. Think about using a company to carry out the works who are registered under the Considerate Constructors Scheme. This commits those registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

27. Remember - you are responsible for the legal and safe disposal of any waste associated with your project. In the event of your waste being fly tipped or otherwise disposed of illegally or irresponsibly, you could be held liable and face prosecution. If you give waste to anyone else ensure they are authorised to carry it. Ask for their carrier's authorisation. You can check online at <https://environment.data.gov.uk/public-register/view/search-waste-carriers-brokers> or by telephone 03708 506 506.

28. The applicant is advised that during the construction of the development hereby granted, that all materials should be stored within the application site. In

the event of it not being possible to store materials on site; and materials are to be stored outside the site and on highway land the applicant will need to obtain the requisite approval of the Highway Authority. A licence is required to store materials on the Highway under the Highways Act 1980 Section 171 to Hertfordshire Highways. You must first obtain a licence from Hertfordshire County Council before depositing building materials on any part of the highway which includes all verges, footways and carriageways. Hertfordshire County Council may prosecute you if you fail to obtain a licence or breach a condition of a granted licence for which the maximum fine on conviction is £10 for each day the contravention continued. Hertfordshire County Council may also take legal action to recover any costs incurred including the costs of removing and disposing of unauthorised building materials deposited on the highway. To apply for a Licence please contact Highways, PO Box 153, Stevenage, Herts SG1 2GH or cschighways@hertfordshire.gov.uk

29. The applicant is requested to ensure no damage is caused to the footpath and highway verge during the course of the development. Any damage should be repaired to the satisfaction of Hertfordshire Highways.

30. The applicant is advised that the Council encourages the use of sustainable energy efficient building materials and alternative energy sources in construction.

31. The applicant is informed that the Local Planning Authority would encourage the use of sustainable energy efficient building materials and alternative energy sources in construction and would encourage the consideration of alternative forms of heating, for example solar power.

32. This permission has been issued following completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended).

33. The development hereby permitted creates one or more, new or replacement properties (residential or commercial) which will require a postal address. St Albans City and District Council controls the naming and numbering of streets and buildings. You must apply to Street Naming and Numbering before any street name or property name/number is used. For further information, please see <https://www.stalbans.gov.uk/street-signs-names-and-numbers>

34. In relation to Condition 17, the applicant is advised that the 'Scheme outlining timescales for delivery' should detail when the proposed active travel accesses will be provided, with reference to the delivery of housing across the application site as a whole. Where one part of the application site may be delivered prior to another, the closest active travel access to that part being delivered should be fully provided and made available prior to first occupation, and these matters will need to be fully set out within the aforementioned Scheme.

35. In relation to Condition 18, the Scheme required by this condition will need to include timescales for delivery. The applicant is advised that cycle parking provision should be provided prior to the first occupation of any dwelling within the scheme, and this should be reflected within timescales provided within the submitted Scheme.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Officer

Lee Stannard

Section 65 Parties

Mill Dam Cottage, Wem, Shropshire, SY4 5HF

13 Kings Close, Wavendon, Buckinghamshire, MK17 8RP

111 Harrowden, Bradville, Milton Keynes, MK13 7BY

42 Wyness Avenue, Little Brickhill, Milton Keynes, MK17 9NG

2 Wilkins Green Farm, Wilkins Green Lane, St Albans, AL4 0HG

Hertfordshire County Council, Pegs Ln, Hertford, SG13 8DN

Plans on website

http://planning.stalbans.gov.uk/Planning/lg/GFPlanningSearch.page?org.apache.shale.dialog.DIALOG_NAME=gfplanningsearch&Param=lg.Planning

APPENDIX ONE – COMMITTEE REPORT FROM 14/08/2023

REGISTERED NUMBER:	5/2022/0267/LSM
APPLICANT:	Mr R Martin M Scott Properties Ltd
PROPOSAL:	Outline application (access) - Erection of up to 95 dwellings, including 40% affordable dwellings and 5% self-build and custom build dwellings, public open space, landscaping and associated infrastructure - AMENDED & ADDITIONAL INFORMATION
SITE:	Land Between Caravan Site and Watling Street Park Street St Albans Hertfordshire
APPLICATION VALID DATE:	18/02/2022
HISTORIC BUILDING GRADE:	N/A
CONSERVATION AREA:	N/A
DISTRICT PLAN REVIEW:	Metropolitan Green Belt
WARD	Park Street

RECOMMENDATION	<p>A. That the applicant, within six months of the date of this committee meeting, enters into a legal agreement pursuant to S106 of the Act in relation to the provision of:</p> <ul style="list-style-type: none"> • 40% Affordable Housing Provision • 5% Self-Build and Custom Housebuilding Plots Provision • Primary Education (expansion of Killigrew Primary School) • Secondary Education (expansion of Marlborough School) • Special Educational Needs and Disabilities (delivery of new severe learning difficulty school places through the relocation and expansion of Breakspeare School) • Youth Service (re-provision of St Albans Young People's Centre) • Library Service (increasing capacity of St Albans Central Library) • Sustainable Transport Contribution • County Council Monitoring Fee • Open Space Provision • Biodiversity Onsite Compensation Scheme
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B. That conditional outline planning permission be granted.

C. That the application be referred to the Secretary of State as a Departure from the Development Plan (Green Belt development)

D. That in the event that the S106 agreement is not completed within six months of the date of the committee resolution, grant officers delegated authority to refuse planning permission for the following reason:

“In the absence of a completed and signed s106 legal agreement or other suitable mechanism to secure the provision of 40% Affordable Housing Provision, 5% Self-Build and Custom Housebuilding Plots Provision, Primary Education (expansion of Killigrew Primary School), Secondary Education (expansion of Marlborough School), Special Educational Needs and Disabilities (delivery of new severe learning difficulty school places through the relocation and expansion of Breakspere School), Youth Service (re-provision of St Albans Young People’s Centre), Library Service (increasing capacity of St Albans Central Library), Sustainable Transport Contribution, County Council Monitoring Fee, Open Space Provision, Biodiversity Onsite Compensation Scheme; the infrastructure needs of the development would not be met and the impacts of the proposal would not be sufficiently mitigated. The proposal is therefore contrary to the National Planning Policy Framework, 2021 and Policy 143B (Implementation) of the St Albans District Local Plan Review 1994.”

E. In the event that six months from the date of the committee resolution elapses, but significant progress has been made on the S106 agreement, that an extended period may be agreed between the Development Manager and the Chair of the Planning (Development Management) Committee, to allow for the S106 Agreement to be completed and the decision notice to be formally issued.

1. Reasons for Call in to Committee

- 1.1. Former Councillor Richard Curthoys called-in this application for the reasons set out below. Whilst the application was called-in under the Council's previous scheme of delegation, the call-in nonetheless remains valid.

"The site lies entirely within Green Belt and represents nearly the entire separation space between St Albans and Park Street, along the line of Watling Street. The proposed development would therefore affect many residents in Park Street, so should be considered carefully by committee, to determine whether it meets the 'very special circumstances' requirement for building in the Green Belt and whether the application is in a 'sustainable location'. The proposed site borders land owned by SADC under HM Land Registry title number HD487901. The proposed site was one of the locations put forward by the land owner in a recent 'call for sites' in relation to the works on the emerging strategic local plan and is in the green belt. As this is site in the Green Belt and will affect many residents in Park Street this application needs to be considered very carefully by committee to discuss the above reasons for call in and determine if this is a 'sustainable location' and if the necessary 'very special circumstances' exist to permit building in the Green Belt. Policies 1 (Metropolitan Green Belt), 2 (settlement strategy) 8 (affordable housing in the Metropolitan Green Belt) 69 (general design and layout) and 70 (design and layout of new housing) of the St Albans District Local Plan Review 1994 need consideration.

I have not predetermined this application"

- 1.2. In any event, the application is reported to committee for determination as the application raises District-wide implications.

2. Relevant Planning History

- 2.1. At the planning application site:

5/1977/0676 – Agricultural Dwelling (outline). Refused on 25/11/1977 for the following reason:

"The site is within the Metropolitan Green Belt as defined in the approved County Development Plan and as similarly identified in Hertfordshire 1981 Planning Objectives and Policies, where it is the policy of the District Planning Authority not to permit development unless it is essential for agriculture or other genuine Green Belt purposes or unless there is some quite outstanding reason why permission should be granted. It is considered that no such need has been proved. Furthermore, the proposed development does not comply with Policy 2 of submitted County Structure Plan Written Statement which states that it is the District Planning Authority's policy to retain a Green Belt extending over the whole of the County wherein there is a general presumption against development which will only be accepted, whether for the construction of new buildings or the change of use or extension of existing buildings, when the development is essential in connection with agriculture or clearly needed for recreation or other use appropriate to the rural area concerned"

- 2.2. Adjacent to the planning application site:

5/2014/0316 - Land Off Of, Old Orchard, Park Street, St Albans - Outline Application (all matters reserved) - Erection of 10 detached dwellings – Refused on 08/05/2014 for the following reasons:

1. The site is within the Metropolitan Green Belt in the St Albans District Local Plan Review 1994 wherein permission will only be given for the erection of new buildings or the use of existing buildings or land for agricultural, other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. The proposed development is inappropriate development in the Metropolitan Green Belt and would be detrimental to the openness, character and visual amenity of the Metropolitan Green Belt. This is contrary to the provisions of the National Planning Policy Framework (March 2012) and Policy 1 (Metropolitan Green Belt) and Policy 2 (Settlement Strategy) of the St Albans District Local Plan Review 1994. The proposed development cannot be justified in terms of the purposes specified and no very special circumstances are apparent in this case.

2. By reason of the loss of hedgerow and trees, and the lack of scope for substantial planting along the rear boundary of the site, the proposal would fail to respect its setting in the Metropolitan Green Belt and Watling Chase Community Forest, or existing landscape assets. The proposal is therefore contrary to the National Planning Policy Framework, March 2012, and Policy 1 (Metropolitan Green Belt) and Policy 74 (Landscaping and Tree Preservation) of the St Albans District Local Plan Review 1994.

3. In the absence of a completed and signed S106 legal agreement to provide for leisure and open space provision, sustainable transport measures, primary education, secondary education, nursery education, childcare, youth, libraries and fire hydrants, the infrastructure needs of the development would not be met and the impact of the proposal would not be mitigated. The proposal is therefore contrary to the National Planning Policy Framework, March 2012, and Policy 143B (Implementation) of the St Albans District Local Plan Review 1994.

Appeal subsequently dismissed (APP/B1930/A/14/2228339) on 28/01/2015.

2.3. Other applications:

St Stephens Green Farm, Chiswell Green Lane

5/2021/3194 - Outline application (access sought) for demolition of existing buildings, and the building of up to 330 discounted affordable homes for Key Workers, including military personnel, the creation of open space and the construction of new accesses and highway works including new foot and cycle path and works to junctions. Refused Planning Permission on 25 October 2022 for the following reasons:

1. The site is within the Metropolitan Green Belt and the proposed development represents inappropriate development within the Green Belt, as set out in the National Planning Policy Framework 2021. In addition to the in-principle harm to the Green Belt by reason of inappropriateness, other harm is identified as a result of the proposed development in terms of: its detrimental impact on the openness of the Green Belt, harm to Green Belt purposes, harm to landscape character and appearance, loss of high quality agricultural land, and impacts on social and physical infrastructure. The benefits comprise the provision of up to 330 affordable housing units including potential for self-build units at the site which would contribute significantly towards meeting an identified housing need in the District,

and potential for provision of a significant area of public open space and a new public footpath. The potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is not clearly outweighed by other considerations; and as a result the Very Special Circumstances required to allow for approval of inappropriate development in the Green Belt do not exist in this case. The proposal is therefore contrary to the National Planning Policy Framework 2021, Policy S1 of the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 1 of the St Albans District Local Plan Review 1994.

2. In the absence of a completed and signed S106 legal agreement or other suitable mechanism to secure: Additional Health services provision; Education provision in the form of new primary school, secondary school, and childcare provision; Special Educational Needs and Disabilities provision; Library service provision; Youth Service provision; Play Areas, Parks and Open Spaces and Leisure and Cultural Services provision; Affordable Housing provision; Open Space and recreation provision, Highway Works including provision for Sustainable Transport and Travel Plan; the infrastructure needs of the development would not be met and the impacts of the proposal would not be sufficiently mitigated. The proposal is therefore contrary to the National Planning Policy Framework 2021, the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 143B (Implementation) of the St. Albans District Local Plan Review 1994.

Appeal decision pending.

Land South of Chiswell Green Lane

5/2022/0927 - Outline application (access sought) - Demolition of existing structures and construction of up to 391 dwellings (Use Class C3), provision of land for a new 2FE primary school, open space provision and associated landscaping. Internal roads, parking, footpaths, cycleways, drainage, utilities and service infrastructure and new access arrangements. Refused on 06/12/2022 for the following reasons:

1. The proposed development comprises inappropriate development, for which permission can only be granted in very special circumstances, these being if the harm to the Green Belt and any other harm is clearly outweighed by other considerations (paragraph 148 NPPF 2021). We do not consider that the benefits outweigh the harm caused by this proposed development due to the harm to the Green Belt openness and purposes relating to encroachment to the countryside, urban sprawl and merging of towns. The harm also relates to landscape character and the loss of agricultural land. The proposal is therefore contrary to the National Planning Policy Framework 2021, Policy S1 of the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 1 of the St Albans District Local Plan Review 1994.

2. In the absence of a completed and signed S106 legal agreement or other suitable mechanism to secure the provision of 40% affordable housing provision; 3% self-build dwellings; 10% biodiversity new gain; provision of open space and play space; health contributions (towards ambulance services and GP provision); education contributions (primary, secondary and Special Education Needs and Disabilities); library service contribution; youth service contribution; leisure and cultural centres contribution; provision of highways improvements and sustainable transport measures; and safeguarding of land at the site for a new two form entry

primary school, the infrastructure needs of the development and benefits put forward to justify Very Special Circumstances would not be met and the impacts of the proposal would not be sufficiently mitigated. The proposal is therefore contrary to the National Planning Policy Framework 2021, the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 143B (Implementation) of the St. Albans District Local Plan Review 1994.

Appeal decision pending

Bullens Green Lane

5/2020/1992 - Roundhouse Farm Bullens Green Lane Colney Heath St Albans AL4 0FU - Additional documents omitted from original submission - Outline application (access sought) - Construction of up to 100 dwellings together with all ancillary works- no amendments. Resolved that the Local Planning Authority, in the absence of an appeal against non-determination, would have Refused Planning Permission for the following reasons:

1. *The proposed development represents inappropriate development in the Green Belt. It would result in significant harm to and a material loss of openness in this location and represent significant encroachment into the countryside. Very special circumstances have not been demonstrated to outweigh the in principle harm and other harm identified. The proposal is therefore contrary to Policy 1 of the St Albans Local Plan Review 1994 and the NPPF 2019.*
2. *The proposed development is in an unsuitable and unsustainable location. It would comprise a significant number of dwellings in an isolated location with very limited public transport links and limited existing amenities and infrastructure, the future residents would be car-dependent. This is contrary to the aims of Policy 2 of the St Albans Local Plan 1994, and the relevant provisions of the NPPF.*
3. *It has not been demonstrated that an acceptable form of development could be achieved on the site. The proposed development would severely detract from the character of the site and the local area, and impact negatively on landscape character, contrary to Policies 69, 70 and 74 of the St Albans Local Plan Review 1994 and the NPPF. The development would detract from the character and setting of Colney Heath as a Green Belt Settlement, contrary to Policy 2 of the St Albans Local Plan 1994.*
4. *Insufficient information is provided to demonstrate that the impacts of development shall not have a severe impact on the wider operation of the network. Insufficient information is provided to demonstrate that necessary changes to local speed limits are achievable. Visibility from the access, without speed limit changes is insufficient. The proposed access shall be prejudicial to the safety of users of the highway contrary to Policy 34 of the St Albans Local Plan 1994 and the NPPF 2019.*
5. *The development would cause 'less than substantial' harm to the significance and setting of a Grade II listed building adjoining the site (68 Roestock Lane) and the public benefits of the proposal would not outweigh this harm, contrary to Policy 86 of the St Albans Local Plan Review 1994 and the National Planning Policy Framework 2019.*
6. *Insufficient information has been submitted to enable the local planning authority to assess the impacts of the development on biodiversity. As such, it*

cannot be reasonably concluded that the proposal would not harm biodiversity. Furthermore, net gains for biodiversity would not be achieved. The proposal would therefore be contrary to Policy 106 of the St Albans Local Plan Review 1994 and the relevant provisions of the NPPF 2019.

7. Insufficient information has been submitted to determine whether remains of archaeological importance are likely to be present at the site. An informed decision in terms of the impact of the proposal on the historic environment cannot be made and, consequently, the proposal would be contrary to Policy 111 of the St Albans Local Plan Review and the National Planning Policy Framework 2019.

8. In the absence of a completed and signed S106 legal agreement or other suitable mechanism to secure the provision of: Fire Hydrants, Open Space, Play Spaces, Community Facilities, Sports and Recreation, Travel Plan, Highway Works, Primary Education, Secondary Education, Health, and Affordable Housing; the infrastructure needs of the development would not be met and the impacts of the proposal would not be sufficiently mitigated. The proposal is therefore contrary to the National Planning Policy Framework 2019, and Policies 7A and 143B (Implementation) of the St. Albans District Local Plan Review 1994 and the Council's Affordable Housing Supplementary Planning Guidance.

Appeal allowed – 14 June 2021.

Harpenden Road

5/2021/0423 - Land To Rear Of 112-156B Harpenden Road St Albans Hertfordshire - Outline application (access sought) - Residential development of up to 150 dwellings together with all associated works (resubmission following invalid application 5/2020/3096) – Conditional Permission granted on 12 January 2022.

Burston

5/2020/3022 - Land To Rear Of Burston Garden Centre North Orbital Road Chiswell Green St Albans Hertfordshire - Demolition of all existing buildings, structures and hardstanding and redevelopment of the site to provide a new retirement community comprising 80 assisted living apartments with community facilities and 44 bungalows together with associated access, bridleway extension, landscaping, amenity space, car parking and associated and ancillary works. Refused on 26 May 2021 for the following reasons:

1. The proposed development would comprise inappropriate development in the Green Belt which would cause in principle and actual harm to the openness of the Green Belt. The proposed development by reason of the quantum of development, together with the size of the assisted living building would be harmful to the character of the wider area. The case made for very special circumstances, together with the contribution towards the provision of housing is not considered to overcome this harm. As such the proposal is contrary to the NPPF 2019 and to Policies 1, 69 and 70 of the St Albans District Local Plan Review 1994.

2. The development would cause less than substantial harm to the grade II listed Burston Manor and the grade II listed outbuildings. The urbanisation of the application site would sever the last tangible link between the Manor groups and its historic landscape setting. This would cause harm to its significance. The creation of the houses along the southern boundary of the Manor group, with the 3*

storey blocks visible beyond together with the amount and scale of built form, would result in the complete reduction in Burston Manor's visual prominence in the surrounding land from the south and east. This would result in the complete loss of the perception that the Grade II listed Manor house is a historic and important house, set in a wider agricultural setting. The formality of the proposed landscaping would completely erode the designed juxtaposition between the gardens around the Manor Group and the farmland around the site. The development would result in the severing of the last tangible link between the assets and their original setting. The historic relationship between the Burston Manor grouping and How Wood and Birchwood would be all but lost. The proposed screening in itself would be a harmful addition as this further blocks the long range views from and to the Manor group, in particular those between the Manor group and How Wood and Birch Wood. The proposed screening would fully visually contain the designated heritage assets and substantially reduce the appreciable link between the Manor group and the land which it is associated with. Overall the proposals would result in less than substantial harm to the significance of the grade II* and grade II listed buildings forming the Burston Manor group which is not outweighed by public benefits, including the provision of additional dwellings. In accordance with the Framework and the statutory obligations imposed, great weight is given to this harm. As a result, the development would conflict with Local Plan Policy 86 and the NPPF 2019.*

3. In the absence of a legal agreement to secure contributions towards; Community facilities, Travel Plan, bridleway improvements, footpath improvements, NHS Services, Highway projects, affordable housing, occupancy limitation, first marketing limitation the development fails to adequately mitigate its effect upon local services and infrastructure and secure the identified 'very special circumstances'. As such the development fails to comply with Policies 1 and I43B of the Local Plan and the NPPF 2019.

Appeal allowed – 31 January 2022.

Orchard Drive

5/2021/2730 - Land Off Orchard Drive Park Street St Albans Hertfordshire - Outline application (access only) - Construction of up to 30 dwellings with garages and associated parking, landscaping and access works. Conditional Permission granted 21/06/2022

3. Site Description

- 3.1. The application site consists of a broadly triangular parcel of land, extending to around 4.5 hectares, located to the west of Watling Street and to the north of Old Orchard. The site is mainly adjacent to residential properties to the east and south, whilst open fields mainly lie to the west of the site beyond existing trees. Watling Street Caravan Park and an electricity substation lie beyond the north eastern boundary of the site, whilst a petrol station is opposite the site's north western most point. The site principally slopes down from Watling Street towards the fields west of the application site. The site is currently used for agricultural purposes and is sited within the Metropolitan Green Belt.

4. The Proposal

- 4.1. Outline application (access) - Erection of up to 95 dwellings, including 40% affordable dwellings and 5% self-build and custom build dwellings, public open space, landscaping and associated infrastructure

- 4.2. An amended parameter plan (ref: PP-01 Rev F) was received in June 2023, which made a minor amendment to the northernmost active travel access point into the site, to be consistent with other submitted drawings/information. No re-consultation was therefore considered necessary, noting the considerations at Paragraph 6.16 of the Council's current Statement of Community Involvement.

5. Representations

5.1. Publicity / Advertisement

Publicity:	03/03/2022, 16/06/2022, 29/11/2022	Expiry Date	26/03/2022, 09/07/2022, 20/12/2022
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5.2. Adjoining Occupiers

- 5.2.1. In addition to neighbouring occupiers being notified of the application by post, site and press notices were used to advertise the application. The application has been formally advertised on three occasions.
- 5.2.2. In respect of the first round of consultation, responses objecting to the proposed development were received from: 192 Watling Street; 186 Watling Street; 214 Watling Street; 17 Seaman Close; 10 Mount Drive; 228 Watling Street; 9 The Rise; 18 Seaman Close; 1 Magnolia Close; 90 Radlett Road; 38 Frogmore Home Park; 218 Watling Street; 6 Station Terrace; 6 Pilgrim Close; 205 Cell Barnes Lane; 21 Mount Drive; 12 Branch Road; 2 Cardinal Place; 2 Falcon Close; 54 Spooners Drive; 37 Park Street; 12 The Rise; 19 Penn Road; 216 Watling Street; 1-2 Park Street Lane; 6 Brinsmead; 167 Watling Street; 12 Old Orchard; 10 Old Orchard; 9 Old Orchard; 1 How Wood; 31 Old Orchard; 44 Park Street Lane; 180 Watling Street; Flat 1 Chequer Street; 23 Mount Drive; 29 Old Orchard; 17 Old Orchard; 160 Tippendell Lane; 446 Mount Drive; 238 Watling Street; 14 Old Orchard; 116 Tippendell Lane; 2 Old Orchard; 2 Mount Drive; 70 Beaumont Avenue; 7 The Rise; 139 Watling Street; 34 Burston Drive; 124 The Old Coach House; 11 Mount Drive; 9 Mount Drive; 1 Old Orchard; 1 Penn Road; 3 Hawfield Gardens; 199 Mount Pleasant Lane; 6 Watling View; 40 Butt Field View; 17 Pilgrim Close; 4 Old Orchard; 17 Hawfield Gardens; 131 Watling Street; 13 Applecroft; 1B The Rise; 3 Penn Road; 3 The Rise; 6 Mount Drive; 4a Mount Drive; 41 Mount Drive; 104 Tippendell Lane; 190 Watling Street; 21 Old Orchard; 8 Old Orchard; 143 Watling Street; 198 Watling Street; 10 Hawfield Gardens; 21 Seaman Close; 27 Mount Drive; 1A Hawfield Gardens; 19 Old Orchard; 124A Watling Street; 133 Watling Street; 28 Forge End; 32 Mount Drive; 6 Old Orchard; 64 Orchard Drive; 49 Burston Drive; 151 Watling Street; 159 Watling Street; 39 Mount Drive; 200 Watling Street; 31 Abbey Drive (Abbots Langley); 5 Mount Drive; 14 Hawfield Gardens; 174 Tippendell Lane; 115 Watling Street; 5 Old Orchard; 33 Meadway; 16 Old Orchard; 7 Old Orchard; 114 Tippendell Lane; 141 Watling Street; 194 Watling Street; 1 Caravan Site Watling Street; 10 Caravan Site Watling Street; 4A Hawfield Gardens; 9 Seaman Close; 188 Watling Street; 28 Old Orchard; 2 Coopers Mews (Watford); 11 Seaman Close; 102 Gallows Hill Lane; 1 Seaman Close; 1 Maplefield; 123 Watling Street; 35 Seaman Close; 19 Seaman Close; 31 Seaman Close; 161 Watling Street; 135 Watling Street; 23 Old Orchard; 5 Hawfield Gardens; 22 Old Orchard; 15 Old Orchard; 30 Old Orchard; 20 Old Orchard; 208 Watling Street; 17 The Leys; 278 Watford Road; 29 Mount Drive; 27 Old Orchard; 92 Tippendell Lane; 46 Telford Court; 25 Cherry Hill; 25 Old Orchard;

25 Upton Close; 11 Old Orchard; 33 Old Orchard; 147 Watling Street. A comment was also received on behalf of "Greenbelt" and CPRE Hertfordshire.

5.2.3. Comments were also received anonymously or from partial or incomplete addresses. Multiple responses from some of the addresses above were also received.

5.2.4. These objections can be summarised as:

Principle

- Already too much development in the village with too little parking, and lorries are already causing danger to older properties
- There are already 14 houses being built in the area
- Moved to this area to enjoy the green space and to avoid city centre living
- People have a right to expect the village conditions to be maintained in the area where they bought their houses
- No very special circumstances to justify removal the Green Belt
- Green Belt was designated for a reason
- Proposal would be contrary to the Green Belt's definition and purposes/principles
- Loss of valuable Green Belt land
- Removing the history of the village
- Contrary to NPPF Green Belt provisions
- Policy 1 of the Local Plan indicates that development in the Green Belt is inappropriate except in very special circumstances.
- Lack of a five year housing land supply is insufficient to justify very special circumstances (VSC)
- Proposal is contrary to the Hunston Court Case
- Each application needs to be determined on its own merits
- The submitted Green Belt Statement is not factually correct
- The Planning Inspector at Colney Heath was careful to indicate in her decision report that it did not provide a precedent for other sites where different circumstances would clearly apply. The justification for the decisions on the two applications to St Albans Council similarly quoted the inadequacy of housing land supply and CPRE Hertfordshire believes this arises from an incorrect interpretation of the National Planning Policy Framework (NPPF), Paragraph 11 (and footnotes).
- It is inappropriate to suggest that housing need, unconstrained by the policy requirements to protect designated land, should constitute VSC.
- Contrary to council pledge of sustainability against the climate crisis
- Permitting the development would be contrary to climate change aspirations
- Coalescence between Park Street and St Albans
- Site assists in the prevention of urban sprawl
- The site constitutes a clear encroachment into open countryside with a significant effect on its openness and character in this location, and would lead to further urban sprawl in an area already subject to degradation of the Green Belt.
- Was not set to be released in the 2013 Green Belt review
- The application site is large and does not constitute a narrow strip of green belt nor a self-contained piece of land
- The benefits put forward by the applicant could apply potentially to any development
- Brownfield redevelopment and urban regeneration should be encouraged
- Loss of agricultural land, including related issues such as national food security and the need to support locally grown food

- Previous appeal at this site was upheld – nothing has changed since
- 2014 appeal at site to the south of this application site was dismissed
- This is an opportunistic development, in an area already overdeveloped, which was once a semi-rural village
- The site was not identified as suitable in the Neighbourhood Plan and allowing this application would undermine community involvement in planning
- Each case needs to be considered on its own merits

Highways and Transport

- Impact on traffic – particularly on the A5183 and Park Street Roundabout
- Traffic surveys were done during lockdown, are not representative therefore, and should be disregarded
- Traffic surveys are flawed as they ignore current traffic jams, that the route is used by HGVs, air quality issues, the cumulative impact from Railfreight, and that schools nearby have specific admission criteria
- Evidence that a right turn lane is not needed should be based on accurate traffic counts
- Insufficient road infrastructure
- This is a key route into Park Street, which is often gridlocked – delays on the motorway exacerbate issues
- Danger at Park street roundabout posed by inappropriate speeds
- Increase in traffic congestion and journey times
- Exacerbate pre-existing traffic issues, including access onto Park Street
- Danger from access on highway at brow of hill on Park Street
- Access arrangements should be shown accurately in relation to land contours and should also show interactions with nearby driveways, and also demonstrate safety
- Increased traffic will cause highway safety issues
- Increased traffic will affect my ability to work
- Danger to pedestrians
- Pavements are difficult to navigate
- The underpass at Watling Street is unsafe
- Entrance to the site is at a 40mph section of road
- Already accidents on the local road network
- There is no prohibition for larger lorries in the area
- Potential for up to 250 extra vehicles
- Where will the road access be?
- Concerns relating to adequate loading and turning
- Impact on car parking locally
- The Council will not allow me to have off-street parking, and so as a result of this development, I will need to park a long way away
- The development will not include appropriately sized garages
- Concern as to traffic impact on Tippendell Lane
- E-scooters are illegal as is cycling on the pavement
- Train service to Park Street is limited and not 24 hours
- Commuter trains are only two carriages and the rail service is on a single track
- Only 8 car parking spaces at the station
- Rail service is not reliable
- Only one bus route serves the stops nearest the application site
- School transport is usually private hire and not public transport
- Nothing proposed to alleviate impact of more traffic
- During the fuel crisis, access into nearby houses was near-impossible

- There has in recent times been a noticeable increase in traffic and pollution
- How will the emergency services access the site during congestion?

Landscape and Visual Impacts

- High amount of work needed due to steep incline at bottom of field
- Natural beauty would be affected beyond repair
- New houses would be an eyesore
- Development up to 2.5 storeys in height
- High density
- Little green land is now left
- Proposal would reduce the rural landscape
- Mitigation measures cannot compensate for the loss of green space
- Site is not a narrow strip of land
- Site borders a rural area and relates to the adjacent countryside
- Site is a rare example of undisturbed land
- Loss of views as a result of new trees to mitigate landscape impact
- Submitted landscape assessment ignores the views from nearby properties
- Site is on a slope and would be very visible in surrounding area
- The bench at the top of the hill will overlook a housing estate and not fields

Ecology

- Loss of wildlife
- A range of wildlife is present on site at present – including mammals, butterflies and birds. The development would deprive them of their habitat.
- Potential for rare/protected trees and wildlife at the site
- Loss of trees
- Loss of an agricultural habitat which is different to other habitats in the area
- Impact on biodiversity
- Impact from light pollution
- Site provides an ecological space away from roads and pollution
- Green areas are needed to soak up pollution
- The predicted biodiversity of the proposed development is optimistic, and includes a grass verge, which is unlikely to have much biodiversity value in the future
- How can the destruction of the site result in a biodiversity net gain?
- Biodiversity net gain is inherently flawed, and many developers fail to meet pre-application promises.
- The UK is in an ecological recession
- Danger posed to wildlife from cats in domestic premises
- Lockdown has meant that wildlife can be observed and enjoyed locally

Drainage

- Issues with emergency water mains in area that have required repair multiple times
- Increased strain will be placed upon an already struggling drainage system
- Is there drainage capacity?
- Removal of soil that acts as natural drainage
- Site provides natural water table assistance
- Will lead to localised flooding

Infrastructure

- Basic infrastructure cannot support the development
- No nearby shops

- The M&S Simply Food is not big enough to serve the development
- GPs and Vets cannot cope
- Schools and other amenities at capacity
- Emergency services are at their limits
- A&E Waiting times at Watford are long
- Potential strain on telecommunications
- Cumulative impact from other developments on services is ignored

Amenity

- Development will cause overlooking and loss of privacy
- Concern as to loss of outlook and view from rear of property over development
- Loss of light and overshadowing
- Concerns regarding security
- Concerns as to the impact of development during construction
- Pollution impacts for future occupiers
- Concerns regarding Air Quality, which is already bad in this area
- Impact on human health
- Impact on the safety of the area
- A new junction will need more lighting causing light and noise pollution
- The response from Environmental Compliance is unsatisfactory

Other Comments

- St Albans City and District Council has complete disregard for the wellbeing of residents, where future residents will need to drive to buy even a bottle of milk. The Council's Green Speak does not exist outside of the City Centre.
- Impact of the proposal on livelihoods and quality of life
- The fields mean a lot to people
- We walk our dog here
- Can I sue the council if I get respiratory issues in the future?
- Park Street is a dumping ground to satisfy housing targets
- This application would change the feel of the village
- Hertfordshire will no longer have any green space
- There is plenty of brownfield land to accommodate developments
- We will never have enough housing until we regulate who can buy houses
- Frustration with the planning process, whereby the Council will allow new dwellings, but refuse simple householder applications on technicalities
- Limited information about affordable housing provision and whether it would just be slightly cheaper than the rest of the development
- The affordable housing is unlikely to be affordable to those who need it
- Houses are too expensive and without bank of mum and dad I will never be able to buy my own home
- Impact on house prices
- The consultation process is flawed and leaves the Council open to legal challenge. There is no avenue for the public to liaise directly with highways. Highways should take into account the comments of the public and delay their response until this is done. The Council disregards public concern about highways and ignored issues relating to access in the previous application at this site.
- Developers financial gain
- Developers know that building houses here is more profitable than Letchworth
- Houses should be built up north where there is more space

- Developers should build more schools and hospitals
- Land should be donated to the woodland trust
- How much has it cost the taxpayer to get rid of the illegal mass-occupation of this site circa 40 years ago?
- Money should stop being spent on fighting this ill-advised application
- Potential for future phases of development if this is approved
- A precedent will be set for future development
- Might be even more dwellings here at a later date
- Addresses near to application site not notified of the application
- Is the Council considering this application for the extra council tax income?
- Totally inappropriate, just a money grab resulting from SADC Call for sites. Why on earth would SADC, approve this, only yards from one of the busiest roundabouts in Hertfordshire?
- Concerns regarding population increase
- Who would want to live at this site anyway when it is in such proximity to busy roads?
- The impact of this application will be in addition to that of Railfreight – which could simply become a lorry terminal
- The political response to preserving the Green Belt is appalling
- Application is too political
- No consideration has been given to the impact of this application on the adjacent Gypsy and Traveller Community who would face discrimination from this application being granted, contrary to the Human Rights Act
- Allowing this development would mean that the strip of land immediately to the south of the application site should also be granted planning permission
- Roman coins have been found in this field
- The proposal will not include solar panels
- Covid has shown we need to be able to enjoy nature
- Park Street will become less desirable

5.2.5. Representations supporting the proposed development were received from 125 Watling Street; 40 Park Street Lane; 32a Hazel Road. These representations can be summarised as:

- Not everyone is lucky to own their own home
- The District needs more three bedroom properties, not just two bedroom housing association properties that are still expensive
- There are families in overcrowded housing that need better conditions
- Support the application if it includes social housing
- It appears the application has met the criteria set out in the neighbourhood plan

5.2.6. Comments were received from the following addresses after the second round of public consultation on this application, objecting to the proposed development: 15 Branch Road; 4 Hazel Road; 1 Mangolia Close; 4 Hawfield Gardens; 55 Maplefield; 208A Watling Street; 46 Burnside; 100 High Street; 5 Upton Close; 3 The Orchard; 10 Approach Road; 47 Watling Street; 26 Old Orchard; 28 Boleyn Drive; 5 Old Orchard; 64 Orchard Drive; 1 Old Orchard; 12 Old Orchard; 17 Old Orchard; 3 Hawfield Gardens; 10 Old Orchard; 23 Mount Drive; 10 Mount Drive; 46 Mount Drive; 8 Old Orchard; 180 Watling Street; 19 Maplefield; 20 Driftwood Avenue; 21 Park Street; 25 Birchwood Way; 21 Seaman Close; 16 Old Orchard; 32 Rosemary Drive; 13 Homestead Close; 222 Park Street Lane; 102 Park Street Lane; 114 Brewhouse Hill; 7 Park Street; 19 Seaman Close; 6 Walnut Close; 27

Burston Drive; 8 Frogmore; 7 Kitchener Close; 106 Radlett Road; 16 Brinsmead; 6 Pilgrim Close; 20 Hawfield Gardens; 112 Park Street Lane; 38 Maplefield; 35 Spooners Drive; 183 Park Street Lane; 218 Radlett Road; 23 Hawfield Gardens; 25 Ringway Road; 34 Old Orchard; 138 Park Street Lane; 55 Watling View; 30 Ringway Road; 4 Branch Road; 14 Old Orchard; 37 Park Street; 80 Spooners Drive; 14 Old Orchard; Ambleside; 55 Park Street Lane; Frogmore House; 53 Burnham Road; 101 Orchard Drive; 4 Epping Green (Hemel Hempstead); 23 Old Orchard; 17 Upton Close; 70 Beaumont Avenue; 19 Grovelands; 31 Old Orchard; 24 Hawfield Gardens; 7 Moor Mill Lane; 11 Woodlands; 16 Homestead Close; 7 Old Orchard; 43 Park Street; 57 Meadow Close; 192 Watling Street; 100 High Street; 69 Harpenden Road; 16 Burston Drive; 5 Hawfield Gardens; 17 Hawfield Gardens; 28 Highfield Lane; 25 Bridgefoot Cottages; Lake View; 74 How Wood; 7 Seaman Close; 28 Park Street Lane; 198 Watling Street; 41 Mount Drive; 9 Old Orchard; 32 Old Orchard; 8 Hollybush Avenue; 32 St Stephens Avenue; 20 Park Street Lane; 32 Spooners Drive; 55 Park Street Lane; 38 Park Street Lane; 26 Page Place; 11 Pilgrim Close; 15 Birchwood Way; 4 Spooners Drive; 3 Penn Road; 84 Park Street; 167 Watling Street; 39 Spooners Drive; 139 Watling Street; 27 Dell Rise; 7 Pilgrim Close; 27 Mount Drive; 19 Old Orchard; 3 Birchwood Way; 14 Brinsmead. Comments were also received on behalf of "Greenbelt".

5.2.7. Comments were also received anonymously or from partial or incomplete addresses. Multiple responses from some of the addresses above were also received.

5.2.8. These comments can be summarised as:

Principle

- Contrary to existing Local Plan, Neighbourhood Plan and National planning policies
- This site has not been previously allocated (including in the Neighbourhood Plan)
- Loss of Green Belt land
- Contrary to Paragraph 149 of the NPPF
- Contrary to NPPF Green Belt purposes
- Will result in encroachment
- Will result in loss of openness
- Would cause coalescence
- Urban sprawl
- No very special circumstances
- This development is not needed
- Area cannot take more development
- Use brownfield land instead
- Scheme proposes too many houses
- Have had to endure lots of urban sprawl in past decade
- Bad for the environment
- Will cause pollution – already high levels of CO2 in this area
- The housing targets the Council is working to are incorrect, based on pre-pandemic and pre-Brexit assumptions
- Housing targets can only be formulated through a local plan
- This site is one of the few in the area that has never been degraded for sand or gravel extraction

Highways and Transport

- Will cause an increase in traffic
- Will exacerbate issues at Park Street Roundabout

- Question the accuracy of the traffic survey
- Question the accuracy of the additional transport information
- Will cause parking issues
- Road safety concerns
- Poor public transport
- Traffic caused by construction vehicles
- Traffic impact worsened by the Strategic Rail Freight Interchange, which has not provided the road improvements they were required to
- Traffic lights should be considered on the Park Street Roundabout
- Unsafe pedestrian routes
- Not a sustainable location
- How will emergency vehicles be able to get through?

Landscape and Visual Impacts

- Would affect the character of Park Street
- Site provides relief from existing roads and housing
- Loss of views
- Adverse visual impact

Ecology

- Will have an adverse wildlife impact and destroy habitats
- Will have an adverse impact on plants
- Will result in a reduction in biodiversity
- Concerns with the predicted biodiversity net gain
- The biodiversity net gain report has been prepared as a desktop study
- Would impact upon the ecology of adjacent land
- Impact on protected species

Drainage

- Would cause localised flooding
- Multiple emergency repairs to drainage infrastructure have been required in past 12 months
- River Ver floods every year

Infrastructure

- No extra infrastructure
- Development will stretch existing infrastructure
- Impact on schools and doctors surgeries
- Not enough shops, services and amenities nearby to serve the development
- Insufficient sewer capacity and gas supply
- NHS responses and requests for contributions would not overcome existing pressures on NHS resources

Amenity

- Will cause overlooking
- Noise impacts
- Screening will not offer sufficient privacy to neighbouring residents – particularly in winter when vegetation will not be in full leaf
- Light and air pollution.
- Future residents exercising their permitted development rights will further impede the amenities of local residents
- Will impact the amenities of neighbouring residents who have lived here for years

Other Comments

- Additional information does not overcome concerns
- Previous applications for smaller schemes at this site have been refused and should act as a precedent
- This is a significant piece of land and would represent the largest housing development that there has ever been in Park Street on Green Belt land
- Opens floodgates for other developers
- Will result in mental health impacts
- Construction will cause years of disruption
- Affordable housing in other developments has not been provided
- Disillusionment with local and national government
- Will result in overpopulation
- Loss of agricultural land
- Food security concerns
- Concerns with submitted land classification report
- This land has been farmed for many years
- Scheme is just about money making
- No consideration of local residents
- Development will ruin the village
- There is a climate change emergency
- Concerns as to the applicant's interest in this land
- The proposal would make no discernible difference to affordable housing situation in the District
- Homes will not be affordable
- Other examples of developments permitted in the local area have been cited
- The numbers of people employed in the construction of the site are unrealistic
- New homes should be sustainably constructed
- The submission of this application is premature as a new Local Plan is being prepared
- Going against the policies in the Neighbourhood Plan, which local people voted for at a referendum, would be illegal
- Application needs to be considered in the context of planning applications in neighbouring local authority areas.
- A new 'new town' is needed.

5.2.9. Comments were received from the following addresses after the third round of public consultation on this application, objecting to the proposed development: 5 Hawfield Gardens; 55 Park Street Lane; 25 Birchwood Way; 23 Old Orchard; 218 Watling Street; 10 Old Orchard; 70 Beaumont Avenue; 2 Old Orchard; 7 The Rise; 29 Old Orchard; 21 Seaman Close; 10 Mount Drive; 16 Old Orchard; 198 Watling Street; 180 Watling Street; 5 Old Orchard; 31 Old Orchard; 30 Old Orchard; 52 The Crescent; 141 Watling Street; 34 Burston Drive; 22 Old Orchard; 24a Mayflower Road; 11 Mount Drive; 27 Mount Drive; 32 Old Orchard; 9 Mount Drive; 188 Watling Street; 25 Park Street; 41 Mount Drive; 8 Old Orchard; 139 Watling Street; 3 Hawfield Gardens; 32 Seaman Close; 17 Old Orchard; 76-78 Park Street; 2 Mount Drive; 14 Old Orchard; 39 Mount Drive; 43 Mount Drive; 36 Wych Elms; 90 Maplefield; 18 Upton Close; 2 Upton Close; 5 Upton Close; 25 Upton Close; 9 Old Orchard; 25 Hawfield Gardens. Comments were also received on behalf of "Greenbelt".

5.2.10. Comments were also received anonymously or from partial or incomplete addresses. Multiple responses from some of the addresses above were also received.

5.2.11. These comments can be summarised as:

Principle

- Proposal is unsustainable and unhealthy for residents
- Proposal would result in coalescence
- Loss of Green Belt
- No very special circumstances
- There should be a brownfield first approach
- CPRE has demonstrated there is capacity for 1,173 new homes in the District
- Contrary to Green Belt purposes
- The submitted rebuttal to Spatial Planning's comments is not credible

Highways and Transport

- Will cause an increase in traffic
- Traffic survey submitted is inaccurate
- Traffic survey is based on statistics which are not correct and do not adequately forecast future demand
- It is illegal that SADC defer all highways decisions to the County Council, as the County do not allow community input, thereby denying the views of the community to be adequately regarded
- No credible mitigation measures have been put forward
- Will impact Park Street Roundabout
- Will lead to more parking in nearby streets
- Will make accessing and leaving nearby streets worse
- Can be hard to leave the village
- Traffic in area is worse when there are accidents on the motorways
- HGVs routinely drive through Park Street when they shouldn't
- Poor local public transport
- Increase in traffic will impede ability for people to get to work
- Regardless of whether there are any other road improvements, traffic through Park Street will still increase as a result of railfreight.
- Drivers use Watling Street as it is the fastest route.
- The traffic modelling used is flawed, was collated during covid, and has simply been accepted.
- Commuters will use cars despite any improvements to more sustainable transport options and the proximity of Park Street railway station.
- Lack of consultation on highways matters
- The Council simply ignore objections contrary to statutory requirements

Landscape and Visual Impacts

- Will affect the character of the area
- This site, combined with the Rail Freight site, will change the character of the area
- Park Street is still a village
- The landscape information ignores the fact that the site is on a hill
- Loss of green space

Ecology

- Will impact wildlife
- The wildlife strip is poorly sited and would be unsuccessful

Drainage

- The submitted drainage information is based on incorrect assumptions

Infrastructure

- Local infrastructure will not be able to cope (e.g. schools, GP surgeries, hospitals etc.)

Amenity

- Will cause pollution
- Increase in noise
- Not clear what the construction timetable will be

Other Comments

- The proposal would impact upon food security
- Would not help to address climate change
- Proposal would be bad for the environment
- Proposal will impact quality of life
- Proposal will cause house values to fall
- Loss of agricultural land
- Concern as to food security
- Rail Freight will end up as a Road Freight terminal
- The consultation deadline should be extended over the Christmas period
- This application should be refused, just like the nearby Cala Homes scheme
- Local residents have suffered enough overdevelopment
- Granting the application will undermine both national and local planning policy
- Previous objections raised are not overcome by the additional information
- Council should take into account updated government guidance

5.2.12. Comments in support of the application from 76/78 Park Street were received, expressing that more houses should be built for young people, and that the application would be good for local small businesses.

6. Consultations:

6.1. Affinity Water

First Response 23/03/2022

6.1.1. Thank you for notification of the above planning application. Planning applications are referred to us where our input on issues relating to water quality or quantity may be required.

6.1.2. You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to our Pumping Station (NETH). This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd. The site is also located above historic landfill.

6.1.3. If you are minded to approve the Application, it is essential that appropriate conditions are imposed to protect the public water supply, which would need to address the following points:

1. Contamination

- 6.1.4. Any works involving excavations that penetrate into the chalk aquifer below the groundwater table (for example, piling or the installation of a geothermal open/closed loop system) should be avoided. If these are necessary, then the following condition needs to be implemented:

Condition

A) No works involving excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority in conjunction with Affinity Water:

i) An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.

ii) A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination.

iii) A Method Statement detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. appropriate piling design, off site monitoring boreholes etc.) to prevent and/or minimise any potential migration of pollutants to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.

The applicant or developer shall notify Affinity Water of excavation works 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply.

Reason: Excavation works such as piling have the potential to cause water quality failures due to elevated concentrations of contaminants including turbidity. Increased concentrations of contaminants impacts the ability to treat water for public water supply. This can cause critical abstractions to switch off resulting in the immediate need for water to be sourced from another location, which incurs significant costs and risks of loss of supply during periods of high demand.

2. Contamination during construction

- 6.1.5. Construction works may exacerbate any known or previously unidentified contamination. If any pollution is found at the site, then works should cease immediately and appropriate monitoring and remediation will need to be undertaken to avoid any impact on water quality in the chalk aquifer.

Condition

B) If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until a Remediation Strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority in conjunction with Affinity Water. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

Reason: To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water.

3. Infiltration

- 6.1.6. Surface water should not be disposed of via direct infiltration into the ground via a soakaway.

Condition

C) Prior to the commencement of development, details of a Surface Water Drainage Scheme that does not include infiltration shall be submitted to and approved in writing by the Local Planning Authority in conjunction with Affinity Water.

Reason: To provide confirmation that direct infiltration via soakaways will not be used due to the presence of contaminated land (historic landfill) and the risk for contaminants to remobilise, potentially impacting public water supply.

- 6.1.7. The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.
- 6.1.8. For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Water efficiency

- 6.1.9. Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking, and will help in our efforts to get emissions down in the borough.

Infrastructure connections and diversions

- 6.1.10. There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.
- 6.1.11. In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

Second Response 21/06/2022

- 6.1.12. Thank you for your notification of the below application with additional information.
- 6.1.13. We have no further comments than those that were in our letter dated 23rd March 2022 which still stand.

6.2. Archaeology

6.2.1. The proposed development area lies immediately adjacent to the important Roman road of Watling Street. The application was submitted with an archaeological desk based assessment which has indicated a low potential for archaeological deposits from all periods. No form of evaluation or on site assessment apart from a walkover survey has been undertaken. The location, abutting the Roman Road of Watling Street, which was laid out in the first century AD and has been in use ever since. There is the potential for roadside settlement of Roman and medieval date being identified. It is stated in the DBA that a Roman kiln was identified to the south-west of the site.

6.2.2. Recommendations (conditions):

6.2.3. 1. Archaeological Investigation

No development-related works shall take place within the site until a written scheme of archaeological work (WSI) has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a programme of initial trial trenching followed by open area excavation, followed by off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority. This must be carried out by a professional archaeological/building recording consultant or organisation in accordance with the agreed written scheme of investigation.

Reason:

To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with Policy 111 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework paragraph 205. To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

6.2.4. 2. Publication and Dissemination

Following the completion of the fieldwork and the post-excavation assessment in Condition 1, appropriate resources will be agreed with the Local Planning Authority for the post-excavation project generated by the archaeological WSI in Condition 1. This will include all necessary works up to and including an appropriate publication and archiving and will include an agreed timetable and location for that publication.

Reason:

To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with the National Planning Policy Framework paragraph 205. To ensure the appropriate publication of archaeological and historic remains affected by the development.

6.3. Hertfordshire Police Design Liaison Officer

Comments Received 11/03/2022

- 6.3.1. Thank you for sight of this application on which I comment from a crime prevention perspective only. I have read the supplied documents and have knowledge of the site having commented at the Pre-Application stage.
- 6.3.2. I have no serious concerns with the intention to build new homes at this location, but the intention to construct in the region of 95 new homes will of course have a large impact on local policing with an increase in demand for services.
- 6.3.3. I am encouraged by sight of the security page within the Design & Access Statement, which refers to Secured by Design (SBD).
- 6.3.4. This is a good first step but must be followed up with action, which hopefully will include the desire to be accredited under the SBD scheme.
- 6.3.5. I would welcome an approach from the design team to discuss this most exciting project with a view to taking all reasonable steps to ensure crime does not flourish at this location.
- 6.3.6. The indicative layout plans and statements regarding parking are all very positive from a CP perspective and SBD is very achievable at minimum cost if considered from the start, which does appear to have been done.
- 6.3.7. Currently and at this stage of planning, I am able to support this application.

Further comments 16/06/2022

- 6.3.8. Support the Proposal
- 6.3.9. Thank you for sight of this application on which I comment from a crime prevention and safety aspect only. I have commented on this application already, and the amendments brought forward here have no bearing on security. As such, I have no further comment to make beyond my earlier comments.

6.4. British Pipeline Agency

Initial Response 28/02/2022

- 6.4.1. Thank you for your correspondence regarding the above noted planning application.
- 6.4.2. Having reviewed the information provided, the BPA pipeline(s) is not affected by these proposals, and therefore BPA does not wish to make any comments on this application.
- 6.4.3. However, if any details of the works or location should change, please advise us of the amendments and we will again review this application.
- 6.4.4. Whilst we try to ensure the information we provided is accurate, the information is provided Without Prejudice and we accept no liability for claims arising from any inaccuracy, omissions or errors contained herein.

Further Response 10/06/2022

- 6.4.5. Planning Application 5/2022/0267 - Not Affected
- 6.4.6. Thank you for your correspondence regarding the above noted planning application.

- 6.4.7. Having reviewed the information provided, the BPA pipeline(s) is not affected by these proposals, and therefore BPA does not wish to make any comments on this application.
- 6.4.8. However, if any details of the works or location should change, please advise us of the amendments and we will again review this application.
- 6.4.9. Whilst we try to ensure the information we provided is accurate, the information is provided Without Prejudice and we accept no liability for claims arising from any inaccuracy, omissions or errors contained herein.

Further Response 05/12/2022

- 6.4.10. BPA Pipelines – Not affected
- 6.4.11. Thank you for your correspondence enclosing details of your proposals.
- 6.4.12. Having reviewed the information provided, the BPA pipeline(s) are not affected by these works, and consequently no site visit or supervision will be required and the works are free to continue as planned.
- 6.4.13. However, if the location of your work should change, please contact us immediately, by emailing landsteam@bpa.co.uk.
- 6.4.14. This response is valid for 90 days. After which, if a refresh is required, please quote the BPA reference number "2021-2783" and email landsteam@bpa.co.uk stating this is a refresh, and we can check whether these works are still ok to proceed.

6.5. Land Contamination Officer

Initial Response 28/02/2022

- 6.5.1. I have reviewed the phase I contaminated land assessment which has been submitted in support of the above application for a residential development with public open space. The contaminated land assessment confirms the potential presence of on-site and off-site contamination which could adversely impact future site users and the wider environment. To ensure that a suitable site investigation is undertaken to identify the presence of risks from contamination, the following conditions should be included on any decision notice:

6.5.2. 1. Site investigation

Condition:

A site investigation shall be carried out by a competent person to fully investigate the extent contamination at the site further to the information detailed within the phase 1 contaminated land assessment provided for this development. The site investigation shall comply with BS10175:2011+A2:2017 Investigation of potentially contaminated sites – Code of practice. Copies of the interpretative report shall be submitted to the LPA for review.

Copies of the interpretative report on the completed site investigation shall be submitted to the LPA without delay on completion.

Reason:

To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

6.5.3. 2. Options appraisal and remediation strategy

Condition:

The results of the site investigation and the detailed risk assessment referred to in shall be used to prepare an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The options appraisal and remediation strategy shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person.

Reason:

To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

6.5.4. 3. Verification report

Condition:

A verification report demonstrating completion of the works set out in the remediation strategy and the effectiveness of the remediation shall be submitted in writing and approved by the LPA. The report shall include results of validation sampling and monitoring carried out in accordance with an approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason:

To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

Second Response 14/06/2022

6.5.5. With regards to the above consultation, we recommend the following planning conditions be applied:

6.5.6. Site investigation

Condition:

A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and ground gas contamination and provide information for a detailed assessment of the risk to all receptors that may be affected. The site investigation shall comply with

BS10175:2011+A2:2017 Investigation of potentially contaminated sites – Code of practice. Copies of the interpretative report shall be submitted to the LPA without delay upon completion.

Reason:

To ensure that adequate protection of human health is maintained for the lifetime of the development. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

6.5.7. Options appraisal and remediation strategy

Condition:

The results of the site investigation and the detailed risk assessment referred to in (11), shall be used to prepare an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The options appraisal and remediation strategy shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person.

Reason:

To ensure that adequate protection of human health is maintained for the lifetime of the development. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

6.5.8. Verification report

Condition:

A verification report demonstrating completion of the works set out in the remediation strategy in (12) and the effectiveness of the remediation shall be submitted in writing and approved by the LPA. The report shall include results of validation sampling and monitoring carried out in accordance with an approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason:

To ensure that adequate protection of human health is maintained for the lifetime of the development. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

6.5.9. Unsuspected Contamination

Condition:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation

scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason:

To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

6.5.10. Comments

The submitted report entitled “Watling Street, Park Street, St Albans Phase 1 Desk Study” produced by Hydrock and dated 20th October 2021” has been reviewed. The application site is reported to be situated directly adjacent to an historic landfill site/sewage treatment works.

6.6. Design and Conservation Officer

Initial Comments 17/03/2022

6.6.1. No above-ground heritage constraints, nor is this likely to impact on the Park Street Conservation area. Archaeology may be an issue and they should be consulted.

6.6.2. No detailed comment on the illustrative layout or parameters plan. Seems acceptable.

Further Comments 06/07/2022 and 29/11/2022

6.6.3. No further comment.

6.7. East of England Ambulance Service

6.7.1. The proposed development will put increasing pressure and demand on EEAST providing nationally set response times for ambulance emergency services around the geographical area associated with the proposed application site. EEAST does not have the capacity to meet the additional growth resulting from this development and cumulative development growth in the area.

6.7.2. Any new housing development requires assessment of:

- Increasing the number of ambulances required to meet the expanded demand in order to maintain contractual response times to prevent the application of contractual fines
- The suitable location of existing ambulance station(s) within the locality to meet the increased demand with potential to redevelop or extend and in certain instances relocate to a more suitable location
- Additional medical equipment to manage the increased number of incidents from the growing population in order to maintain mandated ambulance response times and treatment outcomes.
- The need to recruit, train and provide new equipment for additional voluntary Community First Responders (CFR) to support the proposed development and the community as a whole.

- 6.7.3. EEAST are in a unique position that intersects health, transport and community safety and does not have capacity to accommodate the additional growth resulting from the proposed developments combined with other developments in the vicinity. This development is likely to increase demand upon existing constrained ambulance services and blue light response times.
- 6.7.4. Table 1 shows the population likely to be generated from the proposed development. The capital required to create additional ambulance services to support the population arising from the proposed development is calculated to be £25,009.

Table 1 Capital Cost calculation of additional health services arising from the development proposal

Additional Population Growth 95 (dwellings) ¹ including 40% affordable and 5 self-build	Rate ²	Ambulance Cost ³	Total
247	0.15	£675	£25,009

- 1 Calculated assuming 2.4 persons for each dwelling average household 2011 Census: Rooms, bedrooms and central heating, local authorities in England and Wales (rounded to the nearest whole number)
- 2 Calculated using per head of population in Hertfordshire and West Essex 1996 of 1.4m and emergency activity volume in 2018/19 (203,066)
- 3 Calculated from EEAST ambulance data

- 6.7.5. The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth and demand generated by this development. Any funding would be used towards the capital cost of providing new additional ambulances and/or new additional medical equipment (both within and external to the ambulance), and/or new additional parking space(s) for ambulances at existing ambulance stations or if ability to expand is constrained to support relocating the ambulance station to an appropriate site to meet the needs of the existing and additional residents. In addition, capital funding could be used to recruit and train new volunteer community first responders or provide new volunteer community responder equipment.

Assessment of Development Impact on Existing Healthcare and Ambulance Service Provision

- 6.7.6. Non-emergency patient transport services are commissioned by NHS Herts CCG to take patients who meet set eligibility criteria from their usual place of residence to hospital for appointments (which may be provided in a hospital, diagnostic hub or primary care setting) in sufficient time for their appointment and then returned to their usual place of residence. As with emergency services, location and siting of PTS sites is important to meet the needs of the population.
- 6.7.7. The age profile is important for EEAST as well as the CCG, as people at both ends of the age spectrum consume a disproportionately large quantity of healthcare services and resource). Over 75s are most likely to have multiple long-term conditions and complex care needs. Analysis of EEAST activity from 2019/20 indicates residents aged 65 years and over account for over 1/3 (35%) of Category 1 ambulance activity and 52% of all activity. Those aged 2-18 years account for 15% of Category 1 activity and 8% of all activity.

Review of Planning Application

- 6.7.8. The change of use from agricultural land to housing will impact on emergency ambulance services.
- 6.7.9. EEAST would highlight that since the COVID-19 pandemic more people are likely to work from home for at least part of the week and room size and layout should be sufficient to facilitate at least one person working from home in a suitable environment as this supports both physical and mental health and well-being.
- 6.7.10. EEAST notes the sites are in Flood Zone 1 at low risk of flooding. The impact of flooding significantly affects residents physical and mental health in both the short and long term. EEAST together with other emergency blue light services support people when incidences of flooding occur.
- 6.7.11. EEAST would welcome the developers to utilise the catchment of clean and grey water to include underground storage tanks or multiple water butts (ie garage and house) to help reduce the risk of localised flooding post development. There is the potential for residents to reuse water for gardens, car washing and in community gardens instead of entering main sewers.
- 6.7.12. EEAST would welcome the potential for community gardens/planting of orchard trees to support community physical and mental health and well-being. The planting and usage of communal and residents' amenity are welcomed as these can support physical and mental health and wellbeing and help develop community cohesion.
- 6.7.13. EEAST supports central open spaces and would encourage the developer to consider the establishment of seating in the open spaces and along walkways to provide the opportunity for residents to meet and supports those who have limited mobility to rest.

Transport, Design and Access Assessment of Development Impact on Existing Healthcare Provision

- 6.7.14. It should be noted that EEAST as a blue light emergency service would request the developers support the Vision Zero/Safe System approach to design out road accidents for vehicle occupants, motorcyclists, bicyclists and pedestrians by utilising clear lines of sight, use of appropriate street/road lighting, use the of village gateways on approach to the junctions/roundabout and other opportunities to support speed reduction. The use of speed ramps to reduce vehicle speed should be limited to reduce any potential damage to ambulances, the crew and patients as these can affect the ability to treat patients during the journey.
- 6.7.15. EEAST would request clear lines of sight are retained close to properties and walkways to support the reduction and fear of crime whilst also minimising the impact of artificial light.
- 6.7.16. EEAST would request the developer ensures cycle parking should allow for different types of cycles to be stored (eg trike), covered, secure and well lit.

6.8. Environment Agency

Initial Comments 22/03/2022

- 6.8.1. We are currently operating with a significantly reduced resource in our Groundwater and Contaminated Land Team in our Hertfordshire and North London Area. This has regrettably affected our ability to respond to Local Planning Authorities for some planning consultations. We are not providing specific advice

on the risks to controlled waters for this site as we need to concentrate our local resources on the highest risk proposals.

- 6.8.2. The site is situated in a vulnerable groundwater area within Source Protection Zone 2 and is adjacent to a historic landfill. These proposals need to be dealt with in a way which protects the underlying groundwater. Please therefore take note of the following advice.
- 6.8.3. Where land contamination may be an issue for a prospective development we encourage developers to employ specialist consultants/contractors working under the National Quality Mark Scheme.

Advice for LPA/Applicant

- 6.8.4. We recommend that the requirements of the National Planning Policy Framework and National Planning Policy Guidance are followed. This means that all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken. We expect reports and Risk Assessments to be prepared in line with our Approach to Groundwater protection (commonly referred to as GP3) and the updated guide Land contamination: risk management (LCRM). LCRM is an update to the Model procedures for the management of land contamination (CLR11), which was archived in 2016.
- 6.8.5. In order to protect groundwater quality from further deterioration:
- No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution (e.g. soakaways act as preferential pathways for contaminants to migrate to groundwater and cause pollution).
 - Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.
- 6.8.6. The applicant should refer to the following (non-exhaustive) list of sources of information and advice in dealing with land affected by contamination, especially with respect to protection of the groundwater beneath the site:
1. Follow the risk management framework provided in the updated guide LCRM, when dealing with land affected by contamination.
 2. Refer to the Environment Agency Guiding principles for land contamination for the type of information we require in order to assess risks to controlled waters from the site. The Local Planning Authority can advise on risk to other receptors, such as human health.
 3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed. The Planning Practice Guidance defines a "Competent Person" (to prepare site investigation information) as: "A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation." For this definition and more please see here.
 4. Refer to the contaminated land pages on Gov.uk for more information.

5. We expect the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by contamination e.g. British Standards when investigating potentially contaminated sites and groundwater, and references with these documents and their subsequent updates:

- BS5930:2015 Code of practice for site investigations;
- BS 10175:2011 A2:2017 Code of practice for investigation of potentially contaminated sites;
- BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points;
- BS ISO 5667-11:2009, BS 6068- 6.11: 2009 Water quality. Sampling. Guidance on sampling of groundwaters (a minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns but more may be required to establish the conceptual site model and groundwater quality. See RTM 2006 and MNA guidance for further details);
- BS ISO 18512:2007 Soil Quality. Guidance on long-term and short-term storage of soil samples;
- BS EN ISO 5667:3- 2018. Water quality. Sampling. Preservation and handling of water samples;
- Use MCERTS accredited methods for testing contaminated soils at the site;
- Guidance on the design and installation of groundwater quality monitoring points Environment Agency 2006 Science Report SC020093 NB. The screen should be located such that at least part of the screen remains within the saturated zone during the period of monitoring, given the likely annual fluctuation in the water table. In layered aquifer systems, the response zone should be of an appropriate length to prevent connection between different aquifer layers within the system.

6.8.7. A Detailed Quantitative Risk Assessment (DQRA) for controlled waters using the results of the site investigations with consideration of the hydrogeology of the site and the degree of any existing groundwater and surface water pollution should be carried out. This increased provision of information by the applicant reflects the potentially greater risk to the water environment. The DQRA report should be prepared by a “Competent Person” e.g. a suitably qualified hydrogeologist. More guidance on this can be found at: <https://sobra.org.uk/accreditation/register-of-sobra-risk-assessors/>.

6.8.8. In the absence of any applicable on-site data, a range of values should be used to calculate the sensitivity of the input parameter on the outcome of the risk assessment.

6.8.9. Further points to note in relation to DQRAs:

- GP3 version 1.1 August 2013 provided further guidance on setting compliance points in DQRAs. This is now available as online guidance: <https://www.gov.uk/guidance/land-contamination-groundwater-compliance-points-quantitative-risk-assessments>
- Where groundwater has been impacted by contamination on site, the default compliance point for both Principal and Secondary aquifers is 50 metres.

- For the purposes of our Approach to Groundwater Protection, the following default position applies, unless there is site specific information to the contrary: we will use the more sensitive of the two designations e.g. if secondary drift overlies principal bedrock, we will adopt an overall designation of principal.

6.8.10. Where leaching tests are used it is strongly recommended that BS ISO 18772:2008 is followed as a logical process to aid the selection and justification of appropriate tests based on a conceptual understanding of soil and contaminant properties, likely and worst-case exposure conditions, leaching mechanisms, and study objectives. During the risk assessment one should characterise the leaching behaviour of contaminated soils using an appropriate suite of tests. As a minimum these tests should be:

- Up-flow percolation column test, run to LS 2 - to derive kappa values;
- pH dependence test if pH shifts are realistically predicted with regard to soil properties and exposure scenario;
- LS 2 batch test - to benchmark results of a simple compliance test against the final step of the column test.

6.8.11. Following the DQRA, a Remediation Options Appraisal should be completed to determine the Remediation Strategy, in accordance with the updated guide LCRM.

6.8.12. The verification plan should include proposals for a groundwater monitoring programme to encompass regular monitoring for a period before, during and after ground works e.g. monthly monitoring before, during and for at least the first quarter after completion of ground works, and then quarterly for the remaining 9-month period. The verification report should be undertaken in accordance with in our guidance Verification of Remediation of Land Contamination.

6.8.13. We only consider issues relating to controlled waters (groundwater and watercourses). Evaluation of any risks to human health arising from the site should be discussed with the relevant local authority Environmental Health Department.

Further Response 29/06/2022

6.8.14. Thank you for re-consulting us on the above application on 9 June 2022.

6.8.15. We have no comment to make in respect of the additional information submitted. Our position remains as set out in our previous response letter (Reference: NE/2022/134225/01-L01) dated 22 March 2022.

Final comments

6.8.16. Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.

6.9. HCC Children, Schools and Families – no response received

6.10. HCC Children Services – School Place Planning – no response received

6.11. HCC Growth and Infrastructure Unit

Initial Response 31/03/2022

6.11.1. I am writing in respect of planning obligations sought towards non-transport services to minimise the impact of development on Hertfordshire County Council Services for the local community. Based on the information to date for the development of 95 dwellings we would seek financial contributions towards the following projects:

HOUSES		
Number of Bedrooms	A) Open Market	B) Affordable (Social Rent)
1	00	02
2	14	06
3	29	10
4+	14	03
Total	57	21

FLATS		
Number of Bedrooms	A) Open Market	B) Affordable (Social Rent)
1	0	08
2	0	09
3	0	0
4+	0	0
Total	0	17

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

- 6.11.2. Primary Education towards the expansion of a Primary School in the area (TBC) £807,534 (index linked to BCIS 1Q2020)
- 6.11.3. Secondary Education towards the expansion of Marlborough School £882,451 (index linked to BCIS 1Q2020)
- 6.11.4. Special Educational Needs and Disabilities (SEND) towards the delivery of new Severe Learning Difficulty (SLD) special school places (WEST) £98,846 (index linked to BCIS 1Q2020)
- 6.11.5. Library Service towards increasing the capacity of St Albans Library or its future re-provision £9,052 (index linked to BCIS 1Q2020)
- 6.11.6. Youth Service towards future re-provision of St Albans Young People's Centre £16,408 (index linked to BCIS 1Q2020)
- 6.11.7. Monitoring Fees – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.
- 6.11.8. The CIL Regulations discourage the use of formulae to calculate contributions however, the County Council is not able to adopt a CIL charge itself. Accordingly, in areas where a CIL charge has not been introduced to date, planning obligations in their restricted form are the only route to address the impact of a development. In instances where a development is not large enough to require on site provision but is large enough to generate an impact on a particular service, an evidenced mechanism is needed to form the basis of any planning obligation sought. HCC views the calculations and figures set out within the Guide to Developer Infrastructure Contributions as an appropriate methodology for the obligations sought in this instance.
- 6.11.9. The county council methodology provides the certainty of identified contribution figures based on either a known or estimated dwelling mix, the latter of which might be agreed with the local planning authority based on expected types and tenures set out as part of the local plan evidence base. This ensures the contributions are appropriate to the development and thereby meet the third test of

Regulation 122 of the Community Infrastructure Levy Regulations 2010 (amended 2019): “fairly and reasonably relates in scale and kind to the development”.

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

Justification

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

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

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

- 6.11.13. Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states “Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.” Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development. The NPPG states “No payment of money or other consideration can be positively required when granting planning permission.” The development plan background supports the provision of planning contributions. The provision of community facilities is a matter that is relevant to planning. The contributions sought will ensure that additional needs brought on by the development are met.

(ii) Directly related to the development.

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

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

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

PLEASE NOTE THE FOLLOWING:

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

- 6.11.17. I would be grateful if you would keep me informed about the progress of this application so that either instruction for a planning obligation can be given

promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested financial contributions and provisions. Should you require any further information please contact the Growth & Infrastructure Unit.

Second Response 29/06/2022

6.11.18. Thank you for your re-consultation letter dated 09/06/2022. As this is an Outline application I would like to update my response to include a paragraph on the ability to re-calculate contributions if the development mix changes from that stated below. I have also picked up on some rounding errors (contributions have stayed the same or slightly reduced). This response is to supersede our previous response dated 31/03/2022.

6.11.19. I am writing in respect of planning obligations sought towards non-transport services to minimise the impact of development on Hertfordshire County Council Services for the local community. Based on the information to date for the development of 95 dwellings we would seek financial contributions towards the following projects:

HOUSES		
Number of Bedrooms	A) Open Market	B) Affordable (Social Rent)
1	0	2
2	14	6
3	29	10
4+	14	3
Total	57	21

FLATS		
Number of Bedrooms	A) Open Market	B) Affordable (Social Rent)
1	0	8
2	0	9
3	0	0
4+	0	0
Total	0	17

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

6.11.20. Primary Education towards the expansion of a Primary School serving the development £807,534 (index linked to BCIS 1Q2020)

6.11.21. Secondary Education towards the expansion of Marlborough School £882,451 (index linked to BCIS 1Q2020)

6.11.22. Special Educational Needs and Disabilities (SEND) towards the delivery of new Severe Learning Difficulty (SLD) special school places (WEST) £98,846 (index linked to BCIS 1Q2020)

6.11.23. Library Service towards increasing the capacity of St Albans Library or its future re-provision £9,044 (index linked to BCIS 1Q2020)

6.11.24. Youth Service towards the re-provision of St Albans Young People's Centre in a new facility £16,156 (index linked to BCIS 1Q2020)

6.11.25. Monitoring Fees – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

6.11.26. The CIL Regulations discourage the use of formulae to calculate contributions however, the County Council is not able to adopt a CIL charge itself. Accordingly, in areas where a CIL charge has not been introduced to date, planning obligations in their restricted form are the only route to address the

impact of a development. In instances where a development is not large enough to require on site provision but is large enough to generate an impact on a particular service, an evidenced mechanism is needed to form the basis of any planning obligation sought. HCC views the calculations and figures set out within the Guide to Developer Infrastructure Contributions as an appropriate methodology for the obligations sought in this instance.

- 6.11.27. The county council methodology provides the certainty of identified contribution figures based on either a known or estimated dwelling mix, the latter of which might be agreed with the local planning authority based on expected types and tenures set out as part of the local plan evidence base. This ensures the contributions are appropriate to the development and thereby meet the third test of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (amended 2019): “fairly and reasonably relates in scale and kind to the development”.
- 6.11.28. Outline applications will require the ability for an applicant to recalculate contributions at the point of a reserved matters application and as such a calculation Table will be provided as part of the S106 drafting process. This approach provides the certainty of identified contribution figures with the flexibility for an applicant/developer to amend the dwelling mix at a later stage and the financial contribution to be calculated accordingly.
- 6.11.29. Please note that current service information for the local area may change over time and projects to improve capacity may evolve. This may potentially mean a contribution towards other services could be required at the time any application is received in respect of this site.

Justification

- 6.11.30. The above figures have been calculated using the amounts and approach set out within the Guide to Developer Infrastructure Contributions (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet 12 July 2021 and is available via the following link: [Planning obligations and developer infrastructure contributions | Hertfordshire County Council](#)
- 6.11.31. In respect of Regulation 122 of the CIL Regulations 2010 (amended 2019), the planning obligations sought from this proposal are:
- (i) Necessary to make the development acceptable in planning terms.
- 6.11.32. Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states “Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.” Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development The NPPG states “No payment of money or other consideration can be positively required when granting planning permission.” The development plan background supports the provision of planning contributions. The provision of community facilities is a matter that is relevant to planning. The contributions sought will ensure that additional needs brought on by the development are met.
- (ii) Directly related to the development.
- 6.11.33. The occupiers of new residential developments will have an additional impact upon local services. The financial contributions sought towards the above services

are based on the size, type and tenure of the individual dwellings comprising this development following consultation with the Service providers and will only be used towards services and facilities serving the locality of the proposed development and therefore, for the benefit of the development's occupants.

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

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

PLEASE NOTE THE FOLLOWING:

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

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

Third Response 29/12/2022

6.11.37. Thank you for re-consulting us on the amended and additional plans submitted. You will be aware the we updated our Guide to Developer Infrastructure Contributions on 31st October 2022. Applications which came in before that time, were given until the end of 2022 to be determined, otherwise HCC reserved the right to amend its financial contribution request. As this application remains undetermined I am taking this opportunity to update our contributions.

6.11.38. I am writing in respect of planning obligations sought towards non-transport services to minimise the impact of development on Hertfordshire County Council Services for the local community. Based on the information to date for the development of 95 dwellings we would seek financial contributions towards the following projects:

HOUSES		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	0	2
2	14	6
3	29	10
4+	14	3
Total	57	21

FLATS		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	0	8
2	0	9
3	0	0
4+	0	0
Total	0	17

Trajectory						
Year	2022	2023	2024	2025	2026	2027
Units	0	0	25	25	25	20

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

Primary Education towards the expansion of a Primary School serving the development (£919,862 index linked to BCIS 1Q2022)

Secondary Education towards the expansion of Marlborough School (£1,012,378 index linked to BCIS 1Q2022)

Special Educational Needs and Disabilities (SEND) towards the delivery of new Severe Learning Difficulty (SLD) special school places (WEST) (£114,074 index linked to BCIS 1Q2022)

Library Service towards increasing the capacity of St Albans Central Library or its future re-provision (£20,935 index linked to BCIS 1Q2022)

Youth Service towards the re-provision of the St Albans Young People's Centre in a new facility (£27,681 index linked to BCIS 1Q2022)

Monitoring Fees – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

- 6.11.39. The CIL Regulations discourage the use of formulae to calculate contributions however, the County Council is not able to adopt a CIL charge itself. Accordingly, in areas where a CIL charge has not been introduced to date, planning obligations in their restricted form are the only route to address the impact of a development. In instances where a development is not large enough to require on site provision but is large enough to generate an impact on a particular service, an evidenced mechanism is needed to form the basis of any planning obligation sought. HCC views the calculations and figures set out within the Guide to Developer Infrastructure Contributions as an appropriate methodology for the obligations sought in this instance.
- 6.11.40. The county council methodology provides the certainty of identified contribution figures based on either a known or estimated dwelling mix, the latter of which might be agreed with the local planning authority based on expected types and tenures set out as part of the local plan evidence base. This ensures the contributions are appropriate to the development and thereby meet the third test of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (amended 2019): "fairly and reasonably relates in scale and kind to the development".
- 6.11.41. Outline applications will require the ability for an applicant to recalculate contributions at the point of a reserved matters application and as such a calculation Table will be provided as part of the S106 drafting process. This approach provides the certainty of identified contribution figures with the flexibility for an applicant/developer to amend the dwelling mix at a later stage and the financial contribution to be calculated accordingly.
- 6.11.42. Please note that current service information for the local area may change over time and projects to improve capacity may evolve. This may potentially mean a contribution towards other services could be required at the time any application is received in respect of this site.

Justification

- 6.11.43. The above figures have been calculated using the amounts and approach set out within the Guide to Developer Infrastructure Contributions (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet 12 July 2021 and is available via the following link:

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

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

6.11.45. Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations." Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development The NPPG states "No payment of money or other consideration can be positively required when granting planning permission." The development plan background supports the provision of planning contributions. The provision of community facilities is a matter that is relevant to planning. The contributions sought will ensure that additional needs brought on by the development are met.

(ii) Directly related to the development.

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

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

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

PLEASE NOTE THE FOLLOWING:

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

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

Further Response 16/05/2023

6.11.50. You will be aware the we updated our Guide to Developer Infrastructure Contributions on 31st October 2022. Applications which came in before that time, were given until the end of 2022 to be determined, otherwise HCC reserved the right to amend its financial contribution request. As this application remains undetermined I am taking this opportunity to update our contributions.

6.11.51. I am writing in respect of planning obligations sought towards non-transport services to minimise the impact of development on Hertfordshire County Council Services for the local community. Based on the information to date for the development of 95 dwellings we would seek financial contributions towards the following projects:

HOUSES		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	0	2
2	14	6
3	29	10
4+	14	3
Total	57	21

FLATS		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	0	8
2	0	9
3	0	0
4+	0	0
Total	0	17

Trajectory						
Year	2023	2024	2025	2026	2027	2028
Units	0	25	25	25	20	0

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

Primary Education towards the expansion of Killigrew Primary School and/or provision serving the development (£919,862 index linked to BCIS 1Q2022)

Secondary Education towards the expansion of Marlborough School and/or provision serving the development (£1,012,378 index linked to BCIS 1Q2022)

Special Educational Needs and Disabilities (SEND) towards the delivery of additional Severe Learning Difficulty (SLD) special school places (WEST), through the relocation and expansion of Breakspeare School and/or provision serving the development (£114,074 index linked to BCIS 1Q2022)

Library Service towards increasing the capacity of St Albans Central Library and/or provision serving the development (£20,935 index linked to BCIS 1Q2022)

Youth Service towards the re-provision of St Albans Young People's Centre in a new facility and/or provision serving the development (£27,681 index linked to BCIS 1Q2022)

Monitoring Fees – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

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

6.11.53. The county council methodology provides the certainty of identified contribution figures based on either a known or estimated dwelling mix, the latter of which might be agreed with the local planning authority based on expected

types and tenures set out as part of the local plan evidence base. This ensures the contributions are appropriate to the development and thereby meet the third test of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (amended 2019): “fairly and reasonably relates in scale and kind to the development”.

6.11.54. Outline applications will require the ability for an applicant to recalculate contributions at the point of a reserved matters application and as such a calculation Table will be provided as part of the S106 drafting process. This approach provides the certainty of identified contribution figures with the flexibility for an applicant/developer to amend the dwelling mix at a later stage and the financial contribution to be calculated accordingly.

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

Justification

6.11.56. The above figures have been calculated using the amounts and approach set out within the Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet 12 July 2021 and is available via the following link: [Planning obligations and developer infrastructure contributions | Hertfordshire County Council](#). In respect of Regulation 122 of the CIL Regulations 2010 (amended 2019), the planning obligations sought from this proposal are:

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

6.11.57. Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states “Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.” Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development The NPPG states “No payment of money or other consideration can be positively required when granting planning permission.” The development plan background supports the provision of planning contributions. The provision of community facilities is a matter that is relevant to planning. The contributions sought will ensure that additional needs brought on by the development are met.

(ii) Directly related to the development.

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

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

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

PLEASE NOTE THE FOLLOWING:

- 6.11.60. Consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, who may request the provision of fire hydrants through a planning condition.
- 6.11.61. I would be grateful if you would keep me informed about the progress of this application so that either instruction for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested financial contributions and provisions. Should you require any further information please contact the Growth & Infrastructure Unit.
- 6.12. Herts Ecology

N.B. Due to the fact that several of these responses make references in respect of sensitive protected species (badgers), the full responses of Herts Ecology will be provided to Members within 'Part 2' of the agenda pack. Abridged versions of the responses received are nonetheless set out below for completeness.

Initial Response 24/05/2022

- 6.12.1. The application site has no biological records within the Environmental Records Centre. The caravan site to the west lies within an Ecosite for which there are records, but this implies no particular value. There are some local reptile records but these are likely to be from habitats to the east of Park Street associated with the Ver Valley and railway line.
- 6.12.2. A Preliminary Ecological Appraisal has been submitted in support of the application. Surveys were undertaken on 29 July 2021 which is in the optimal survey season. This records the overwhelming majority of the site as arable, with a small peripheral strip of broadleaved woodland, scattered trees and scrub and ruderal vegetation. These habitats are of limited to low intrinsic ecological value at the site level. No detailed bird or bat surveys have been undertaken although the site does not suggest any particular interest for these species. Opportunities for roosts were assessed. It is considered an assemblage of common bird species found commonly in open arable / urban fringe situations uses the site. There is limited opportunity for reptiles. On this basis, I consider that the ecology on the site does not represent a fundamental ecological constraint on the proposals.
- 6.12.3. The PEA outlines proposals for habitat retention and creation, and species considerations during development. This includes the creation of wildflower grassland areas, SUDS and gardens. Whilst these are welcomed, the extent of future habitats will be limited as will their ability to deliver the quality of habitats claimed, given their size and use as public open space, particularly over the next 30 years. However, in any event further details will be required to confirm the proposals.
- 6.12.4. A Biodiversity Impact Statement has been provided to demonstrate Biodiversity Net gain. Whilst the explanation is welcomed, the original Metric V3 should have been submitted to enable full scrutiny of the assessments. However, I cannot insist on this prior to determination as currently BNG is not planning law and there is no adopted local plan which requires it. The metric scores the site as supporting 10.05 Biodiversity Units, mainly made up from the arable land. To achieve a minimum of 10%BNG a final score of at least 11.1 BU would need to be achieved. Given the proposals for habitat creation, this score is 13.03 BU, which is a net gain of 29.72%.

- 6.12.5. Whilst I have no reason to object to the calculations, in my view these gains include proposals that are unlikely to be achieved in the longer term, whilst gardens are not controlled by planning. These limitations are recognised within the PEA. However, the metric enables gardens and other peripheral habitats to be scored, and the BNG process also includes monitoring and the need for remedial action, if necessary, over the 30-year period BNG is expected to be delivered. Consequently, the process as promoted by Government has to be considered accordingly.
- 6.12.6. On the basis of the above, I have no reason to object to the proposals on the grounds of ecology. Should the application be approved I advise that the following are needed to be addressed by submission of reserved matters applications: biodiversity net gain; construction and environment management plan; landscape and ecology management plan.

Second response 06/07/2022

- 6.12.7. The Full Biodiversity Net Gain (BNG) metric has now been provided and this demonstrates how the Biodiversity Unit scores (12.24 BU) have been derived. The bulk of the BU gain (9.67 BU) is based upon the creation and management of 1.164Ha of Other Neutral Grassland, half of which is considered to be in poorer condition given the effects of trampling. However, it is apparent that almost all of the open grasslands are to be Public Open Space and are shown as amenity grassland. Tiny areas of wildflower 'meadow' are shown which amount to no more than a few clumps of more species-rich and presumably taller grassland, although how these will be maintained as discrete clumps is rather fanciful. The SUDS feature will be a grassy depression, for the most part continuous with amenity grassland in both form and function, at least when it doesn't provide its SUDS role.
- 6.12.8. I cannot accept this assessment in respect of the contribution of this grassland to support BNG. As it is proposed, most if not all of the grassland use will be amenity and as such cannot reasonably be considered to equate to good or moderate quality Other Neutral Grassland (ONG), which by default would need to be of a higher quality and structure to benefit biodiversity as claimed. I consider its amenity use should be recognised as Modified grassland as this is what it will all be as currently proposed and will likely to result in given the pressure it will receive. If ONG is to be achieved, this should be as discrete larger blocks of clearly differently managed grassland to achieve any genuine ecological benefit as such. Currently the proposals do not show this and therefore I do not accept the claim that 29.72% BNG has been achieved. Scored as Modified grassland of 'moderate' quality, the BNG amounts to 8.44 BU, which clearly generates a net loss of biodiversity. If scored at 'good' quality this increases to 11.05 BU – which meets 10%BNG. Alternatively, larger ONG blocks could be designed and scored accordingly, but the practicalities of long-term delivery must be considered.
- 6.12.9. On this basis I consider the existing calculations based upon the revised layout plans and the proposed grassland habitats to be unrealistic. They will need to be revised if BNG is to be achieved realistically as part of the landscaping of this site. Alternatively, an offsite solution will be required to achieve a more meaningful BNG contribution. The LPA will need to take a view on the extent it wishes to pursue this given the current legal position in respect of BNG, as I outlined previously.
- 6.12.10. Whilst I remain sceptical of the long-term ability of such grassland areas to contribute the ecological value proposed, this process is supported by

Government and can only ultimately be considered for what is proposed at face value. It will still require to be informed by a LEMP as advised previously.

6.12.11. SADC have also listed all of the local ecological concerns raised regarding this proposal and asked Hertfordshire Ecology for a view on them, which is provided as follows:

- Loss of wildlife

Agreed. All development which involves loss of habitat or damaging changes to it, will result in a loss of or change to any wildlife using that land. Furthermore, any site's biodiversity will improve the longer or more wide-ranging ecological surveys are undertaken, so intensive studies, whilst valuable, present a rather biased view of any site, good or bad. Within reason its value can be assessed by appropriate surveys, even though such snapshot surveys are by default, limited. Consequently sites have to be assessed in respect of their relative importance, as reflected by recognised surveys, assessments and understanding and following best practice guidance. In this case, the development site is essentially a large, intensively farmed arable field. This is of limited interest and does not represent a Priority Habitat. Without any historic or recent evidence to demonstrate otherwise, it is not unreasonable to consider such a habitat will have a low, intrinsic ecological value. As such, this is insufficient to represent a fundamental constraint on development, despite any site-level losses or changes to biodiversity.

- A range of wildlife is present on site at present – including mammals, butterflies and birds. The development would deprive them of their habitat.

As above; whilst such species are likely to be using the site and its edges, the arable habitat quality is poor and would not represent a significant ecological resource locally for feeding, shelter or breeding, despite it supporting elements of an arable field ecology.

- Potential for rare/protected trees and wildlife at the site

All sites have potential. However, this can only be realised if the management was to maintain, enhance or create such interest. Large arable fields are unlikely to support such interest, and which has not been identified as part of the recent ecological surveys. I have raised the significance of what appears to be a veteran hedgerow tree along Watling Street.

- A Loss of trees

It is not evident that there will be a substantial loss of trees – if any, according to the layout proposals and aerial photos. Indeed, the proposals suggest additional tree planting along the boundary with Watling Street and internally.

- Loss of an agricultural habitat which is different to other habitats in the area

Agricultural habitat has a limited ecological value for the most part if it is intensively managed. It is not a rare habitat in Hertfordshire, and there is similar agricultural land to the north of the A414 and to the west of this site, so the habitat is not unique locally.

- Impact on biodiversity

Agreed. As outlined above, there will be an impact on biodiversity. The issue is whether this is acceptable given the relative importance of the existing ecology in

the first place. Such value judgements are the basis for all such development decisions in the country, for which guidance is provided. In this respect, NPPF is quite clear:

174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

In practice sites are considered by their relative status of importance. This is usually recognised as the hierarchy of International, National, Regional, Local (County / District) or Site level value and can be reflected in various statutory or non-statutory designations (after ECIA Guidelines, CIEEM 2018). In this case, this site has no statutory or non-statutory ecological status and has not been identified for its ecological value in any local plan. Consequently, unless there is new evidence to the contrary, biodiversity would not reasonably represent a fundamental constraint.

- Impact from light pollution

Agreed. Light pollution is a significant ecological concern and should be avoided or minimised wherever possible. However, this location is already within an urban-fringe area subject to significant background lighting locally – Park Street to the east and south, Chiswell Green to the west and St Albans to the north. Whilst light pollution should be addressed in any event, it is in itself, unlikely to represent a fundamental constraint.

- Site provides an ecological space away from roads and pollution

Agreed. However, the same could be said of any site adjacent to a road which leads into open countryside beyond. This does not justify the development, but neither does it represent a reasonable constraint given that there must be many hundreds if not thousands of such sites throughout St Albans District alone.

- Green areas are needed to soak up pollution

The role of vegetation in ameliorating the effects of pollution are important, but an arable field, itself likely to be subject to chemical sprays despite producing a food crop, is unlikely to provide a substantial pollution sink in this respect.

- The predicted biodiversity of the proposed development is optimistic, and includes a grass verge, which is unlikely to have much biodiversity value in the future

Agreed. This was raised in my original comments, and again above.

- How can the destruction of the site result in a biodiversity net gain?

Because biodiversity is now calculated in terms of 'Biodiversity Units', which can be replaced or indeed increased within and / or offsite by careful habitat creation or enhancement, as demonstrated by the metric. Biodiversity has essentially become a tradable commodity which can be generated by appropriate offsetting schemes and delivered by a developing market in biodiversity units. By default, it will generate more biodiversity – as a properly populated metric will invariably demonstrate, one way or the other.

Whatever the views are on this new approach, it has been promoted by Government since at least 2012 when a series of pilot projects were commenced, and has recently been confirmed to be a mandatory requirement of the planning process within the Environment Act 2021. As such it will become planning law in (likely) autumn 2023 when the Town and Country Planning Act is changed. In other words, BNG is here to stay as part of nature recovery.

- Biodiversity net gain is inherently flawed, and many developers fail to meet pre-application promises.

The process has yet to become planning law. When it does, there will be (as there already are) strict legal agreements (S106 and Conservation Covenants) and associated procedures in place to secure BNG and in respect of monitoring and review, as part of the LPA's role, to ensure that all such BNG agreements are continuously assessed and delivered to ensure that the proposed gains are achieved.

- The UK is in an ecological recession

Agreed. This is why, for example, Government is following a nature recovery network to be informed by local strategies as outlined within the Environment Act 2021. BNG plays an important role in this to minimise biodiversity impacts from development and in result in biodiversity gains.

- Danger posed to wildlife from cats in domestic premises

Agreed. Cats (and dog walking) can indeed create additional pressure on biodiversity, principally from predation on birds, small mammals and reptiles as well as general disturbance and nutrient enrichment. However, the apparent wealth of wildlife on the adjacent site to the south does not appear to have suffered from the impacts of pets from adjacent development to the south and east. Such development is proposed across the District and throughout Hertfordshire, which has to find development opportunities for 100,000 new homes.

Where there is a special interest known to be present of high ecological status, (e.g. the potential impact on a Special Protection Area – a European site identified for its bird interest) – this would be a serious issue which would need to be addressed, otherwise any application or local plan would be refused. In this case, however, there is no such site directly affected and hopefully, the local ecology would not suffer too much and could be reduced by appropriate green infrastructure resources within the site – although this would conflict with higher ecological status of grasslands, as I have outlined. The alternative could be to ban cats or dogs, an approach which to my knowledge, has not been pursued nationally or locally.

- Lockdown has meant that wildlife can be observed and enjoyed locally

Agreed. However, it also created significantly increased pressure on some sites as communities increasingly visited local sites for health and wellbeing reasons. Nevertheless, this in itself is not a sound reason to justify an objection to a development proposal on ecological grounds alone. The impact of lockdown on visible wildlife has no relationship to the acceptability of development on any given site. Any site anywhere could potentially benefit from less disturbance if society is not accessing local areas of greenspace, with the result that sensitive wildlife will respond accordingly.

6.12.12. I also acknowledge St Stephen Parish Neighbourhood Plan which SADC has forwarded to Herts Ecology for consideration in respect of its Biodiversity Net Gain policy, which is particularly pertinent in the absence of an otherwise adopted local plan. In this respect, this states:

Policy S6 Minimising the environmental impact of development:

1. Development proposals should maintain and where practicable enhance the natural environment...Development proposals that would achieve a net gain in biodiversity will be particularly supported.

This clearly supports BNG, although does not represent a requirement for it.

Policy S7: Protection of Natural Habitats:

1. Major development proposals will be expected to include an assessment of local habitats and species. Proposals that would result in significant harm to Local Wildlife Sites²⁹ and/or the landscape features, as set out in Policy S5 (Minimising the Environmental Impact of Development) will not be supported unless the applicant can demonstrate the proposal cannot be located on an alternative, non-designated site with less harmful impacts and adequate mitigation or, failing that, appropriate compensatory measures are proposed.

This effectively encourages BNG where appropriate to minimise impacts and in the context of Local Wildlife Sites, which do not benefit from statutory protection.

2. Where, as a last resort, compensatory measures involving creation of off-site habitat and/or relocation of species are agreed by the Local Planning Authority, these should be implemented in partnership with an appropriate nature conservation body.

This implies offsite gains can be achieved elsewhere. It also considers this should be in partnership with a nature conservation body. This is laudable but as a planning policy may not be deliverable if there is no such body willing to partner all such agreements. It would mean in such cases it could not be met when alternative solutions to deliver BNG elsewhere may be acceptable elsewhere.

3. The use of an appropriate legal agreement (such as a Section 106 agreement) will be required to ensure proper management of open space over the lifetime of the development.

Some form of legal agreement – a S106 or Conservation Covenant - is already recognised by Govt as the means necessary to secure BNG.

Both S6 and S7 are consistent with the aims of NPPF which does not, in itself, require BNG to be provided as a result of planning approvals where appropriate. The requirement for mandatory BNG will come into force in around 15 months' time when, as outlined within the Environment Act 2021, the TCPA will be amended accordingly to make BNG planning law.

Consequently, the LPA, in determining this application, is still strongly encouraged to seek BNG consistent with NPPF and the St Stephen Neighbourhood Plan. However, on the basis of the above, I do not consider this is currently a planning requirement of the Neighbourhood Plan.

- 6.12.13. I have also been sent a copy of a report by Greenbelt which includes references to biodiversity interests in the area.
- 6.12.14. In respect of impacts to adjacent land, clearly a new development will change the nature of the existing nature of the habitats, replacing an arable field with housing and greenspace. This is unlikely to enhance the adjacent land, although in some respects it could provide local benefits in comparison to an arable field. However, the character of the biodiversity will change, and only careful future habitat creation and management will ensure negative impacts are minimised as far as possible.
- 6.12.15. The area of wildlife habitat to the south is locally valuable but not recorded within the Records Centre as being of any special importance. However, I suspect no records have been submitted, which is always disappointing in situations such as this. Nevertheless, absence of evidence is not evidence of absence.
- 6.12.16. It is clearly an area lacking in disturbance and appears to have been rather neglected - indeed, it appears almost inaccessible in places. It apparently supports smooth snake but this species is a nationally rare heathland species absent from Hertfordshire. Perhaps it is an error for grass snake or slow worm? Badgers and foxes may well use this area for foraging but presumably there is no knowledge of any setts from this land. In this respect the PEA stated:
- During the walkover survey conducted on 29th July 2021 any incidental signs of current badger Meles meles activity were recorded within the Site and within 30m of the Site where access could be obtained. The survey method was based on a standard approach as in 'The history, distribution, status and habitat requirements of the Badger in Britain, (Cresswell, P. 1990)'. The 30m distance is standard practice for potential development impacts on badger setts. Whilst there was some possible evidence of badger activity within the site, no setts were recorded in following the above survey methodology. It is not, therefore, unreasonable to assume that a badger sett is not present. However, a walkover prior to any works if approved, should take place and be outlined within a Construction and Environment Management Plan as a Condition of Approval.*
- 6.12.17. Furthermore, if this area supports a range of species despite adjacent recent and past development to the south and east (and all of the associated cats and lighting etc) the argument that additional similar development would have a highly damaging impact elsewhere would seem to carry less weight.
- 6.12.18. This strip is proposed to have seven houses against it with gardens next to it, in addition to open amenity grassland. This impact is not sufficient to represent a fundamental constraint on the proposals. The adjacent site was not included in any detail within the ecological appraisal of the proposals site because it is not directly affected by it. Measures would be expected to be put in place to ensure this was protected during the course of any development.
- 6.12.19. The approach to calculating biodiversity in terms of 'Habitat Units' is questioned. Whatever the merits of this approach are, or are considered to be, all relevant development in England will be assessed by this approach by law in 15 months' time to demonstrate measurable net gain has been achieved. Its application will not be open to discussion - unless, presumably, planning law is changed again.
- 6.12.20. Based on the above, in respect of the additional information submitted by the applicant, I acknowledge the Metric has been provided but I do not consider it to

be acceptable for the reasons outlined. This needs to be reviewed accordingly if the LPA wishes to pursue this approach, and BNG aspirations amended as necessary.

- 6.12.21. I have provided further comments on views raised locally; whilst they reflect genuine concerns regarding local biodiversity, all such decisions have to be informed and justified by expert judgement, evidence and best practice guidance. As such, my previous advice on the principle of the proposals has not changed.

Third Response 22/07/2022

- 6.12.22. In respect of general ecological impacts, the 'wildlife reserve' area is not directly affected by the current proposals and lies outside of the application site. Consequently, I would consider any ecological impacts resulting from changes to the context of the 'reserve' would represent indirect impacts to this area.

- 6.12.23. Whilst it is considered to be a 'wildlife reserve' and may function as such, I am not aware of its ownership, tenure or management for this purpose. It has no formal status in this respect to my knowledge; it is not identified in the Neighbourhood Plan on the Green Infrastructure map (Fig. 6.1), Local Green spaces map (Fig. 6.2) or the Policies Maps (p70,71) or otherwise referred to, although the term Wildlife Corridor is included within the Glossary. Its local value or role in policy terms has not been highlighted, despite the local value it represents. Without any form of policy support – or indeed in any event as policies do not influence otherwise legal site management activities - its retention may depend upon its continued neglect until the owner may choose to do otherwise. The roadside boundary of this area followed an old hedgerow present in the 1880s, so its development as an ecological feature is relatively recent. It had been 'abandoned' since before 2000 when it can be seen to support rough but not scrubby vegetation, but I don't know whether it was ever managed as part of the arable field. This places some context as to the weight the LPA can place on this feature in planning terms to protect or conserve this site in any event. As such, it is not reasonable to advise its presence represents a constraint significant enough to justify refusal of the proposals on ecological grounds, particularly if the 'wildlife reserve' itself cannot be controlled and it has no recognised form of protection otherwise.

- 6.12.24. The 'reserve' does support wildlife, despite half of its boundary being adjacent to relative recent development, which has itself intensified since the original housing here as gardens have been developed. There is no evidence that the Old Orchard area ever supported an old orchard from the historic maps available from the 1880s. Whilst additional development will remove the arable field, such intensively farmed habitat is, in itself, generally a low value habitat for biodiversity. Gardens and open space may produce a different ecology as its farmland edge is lost, but other proposed enhancements or management may compensate for this. Indeed, this is what Biodiversity Net Gain attempts to achieve. Narrow strips of extant habitat such as this 'wildlife reserve' should indeed be protected where possible, and are locally valuable, but in themselves are highly unlikely to be of sufficient intrinsic importance to represent a fundamental constraint on adjacent development. The corridor strip would still allow ecological permeability into and out of the urban area to the east, and to open land (scrub and woodland) to the west, so it would not become isolated by the current proposals and its function lost, both of which should be avoided.

- 6.12.25. Some of the wildlife it supports is certainly harmed by the activities of local cats as stated and confirmed by photographic evidence. However, it still appears

to support such wildlife, even when slow worms are predated from the site, and there are examples elsewhere across the county (South Oxhey, Hemel Hempstead, Berkhamsted) where such species can still survive despite the presence of adjacent development - which is the case already here. However, it is also true to state that such pressure is very likely to increase such impacts locally. This has been a serious issue for some major designated sites elsewhere in the country where additional disturbance and predation could harm any special interest present (usually birds), and so has influenced development proposals. However, this site carries no such designation.

- 6.12.26. If the site remained present between the existing and any future permitted development, I cannot see why its presence should not continue, notwithstanding the views / actions of the owner of the land in question. In this respect its future is sustainable, although it may be indirectly affected by the proposals. Presumably it has already been affected to some extent by the intensification of adjacent development. However, the principal issue is that the current proposals would not destroy the site. It could also be further protected by a suitable buffer as part of the proposed landscaping, although the 'reserve' already functions as a buffer between the arable and existing development. As such, whilst it hasn't been surveyed in detail, it is not reasonable to advise this should be a requirement of supporting information if the 'wildlife reserve' habitat itself is not directly affected by the proposals and lies outside of the application site.
- 6.12.27. Furthermore, the nature of the site is likely to change of its own accord due to changes in vegetation structure in the absence of management, as it has already done since before 2000. This would result in the development of further scrub and ultimately potentially secondary woodland, which would change its biodiversity and character in any event. Management may help to avoid this or enhance some aspects of the site, but this is entirely the responsibility of the owner or tenant of the land in question. I am not aware of any representation made to any such individual to achieve this. Whilst this would be supported, such management is wholly outside the control of the planning process unless this land was subject to BNG as an offsite receptor site. Given its existing value, additional ecological benefits would need to be demonstrated to enable this land to be used as such. Furthermore, any such legal agreement or Conservation Covenant to secure this is expected to last for 30 years. The potential for use of this land as a BNG option with such management commitments (whether related to this or any other development) is ultimately solely at the discretion of the landowner and / or tenant.
- 6.12.28. It has also been stated that Adder may have been reported from the site. Whilst this could always be possible, the county expert Amphibian and Reptile Group still consider this snake species to be extinct in Hertfordshire despite searches of potentially suitable sites. Unless firm evidence can be presented to confirm this, this is likely to be their continued view and as such I would defer to this position in respect of this 'wildlife reserve'.
- 6.12.29. It is clear from the above that the biodiversity of this local 'wildlife reserve' area is certainly important at the site level and is supported. Every effort should be made to ensure its interest is maintained if not enhanced, and that any adjacent development should seek to ensure impacts are reduced as far as possible with appropriate site design and landscaping. However, without any further evidence to indicate otherwise, it would appear that its long-term future could be somewhat vulnerable and may not necessarily be secure without the goodwill of the owner. Whilst this would be welcomed, I remain of the opinion that the presence of the 'wildlife reserve' in itself is still not sufficient to represent a fundamental constraint

on the development of the adjacent arable field, at least not one that could be reasonably justified on ecology terms alone.

Fourth Response 22/03/2023

6.12.30. I note that the Biodiversity Net Gain concerns raised previously have been recognised and new proposals to achieve more justifiable better grassland within the development have been presented. These are also supported. The net gain has been re-calculated as achieving 12.9% BNG, with some potential for more as part of detailed proposals to be submitted as Reserved Matters. The metric has been provided and I have no reasons to disagree with its completion. An illustrative Biodiversity Gain Plan has also now been provided and shows the buffering areas of Other Neutral Grassland and other habitats provided as part of the development. Consequently, I consider this approach in achieving BNG to be acceptable in respect of this Outline application.

6.12.31. On the basis of the above, I consider that the application can be determined accordingly.

6.13. Hertfordshire Highways

Initial comments 24/03/2022

6.13.1. Hertfordshire County Council (HCC) Highway Authority wishes to recommend refusal of the planning application until further information is provided. The additional details required are as follows:

- Further details are required for the accidents on Watling Street and the applicant should provide detailed accident outputs.

- Outputs from all the traffic survey data (ATC's, MTC's and Queue lengths) should be appended to the supporting transport assessment for review.

- Further details are required for the Travel Plan.

Proposal Description

6.13.2. The proposed development would comprise up to 95 residential dwellings, including 40% affordable dwellings and 5% self build and custom build dwellings. This would also include public open space, landscaping and associated infrastructure.

Site Description

6.13.3. The site is located within Park Street Village and approximately 4km south of St Albans and 4km north of Radlett. The proposed development site is located to the west of the A5183 Watling Street and currently consists of agricultural land. To the west the site is bounded by arable farmland and to the east and south residential dwellings. The development proposes a new access from Watling Street to the east.

History

6.13.4. A review of the Council's online record of planning applications has identified no significant planning applications of relevance to this application.

Analysis

6.13.5. The following documentation has been submitted in support of this application:

- Transport Assessment (TA)
- Framework Travel Plan (TP)
- Design and Access Statement (DAS)
- Planning Statement
- Illustrative Layout Plan

Policy Review

6.13.6. A review of the following policy documents has been undertaken as part of the Transport Assessment in support of this outline planning application:

- The National Planning Policy Framework (NPPF) (2019);
- Cycle Infrastructure Design – Local Transport Note 1/20 (2020)
- Hertfordshire County Council Local Transport Plan 4 (2018);
- St Albans City and District Council Local Plan Review (1994);

Review of Transport Assessment

Accessibility

Walking and cycling

6.13.7. There are footways on either side of the carriageway on Watling Street. However the footway along the eastern border of the site is narrow and overgrown for pedestrians and cyclists. There are also no formal crossing facilities along Watling Street within the vicinity of the site. However to the north of the site there is a shared footway / cycleway which to the north leads to an underpass below the A414 providing links to St Albans.

6.13.8. There are a number of local facilities and services within the vicinity of the site including primary and secondary schools and convenience stores.

Public Transport

6.13.9. The nearest bus stops to the site are located on Watling Street, along the frontage of the site. These stops provide hourly services between Welwyn City Garden, Borehamwood, Hatfield and Watford.

6.13.10. The nearest train station to the site is Park Street Railway Station, approximately 450m to the south of the site. This station provides frequent services between St Albans and Watford Junction.

6.13.11. It is concluded that the site is in a sustainable location with access to a number of sustainable travel modes and this is acceptable.

Road Safety

- 6.13.12. The applicant has obtained Personal injury accident (PIA) data for the 5 year period between December 2014 and December 2019. This shows that within the study area 133 accidents occurred involving 266 vehicles and 174 casualties.
- 6.13.13. The TA summarises the patterns of the accident data as follows: -
- 86% were slight in severity;
 - 63% occurred at junctions;
 - 76% occurred during daylight conditions; and
 - 72% occurred during dry conditions.
- 6.13.14. However the accident analysis does not include details for the accidents which occurred along Watling Road. Figure 3-6 in the TA shows three accidents which have occurred within the vicinity of the site along Watling Road, two serious and one slight PIA's. Further details are therefore required for these accidents and the applicant should provide detailed accident outputs.
- 6.13.15. It is noted that more recent data up to December 2021 has not been reviewed. HCC have reviewed data for 2020 and 2021 on Crashmap, this shows a PIA occurred on June 2020 to the north of the proposed site access and the details for this accident should also be provided.

Vehicle Access

- 6.13.16. The proposed vehicular access to the site would be from Watling Street at the eastern boundary of the development via a new T-junction. Drawing PRKST-DR-C-000001 shows that the proposed access would provide a 6m wide access road, 6m radii and a visibility splay of 4.5m x 90m in both directions.
- 6.13.17. Although the required visibility can be achieved, there are concerns with maintaining the existing mature trees to ensure visibility would not be restricted. This requirement can be conditioned as part of this outline application.
- 6.13.18. Any works within the highway boundary (including alterations to the footway) will need to be secured and approved via a s278 Agreement with HCC.

Parking

- 6.13.19. The TA details that car parking provision will be in line with St Albans City and District Council parking standards. The development will also include the provision of electric vehicle charging. HCC would request that the applicant does not over provide parking to ensure a commitment to sustainable travel.
- 6.13.20. It is proposed that individual dwellings will provide bicycle parking within the curtilage of the unit and dedicated cycle parking facilities will be provided for flats.
- 6.13.21. Further details and plans clearly showing the location of vehicle and cycle parking would be required at detailed design stage. Swept path analysis for a large car would also be required.

Servicing, Refuse and Emergency Access

- 6.13.22. The applicant has provided swept path analysis for a 9.93m long refuse vehicle, which shows the vehicle entering and exiting the site at the proposed site access in forward gear. This is acceptable, however further swept path analysis

will be required at detailed design stage showing a refuse vehicle manoeuvring around the internal roads of the proposed development which must include turning areas.

6.13.23. The applicant should refer to the St Albans City and District Council 'Refuse Collection and Recycling Requirements for New Developments and Change of Use' document (updated April 2018).

6.13.24. Swept path analysis for a fire tender must also be provided for the proposed site layout demonstrating access for a pumping appliance within 45m of all dwellings and that the vehicle can enter and exit in forward gear.

Trip Generation

6.13.25. Trip generation has been calculated for people trips using the TRICS database (version 7.8.2), within those calculations vehicle trips have also been identified. The TRICS parameters applied are acceptable. The following total vehicle trips are identified for the development proposal:

- AM Peak (08:00-09:00): 14 arrivals, 37 departures resulting in 51 two-way movements

- PM Peak (17:00-18:00): 35 arrivals, 14 departures resulting in 49 two-way movements

- Daily (07:00-19:00): 218 arrivals, 220 departures resulting in 438 two-way movements

6.13.26. The applicant has derived mode shares for the proposed development from 2011 Journey to Work Census data for the St Albans 019MSOA and applied the TRICS data to show predicted trips by mode. This methodology is acceptable and shows the majority of trips (69%) would be undertaken by privately owned vehicles.

Trip Distribution

6.13.27. Trips Distribution has been determined through the use of travel to work census data and National Travel Survey data for trip by purpose. Furthermore it also takes into consideration the location of nursery, primary and secondary schools and census data on the distribution of school age children. Trips have been assigned to the local highway network based on commuting trips, educational trips and other (eg.leisure, shopping). This methodology is considered acceptable.

Highway Impact

6.13.28. As agreed with HCC Highways, the applicant has assessed the proposed site access junction with Watling Street. An ATC survey was undertaken in November 2021 along Watling Street, adjacent to the proposed site access. In addition to this Manual Classified Turning Counts (MCTCs) and queue length surveys were also undertaken at key locations within the vicinity of the site. Outputs from all the traffic survey data should be appended to the supporting transport assessment for review.

6.13.29. A five year post application has been assessed and the growth factors derived from TEMPRO. These factors are considered acceptable.

- 6.13.30. The results of the junction capacity assessment show that the junction would operate well within capacity during both the AM and PM peak scenarios. However until the outputs from all the traffic surveys are provided the LHA cannot complete their review of this junction and the local highway network.
- 6.13.31. It is noted that the surveys were undertaken in November 2021, when 'working from home' was being enforced during the COVID 19 pandemic. As requested, the applicant must provide all survey data to allow the LHA to undertake a full review.
- 6.13.32. As suggested at pre-app stage, the proposed Strategic Rail Freight Interchange (to the east and south of Park Street) has been considered, however based on the proposed capacity assessment results the applicant has considered that this development would not have a major impact on the operation of Watling Street.

Travel Plan

- 6.13.33. A draft Travel Plan (TP) has been submitted as part of the planning application. The Travel Plan does not include the contact details for the Travel Plan Coordinator (TPC) and these should be provided. Secondary contact details to the interim or full travel plan TPC should also be provided. The time allocated to the TPC role (full time or part time) should also be provided.
- 6.13.34. The TP includes a good set of measures however a noticeboard in a communal area containing travel information is recommended.
- 6.13.35. As per HCC Travel Plan Guidance, residential travel pack contributions should be provided for residents. This is usually in the form of Transport or retail vouchers to encourage active and sustainable travel (£50 per flat, £100 per house).
- 6.13.36. A Statement from the developers to show that they are committed to implementing the travel plan is required.
- 6.13.37. Details on parking measures (vehicle and cycle) need to be provided in the Travel Plan, including the capacity of the secure cycle parking.
- 6.13.38. Actual baseline data should be collected within the first 3 months of occupation and multi modal counts should be carried out on site along with the annual survey.
- 6.13.39. A travel plan review should occur annually. The TPC should produce a review report which is to be submitted to HCC within three months of annual survey completion.
- 6.13.40. The management arrangement of the TP post 5 years monitoring with HCC should be outlined in the TP. An evaluation and support fee is required to be paid to HCC (£1,200 per annum for 5 years) to support Travel Plan monitoring and review and would be secured via a Section 106 Agreement. The TP should be drawn up in accordance with the County Council's document 'Hertfordshire's Travel Plan Guidance for Business and Residential Development' as set out at:https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developerinformation/development-management/highways-development-management.aspx#DynamicJumpMenuManager_1_Anchor_6.

Construction

- 6.13.41. HCC would require a full Construction Traffic Management Plan to ensure construction vehicles would not have a detrimental impact on the highway network. A condition would be required to provide adequate parking for construction vehicles on-site to prevent on-street conflict and impacts to the highway safety.
- 6.13.42. A Construction Traffic Management Plan would be required for all phases of construction. Measures would also be required to protect users of the local road network from hazards arising from undue damage caused by large numbers of HGVs associated with the construction of the development.

Contributions

- 6.13.43. According to the St Albans New Local Plan Publication Draft (2018), St Albans City and District Council is considering the adoption of Community Infrastructure Levy (CIL) by Spring 2020. It is anticipated that any contributions could be sought via Section 106 Agreement for this development as CIL has not yet been adopted.

Conclusion

- 6.13.44. In summary, HCC as the highway authority recommend refusal of the planning application, subject to receipt of additional details as identified herein.

Second Response 03/02/2033 – updated on 22/03/2023 to clarify condition wording and s106 contributions.

- 6.13.45. Notice is given under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

Condition 1: Outline Condition

No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following on-site arrangements: i) roads, foot/cycleways; ii) foul and surface water drainage; iii) visibility splays; iv) access arrangements; v) parking provision in accordance with adopted standard; vi) loading areas; vii) turning areas.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition 2: Surface Water

Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number (Drawing No.5153233-ATK-GEN-PRKST-DR-C-0001_P1.5). Prior to the first use of the development hereby permitted arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid the carriage of extraneous material or surface water onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition 3: Offsite Works / Mitigation

(Part A) Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works has been submitted to and approved in writing by the Local Planning Authority. This should include the provision of a Road Safety Audit. For the avoidance of doubt the obligations to provide all offsite works are to be contained within highways land only and include, but are not limited to: -

- A toucan or tiger parallel crossing to the north of the proposed site access junction;
- Upgrading of footway on the eastern side of Watling Street from the proposed toucan or tiger parallel crossing to connect with the existing segregated footway / cycleway at Park Street Roundabout leading to St Albans;
- Upgrading of the footway along the frontage of the site to a segregated footway / cycleway on the western side of Watling Street between the proposed toucan or tiger parallel crossing and using reasonable endeavours to upgrade the surface of the footway that links with Park Street Station; and
- Upgrading of the bus stops located on both sides of Watling Street to the north of the site to provide shelter, seating, real time passenger information and kassel kerbs.

(Part B) Prior to the first occupation of the development hereby permitted either:

- the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details; or
- the highways contribution has been paid in full by the developer.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition 4: Provision of two Active Travel Accesses

No works shall commence until detailed design drawings are submitted and approved in writing by the LPA that show the provision of the two active travel accesses, being:

a) North of the Site to Watling Street: -

This access point will provide a direct link from the site to the proposed toucan or tiger parallel crossing on Watling Street;

b) Centre of the site to Watling Street:

This access point will provide a direct link from the site to the cycleway beside Watling Street towards Park Street Station

Prior to first occupation of the development hereby permitted, the accesses stated above must be completed in accordance with the approved design details.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 7, 8, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition 5: Cycle Parking Provision

Prior to the first occupation of the development hereby permitted a scheme for the parking of cycles including details of the design, level and siting of the proposed parking shall be submitted to and approved in writing by the Local Planning Authority. The scheme must be designed in line with the cycle parking standards contained in the DfT's Cycle Infrastructure Design LTN1/20. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition 6: Vehicle Swept Path Movement Plans

No development shall commence until vehicle swept path movements plans are provided for the following:

- a. a large car accessing all car parking spaces allotted both housing and visitor parking bays;
- b. a fire tender vehicle accessing the site in a forward gear to all properties within the boundary of the internal road layout (once detailed under Condition 1); and
- c. a refuse vehicle accessing all properties and being able to safely and within a legal distance of residents bin collection points for a vehicle of dimensions L:10.875m x W:2.5m.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition 7: Construction Management Plan

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan / Statement shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);

- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

Informatives

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or

other debris on the highway. Further information is available by telephoning 0300 1234047.

AN4) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN5) Estate road adoption (Section 38): The applicant is advised that if it is the intention to request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN6) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN7) Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6,000 and index-linked RPI May 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan

including any engagement that may be needed. Further information is available via the Hertfordshire County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing travelplans@hertfordshire.gov.uk

Planning Obligations and Agreements

S106 (Town & Country Planning Act 1990)

Travel Plan Evaluation & Support

6.13.46. A Full Travel Plan will be required to be in place from first occupation until 5 years post full occupation. A £1,200 per annum (index linked RPI May 2014) Evaluation and Support Fee must be secured by Section 106 agreement in accordance with Hertfordshire County Council's Travel Plan Guidance.

6.13.47. Further details of the Travel Plan review can be found under the subsection 'Travel Plan' of this statutory consultee response and informative AN7.

Sustainable Transport Contributions

6.13.48. The total developer contribution towards active travel is £648,470 and this will be used in the first instance to fund the Travel Plan (measures and monitoring) and off-site works identified in proposed condition 3 to be carried out by the developer, providing active travel betterment in the vicinity of the site for new and existing residents. Any unspent contribution will be payable to the Highway Authority who will distribute the contributions to the associated schemes identified in HCC's Local Transport Plan and its supporting documents, South Central Hertfordshire Growth & Transport Plan.

Section 278 (Highways Act 1980)

6.13.49. A Section 278 agreement will be required between the applicant and HCC. Details of the Section 278 process is stated above in Informative AN4. Further details of the offsite works have been detailed under the subsection 'Mitigation' of this statutory consultee response.

6.13.50. It should be noted that all offsite works are fundamental to make the proposal acceptable in transport terms. All offsite works must be provided by the applicant prior to first occupation in order to mitigate the impact of the proposed development.

Comments / Analysis

Description of Proposal

6.13.51. The proposed development would comprise up to 95 residential dwellings, including 40% affordable dwellings and 5% self-build and custom build dwellings. This would also include public open space, landscaping and associated infrastructure.

Existing Site Description

6.13.52. The site is located within Park Street Village and approximately 4km south of St Albans and 4km north of Radlett. The proposed development site is located to

the west of the A5183 Watling Street and currently consists of agricultural land. To the west the site is bounded by arable farmland and to the east and south residential dwellings. The development proposes a new access from Watling Street to the east.

Planning Policy

- 6.13.53. Whilst the LHA has reviewed the planning policy included within the Transport Assessment (TA) within their first response to this planning application, we consider the local neighbourhood plan should be considered as part of the review of proposals. This is of particular importance in this location as St Albans currently does not have a recent local plan.
- 6.13.54. At this location the St Stephen Neighbourhood Plan (March 2022) covers this area of Park Street. It is noted the following policy sections are particularly relevant to highway matters for this planning application:

Policy s11: improvements to key local junctions and pinch points

Park Street Roundabout is identified as a strategic pinch point (Figure 7.1) and Policy s11 requests the cumulative transport impacts on road junctions and pinch points are assessed appropriately and in accordance with NPPF Paragraph 111.

No specific details are identified for Park Street Roundabout, however as a site of strategic importance we as LHA requested the roundabout was assessed for the cumulative impact. The results and conclusions of which are detailed later in this response.

Policy s12: off-street car parking

Relevant to this proposal is the application of bicycle parking facilities and the future proofing for electric vehicle charging. The development does not seek to remove any existing off-street parking and the development has been assessed against local parking standards for proposed off-street parking which has been met within the requirements of an outline planning application (i.e. confirmation the proposals are to standard) and found to be acceptable.

Policy s13: Bus service and community transport

This policy requires new major developments to seek S106 contributions towards public transport improvements. The LHA has made such requests through initially S278 proposals, however any remaining monies shall look to provide funding to wider improvement schemes as captured in the Growth & Transport Plan, which includes public transport projects.

Policy s14: Provision for walking, cycling and horse-riding

This policy looks to development proposals to help improve walking, cycling and horse-riding accessibility to major urban areas and ensure new developments provide safe and accessible access to existing facilities.

Furthermore, development proposals should seek to promote connections to the PRoW and the county's PRoW Improvement Plan.

The LHA has assessed the development within the context of this policy and the proposed pedestrian and cycle access is to design standards set out in Roads in Hertfordshire: Highway Design Guide.

Furthermore the LHA shall be seeking walking and cycling improvements through S278 agreements to improve the immediate connections, not only for the development but for existing residents on Watling Street, improving active travel access for wider community between Park Street and St Albans. Horse-riding is not an identified activity in this area, nor is it appropriate for the location and current 'A' Class road traffic.

Accessibility

Walking and cycling

- 6.13.55. There are footways on either side of the carriageway on Watling Street. However, the footway along the eastern border of the site is narrow and overgrown for pedestrians. There are also no formal crossing facilities along Watling Street within the vicinity of the site. However, to the north of the site there is a segregated footway / cycleway which to the north leads to an underpass below the A414 providing links to St Albans.
- 6.13.56. There are a number of local facilities and services within the vicinity of the site including primary and secondary schools and convenience stores.

Public Transport

- 6.13.57. The nearest bus stops to the site are located on Watling Street, along the frontage of the site. These stops provide hourly services between Welwyn Garden City, Borehamwood, Hatfield and Watford.
- 6.13.58. The nearest train station to the site is Park Street Railway Station, approximately 450m to the south of the site. This station provides frequent services between St Albans and Watford Junction.
- 6.13.59. It is concluded that the site is in a sustainable location with access to a number of sustainable travel modes and this is acceptable.

Road Safety

- 6.13.60. The applicant provided an analysis of the Personal Injury Accident (PIA) data for the 5 year period between December 2014 and December 2019 within the Transport Assessment dated January 2022. The LHA requested that the applicant provide further analysis for the collisions which occurred on Watling Street and to include more recent data up to December 2021.
- 6.13.61. The TA addendum note dated May 2022 includes this further analysis. It shows that between 2014 and 2021 there were 2 serious PIA's and 3 slight PIA's along Watling Street. Three of these collisions occurred to the north of the proposed site access at the junction with the BP Garage all at different times during the day (AM peak, during the afternoon and late at night) and during differing conditions.
- 6.13.62. None of the PIA's along Watling Street involved pedestrians, however one PIA involved a cyclist which occurred close to the junction of Burydell Lane where a cyclist collided with a parked car.
- 6.13.63. Having reviewed the additional collision data provided by the applicant, the Local Highway Authority (LHA) conclude that the proposals would not have a detrimental impact on existing highway safety.

Vehicle Access

- 6.13.64. The proposed vehicular access to the site would be from Watling Street at the eastern boundary of the development via a new T-junction. Drawing PRKST-DR-C-000001 shows that the proposed access would provide a 6m wide access road, 6m radii and a visibility splay of 4.5m x 90m in both directions.
- 6.13.65. Any works within the highway boundary (including alterations to the footway) will need to be secured and approved via a Section 278 Works Agreement with Hertfordshire CC.

Parking

- 6.13.66. The TA details that car parking provision will be in line with St Albans City & District Council parking standards. The development will also include the provision of electric vehicle charging. HCC would request that the applicant does not over provide parking to ensure a commitment to sustainable travel.
- 6.13.67. It is proposed that individual dwellings will provide bicycle parking within the curtilage of the unit and dedicated cycle parking facilities will be provided for flats.
- 6.13.68. Further details and plans clearly showing the location of vehicle and cycle parking would be required at detailed design stage. Swept path analysis for a large car would also be required.

Servicing, Refuse and Emergency Access

- 6.13.69. The applicant has provided swept path analysis for a 9.93m long refuse vehicle, which shows the vehicle entering and exiting the site at the proposed site access in forward gear. Latest refuse vehicle figures require a minimum of 10.875m x 2.5m is to be used, and therefore as conditioned, further swept path analysis will be required at detailed design stage showing a refuse vehicle manoeuvring around the internal roads of the proposed development which must include turning areas with these updated dimensions.
- 6.13.70. The applicant should refer to the St Albans City & District Council 'Refuse Collection and Recycling Requirements for New Developments and Change of Use' document.
- 6.13.71. Swept path analysis for a fire tender must also be provided for the proposed site layout demonstrating access for a pumping appliance within 45m of all dwellings and that the vehicle can enter and exit in forward gear.

Trip Generation

- 6.13.72. Trip generation has been calculated for people trips using the TRICS database (version 7.8.2) and within those calculations vehicle trips have also been identified. The TRICS parameters applied are acceptable. The following total vehicle trips are identified for the development proposal:
- AM Peak (08:00-09:00): 14 arrivals, 37 departures resulting in 51 two-way movements
 - PM Peak (17:00-18:00): 35 arrivals, 14 departures resulting in 49 two-way movements

□ Daily (07:00-19:00): 218 arrivals, 220 departures resulting in 438 two-way movements

6.13.73. The applicant has derived mode shares for the proposed development from 2011 Journey to Work Census data for the St Albans 019MSOA and applied the TRICS data to show predicted trips by mode. This methodology is acceptable and shows the majority of trips (69%) would be undertaken by privately owned vehicles.

Trip Distribution

6.13.74. Trip Distribution has been determined through the use of travel to work census data and National Travel Survey data for trip by purpose. Furthermore, it also takes into consideration the location of nursery, primary and secondary schools and census data on the distribution of school age children.

6.13.75. Trips have been assigned to the local highway network based on commuting trips, educational trips and other (eg.leisure, shopping). This methodology is considered acceptable.

Highway Impact

6.13.76. As agreed with HCC Highways, the applicant has assessed the proposed site access junction with Watling Street. An ATC survey was undertaken in November 2021 along Watling Street, adjacent to the proposed site access. In addition to this Manual Classified Turning Counts (MCTCs) and queue length surveys were also undertaken at key locations within the vicinity of the site.

6.13.77. A five-year post application has been assessed and the growth factors derived from TEMPRO. These factors are considered acceptable.

6.13.78. The results of the junction capacity assessment at the site access show that the junction would operate well within capacity during both the AM and PM peak scenarios. The LHA consider these results acceptable.

6.13.79. In response to LHA concerns relating to observed queuing back from the Park Street Roundabout, the applicant has submitted a TA Addendum (dated 16th August 2022) which includes the results of a junction capacity assessment of Park Street Roundabout.

6.13.80. It shows that the A414 East and A5183 arms in the 2021 base year operate close to capacity in the evening peak period, with Ratio Flow Capacity (RFC) at 0.9 and 0.88 respectively. All remaining arms operate well within capacity. In the future year (2026) with development both the A414 East and A5183 arms operate closer to capacity than the baseline year, RFC at 0.94 and 0.96 respectively in the evening peak. This signifies a small increase in traffic from that of the existing. All remaining arms operate well within capacity in 2026.

6.13.81. It is acknowledged the model results have not replicated that which has been observed and this has been challenged by HCC Highways. The response to this was linking back to the limitations of the ARCADY model and the difficulties of replicating queue lengths and queue times. It is accepted that traffic modelling needs to replicate the actual traffic behaviour as much as possible and we do this through validation, therefore in this instance the model detailing queues along Watling Street did not validate and therefore we would normally ask the applicant to re-run the model to generate a more accurate assessment. However, the LHA has concluded in this instance if the applicant were to go back and review the

modelling, it would not necessarily change the outcome conclusion for this development because of the wider changes anticipated for the area of Park Street and the proposed active travel improvements (as detailed below) Watling Street shall benefit from as a result of this development.

6.13.82. Furthermore, the proposed Strategic Rail Freight Interchange (SRFI) to the east and south of Park Street has been considered, however based on the proposed capacity assessment results the applicant has considered that this development would not have a major impact on the operation of Watling Street and future mitigation works as a result of the SRFI would actually alleviate traffic issues along Watling Street, ultimately leading to the 'A' Class road being downgraded to a 'C' Class road. Therefore, the proposed active travel mitigation works would provide a good basis for the change in street scene at this location, when the larger context is taken into consideration.

6.13.83. In conclusion, the LHA does not formally accept the traffic modelling due to the validation issues identified in this response, however in consideration of the anticipated implications if this modelling was to successfully represent the observed queue along Watling Street, we are of the view this would not provide significant additional queuing directly relating to the proposed development. The development proposals do however provide the opportunity for new active travel trips through the proposed active travel mitigation measures. The location is to be further improved by the proposed Park Street Roundabout improvements, ultimately leading to Watling Street at this location being downgraded, creating a naturally more active travel and lower traffic environment for all existing and new residents.

Mitigation

6.13.84. The proposals include a number of offsite highway works to mitigate the impact of the development and will be delivered by the applicant via a Section 278 Works agreement (Highways Act 1980). The major parts of the offsite works include:

- A toucan or tiger parallel crossing to the north of the proposed site access junction;
- Upgrade footway on the eastern side of Watling Street from the proposed toucan or tiger parallel crossing to connect with the existing segregated footway / cycleway at Park Street Roundabout leading to St Albans;
- Upgrade footway along the frontage of the site to a segregated footway / cycleway on the western side of Watling Street between the proposed toucan or tiger parallel crossing to as far south as possible, to link with Park Street Station; and
- Upgrade the bus stops located on both sides of Watling Street to the north of the site to provide shelter, seating, real time passenger information and kassel kerbs.

6.13.85. The TA notes it is the intention for the site to provide the following additional active travel accesses at the detailed design stage:

- A pedestrian and cycle access from the north of the site to Watling Street (to link with proposed toucan or tiger parallel crossing); and
- A pedestrian and cycle access from the centre of the site to Watling Street.

Travel Plan

- 6.13.86. A draft Travel Plan (TP) has been submitted as part of the outline planning application. The Travel Plan does not include the contact details for the Travel Plan Coordinator (TPC). Secondary contact details to the interim or full travel plan TPC should also be provided. The time allocated to the TPC role (full time or part time) should also be provided.
- 6.13.87. The applicant has confirmed that contact details for the TPC will be provided once planning permission has been granted and once measures have been agreed, supporting details for the time allocated to the TPC role will be provided. The TP includes a good set of measures.
- 6.13.88. As per HCC Travel Plan Guidance, residential travel pack contributions should be provided for residents. This is usually in the form of Transport or retail vouchers to encourage active and sustainable travel (£50 per flat, £100 per house).
- 6.13.89. A Statement from the developers to show that they are committed to implementing the travel plan is required. The applicant has confirmed that this will be provided at detailed design stage.
- 6.13.90. Details on parking measures (vehicle and cycle) need to be provided in the Travel Plan, including the capacity of the secure cycle parking. At detailed design stage these will be included on the Full Travel Plan. This is acceptable.
- 6.13.91. The updated Travel Plan confirms that actual baseline data will be collected within the first 3 months of occupation and multi modal counts should be carried out on site along with the annual survey. A travel plan review will also occur annually and the TPC will produce an updated report which is to be submitted to HCC within three months of annual survey completion.
- 6.13.92. The management arrangement of the TP post 5 years monitoring with HCC will be discussed with HCC once the fifth year of monitoring has been passed.
- 6.13.93. An evaluation and support fee is required to be paid to HCC (£1,200 per annum for 5 years, index linked RPI May 2014) to support Travel Plan monitoring and review and would be secured via a Section 106 Agreement. The TP should be drawn up in accordance with the County Council's document 'Hertfordshire's Travel Plan Guidance for Business and Residential Development' as set out at: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx#DynamicJumpMenuManager_1_Anchor_6.

Construction

- 6.13.94. HCC would require a full Construction Management Plan to ensure construction vehicles would not have a detrimental impact on the highway network. A Condition would be required to provide adequate parking for construction vehicles on-site to prevent on-street conflict and impacts to the highway safety.
- 6.13.95. A Construction Management Plan would be required for all phases of construction. Measures would also be required to protect users of the local road network from hazards arising from undue damage caused by large numbers of HGVs associated with the construction of the development.

Planning Obligations and Agreements

- 6.13.96. All offsite works are to be delivered via a Section 278 Works agreement. It should be noted that all offsite works are fundamental to make the proposal acceptable in transport terms. All offsite works must be provided by the applicant prior to first occupation in order to mitigate the impact of the proposed development.
- 6.13.97. In the absence of CIL, sustainable transport contributions are sought. Hertfordshire County Council's 4th Local Transport Plan (LTP4) has developed strategies and plans for the county and the towns and areas within it which identifies the sustainable transport and accessibility measures for which contributions would be sought. Further supporting documents include, Growth & Transport Plans which consider current and future transport challenges and identifies interventions aligned to the LTP4 objectives, A414 Strategy, Neighbourhood Plans and Local Cycling & Walking Infrastructure Plans (LCWIPs).
- 6.13.98. For new residential developments, a contribution of £6,826 per dwelling is required. Therefore based on the proposed development of 95 dwellings the total developer contribution to active travel would be £648,470.
- 6.13.99. The Highway Authority will distribute the contributions to the associated schemes to mitigate the impact of the development, typically through schemes identified in HCC's Local Transport Plan (LTP) and its supporting documents, South Central Hertfordshire Growth & Transport Plan. Sustainable transport contributions can be used for, but not limited to, packages including:
- PK30 A414 Highways Improvements (South of St Albans) - To enhance the function of the A414 as a strategic east to west route in south central Hertfordshire through capacity and reliability upgrades;
 - PK35 Chiswell Green Corridor Active Travel Improvements - To improve connectivity between Chiswell Green, Park Street and St Albans, and reduce through traffic on the Watford Road corridor.
- 6.13.100. A Full Travel Plan will be required to be in place from first occupation until 5 years post full occupation. A £1,200 per annum (index linked RPI May 2014) Evaluation and Support Fee must be secured by Section 106 agreement Under the Town & Country Planning Act 1990 in accordance with Hertfordshire County Council's Travel Plan Guidance.

Conclusion

- 6.13.101. The Highway Authority have reviewed the development proposals and does not wish to raise an objection subject to the inclusion of planning conditions, informatives, obligations and agreements.
- 6.13.102. To make the site acceptable in transport terms and mitigate its impact, all off-site works outlined in this response must be provided by the applicant via a Section 278 Works agreement prior to occupation.

6.14. HCC Landscape

First Response 28/04/2022:

- 6.14.1. Thank you for consulting the landscape planning advisory service on the above proposal. The following comments are given with regards to landscape matters in

line with national and local policy requirements, British Standards, and industry accepted good practice guidance.

NATIONAL PLANNING POLICY FRAMEWORK

- 6.14.2. The National Planning Policy Framework confirms that decisions should contribute to and enhance the natural environment by protecting and enhancing valued landscapes, and recognising the intrinsic character and beauty of the countryside.
- 6.14.3. Decisions should also ensure that new developments, are sympathetic to local character and history including the surrounding built environment and landscape setting, support healthy lifestyles through the provision of safe and accessible green infrastructure and an appropriate amount and mix of green and other public space, and are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping.
- 6.14.4. The NPPF recognises that trees make an important contribution to the character and quality of urban environments and serves to ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.

SUBMITTED INFORMATION

- 6.14.5. The following submitted documents and plans have been reviewed:

Design & Access Statement, January 2021

Landscape and Visual Impact Assessment, Version 3, 13/01/2022 and appendices

Winter Views Addendum, Version 1, 12/01/2021

LANDSCAPE & VISUAL IMPACT ASSESSMENT (LVIA)

6.14.6. LANDSCAPE ASSESSMENT

Landscape effects

LVIA SUMMARY OF LANDSCAPE EFFECTS		At completion
Use of the site as an arable field	adverse	moderate/minor
Mixed condition of boundaries	beneficial	minor
Mature trees along sections of site boundaries	beneficial	moderate/minor
Presence of settlement edge along southern and eastern boundary	adverse	minor
Overall character of the site	adverse	minor
Overall character of the setting of the site	adverse	minor

- 6.14.7. The findings of the landscape assessment are broadly supported, providing that adequate mitigation is delivered within the masterplan. (See comments under 'Mitigation Measures')
- 6.14.8. It is acknowledged that the proposed development will change the landscape character from an open arable field to residential housing. However the

significance of this is reduced due to the strong containment of the development within the field pattern, defined by existing vegetation that provides an opportunity to deliver mitigation and enhancements for the benefit of visual amenity and biodiversity.

- 6.14.9. In addition, the site is well related to the existing settlement to the east and south, and the existing vegetation to the west provides an opportunity to deliver mitigation and enhancement to create a robust and defensible boundary to the open landscape to the west.

VISUAL ASSESSMENT

Methodology / limitations

- 6.14.10. The visual baseline appears to describe representative viewpoints 1-22 during the summer months – and therefore does not represent worst case scenario.
- 6.14.11. Winter photographs have been provided for viewpoints 1-28 (to include the additional viewpoints requested by the local planning authority (LPA)), however viewpoints 23-28 have not been included in the description of the visual baseline.
- 6.14.12. The viewpoint numbers referenced within the LVIA ‘Assessment of Effects’ (Section 8) do not appear to correspond with the viewpoint location numbers shown on the ‘Viewpoint Location Map’ or ‘Winter Views Location Map.’
- 6.14.13. The assessment refers to the reduction of effects on establishment of the new hedgerow and tree planting. It should be noted that the effects on establishment are generally considered at post completion year 15.

Visual effects

LVIA SUMMARY OF VISUAL EFFECTS		At completion	Approx. 15 yrs
Residents along Watling Street	adverse	moderate/minor	minor
Residents along Mount Drive	adverse	moderate/minor	minor
Pedestrian users of Watling Street	adverse	moderate/minor	-
Road users of Watling Street	adverse	minor	-
Residents along Old Orchard	adverse	moderate	-
Residents along Tippendell Lane	adverse	minor	-

- 6.14.14. The visual assessment concludes that the site is relatively well contained from views to the north and west, and from a lesser extent from the east as a result of the screening effect of the intervening the existing settlement edge and vegetation.
- 6.14.15. This view is broadly supported, providing that adequate mitigation is delivered within the masterplan. (See comments under ‘Mitigation Measures’)
- 6.14.16. The submitted ‘Zone of Theoretical Visibility’ shows that the site is potentially most visible from an area broadly contained by the A414 to the north, the railway line to the east, the A405 to the west, and the Old Orchard housing estate to the south.
- 6.14.17. However verification on site, demonstrates that actual views are further limited due to the screening effect of the intervening sloping topography, settlement and infrastructure, and vegetation.

6.14.18. The most significant views are from Old Orchard to the south, and Watling Street immediately to the east. From here the new development will be highly visible, however the significance of this is reduced due to their less sensitive urban context, and the opportunity to deliver mitigation and enhancements along the site boundaries and throughout the development. (See comments under 'Mitigation Measures')

MITIGATION MEASURES

6.14.19. The LVIA is based on the delivery of mitigation measures including the retention and strengthening of boundary vegetation, and the incorporation of landscape planting between the built form of the proposed development, to soften views.

6.14.20. The LVIA states that the 'the site's western boundary ...could be enhanced with additional tree planting.'

6.14.21. It is strongly advised that there should be additional tree planting and that it should be more robust and continuous to deliver a strong defensible boundary with the open countryside, in line with the LPA's 'Design Advice Leaflet No. 1' that states that 'It is crucial that sufficient space is allowed for screen planting, which shall include large trees, where new development borders the edge of existing settlement...'

6.14.22. It is important that this mitigation is delivered on-site.

6.14.23. The retention and enhancement of the site's eastern boundary, and a new hedgerow the trees to the southern boundary are supported.

6.14.24. With regards to the provision of landscape planting between the built form of the proposed development, there is strong concern that this is not realised within the emerging scheme. Indeed the 'Landscape Design Strategy' shows all landscaping to the periphery of the site and nothing within the developable area.

6.14.25. On reviewing the 'Illustrative Layout – 01' this shows the majority of new tree planting within private residential gardens that will be subject to removal by future residents. It is strongly advised that there needs to be a greater balance of trees within the public realm and open spaces that should be generous enough to accommodate large scale mature tree canopies that will effectively soften views from the wider area.

6.14.26. There is some concern for the distribution of building heights as shown on the parameter plan in the Design and Access Statement. It would be beneficial to understand if options to locate the tallest elements (2.5 stories) at the lowest elevations along the western side of the site have been explored, balanced with an understanding of the sensitivity of this edge.

LANDSCAPE PROPOSALS

6.14.27. See comments under 'Mitigation Measures' above.

6.14.28. There is concern for the location of the Public Open Space (POS) predominantly at the edges of the site within the left-over space. The green infrastructure (GI) and POS network should be integrated and permeate throughout the development. Open spaces should have a clear function and be considered as an integral part of the site layout from the inception of the design process.

- 6.14.29. The location of the play area is not supported, disconnected from the development at the junction of the primary road, which raises issue of safety and accessibility, and is not positively fronted or overlooked.
- 6.14.30. Consideration should be given for public open space where recreation objectives may conflict with habitat creation/protection and biodiversity objectives.
- 6.14.31. There is concern that the proposed SuDS basin will not meet the stated objectives for biodiversity, and in reality, will need to be maintained as a large bare depression in the ground – steep slopes and security fencing should be avoided. It is not clear if any linear SuDS features will need to be accommodated within the development layout.
- 6.14.32. SUMMARY & CONCLUSION
- 6.14.33. The LVIA helps demonstrate that the proposed development could be acceptable in principle. However a more robust level of mitigation is required (as discussed in detail above). This should include the delivery of more robust tree planting along the western site boundary to create a stronger defensible edge to the wider landscape. It also requires an integrated GI/POS network and public realm that permeates throughout the development and is generous enough to accommodate large scale mature trees.
- 6.14.34. Open spaces should have a clear function and be considered as an integral part of the site layout from the inception of the design process.

Second Response 06/07/2022

- 6.14.35. Thank you for consulting the landscape planning advisory service on the above proposal. The following comments are given with regards to landscape matters in line with national and local policy requirements, British Standards, and industry accepted good practice guidance.

PREVIOUS LANDSCAPE ADVICE

5/2022/0267 OUTLINE – 28/04/2022

- 6.14.36. It was concluded that:
- The LVIA helps demonstrate that the proposed development could be acceptable in principle. However a more robust level of mitigation is required (as discussed in detail above). This should include the delivery of more robust tree planting along the western site boundary to create a stronger defensible edge to the wider landscape. It also requires an integrated GI/POS network and public realm that permeates throughout the development and is generous enough to accommodate large scale mature trees.
 - Open spaces should have a clear function and be considered as an integral part of the site layout from the inception of the design process.

SUBMITTED INFORMATION

- 6.14.37. The following submitted documents and plans have been reviewed:

Letter, Nicholson's Lockhart Garratt, dated 30th May 2022

Illustrative Layout – 01, thrive architects, SCOT210806 IL-01 Rev C

LANDSCAPE PROPOSALS

- 6.14.38. In response to the previous landscape advice requesting the delivery of more robust tree planting along the western site boundary to create a stronger defensible edge to the wider landscape, the provision of some additional tree planting where possible (taking into account onsite constraints) along here is welcomed.
- 6.14.39. The plans are currently illustrative, detailed planting plans will be required (via condition) and the approach to planting along here will be critical to maximise density of vegetation and effectiveness as mitigation. For example double staggered row hedgerows with a mix of standards and small copse groups etc.
- 6.14.40. The 'Illustrative Landscape Design Strategy' has now been updated to show the peripheral and all internal planting.
- 6.14.41. On comparing the site previous and current site layout plans it is apparent that some additional tree planting has been provided where possible within the public realm, predominantly to the front of plots 12-29.
- 6.14.42. The function of the row of garden trees to provide layered screening as a response to the topography of the site is understood, and they should be provided, however they do remain at potential risk of removal by residents in the future. It is noted that the mitigation is for the benefit of views from along Tippendell Road, this receptor is of lower sensitivity and will also benefit from mitigation along the western site boundary. On balance, if they were to be removed, it should not result in any unacceptable significant adverse effects.
- 6.14.43. The relocation of the play area is supported.

SUMMARY & CONCLUSION

- 6.14.44. Overall the submitted additional information has sought to address the landscape concerns at this stage.
- 6.14.45. One minor point that was not previously raised is the absence of any patios to the rear of the properties which are important for health and wellbeing, providing all weather access to the gardens.
- 6.15. HCC Minerals and Waste

- 6.15.1. I am writing in response to the above planning application insofar as it raises issues in connection with minerals or waste matters. Should the District Council be minded to permit this application, a number of detailed matters should be given careful consideration.

Minerals

- 6.15.2. In relation to minerals, the site falls entirely within the 'Sand and Gravel Belt' as identified in Hertfordshire County Council's Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt', is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. It should be noted that British Geological Survey (BGS) data also identifies superficial sand/gravel deposits in part of the area of the application site.

- 6.15.3. Adopted Minerals Local Plan Policy 5 (Minerals Policy 5: Mineral Sterilisation) encourages the opportunistic extraction of minerals for use on site prior to non-mineral development. Opportunistic extraction refers to cases where preparation of the site for built development may result in the extraction of suitable material that could be processed and used on site as part of the development. Policy 8: Mineral Safeguarding, of the Proposed Submission document relates to the full consideration of using raised sand and gravel material on site in construction projects to reduce the need to import material as opportunistic use.
- 6.15.4. Whilst it is identified that there could be minerals present, there are unlikely to be significant mineral (sand and gravel) deposits within the area in question. On this basis, development may give rise to 'opportunistic' use of some limited or poorer quality minerals at the site that could be utilised in the development itself. Examination of these opportunities would be consistent with the principles of sustainable development. The county council, as the Minerals Planning Authority, would like to encourage the opportunistic use of these deposits within the developments, should they be found when creating the foundations/footings.

Waste

- 6.15.5. Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development.
- 6.15.6. The National Planning Policy for Waste (October 2014) sets out the following:
- 6.15.7. 'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:
- the likely impact of proposed, non- waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;
 - new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;
 - the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'
- 6.15.8. This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. In particular, you are referred to the following policies of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. The policies that relate to this proposal are set out below:

- Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy;
- Policy 2: Waste Prevention and Reduction; &
- Policy 12: Sustainable Design, Construction and Demolition.

6.15.9. Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to.

6.15.10. A development of this size would require the consideration of waste which is generated during construction and subsequent occupation. This includes minimising waste generated by development during demolition, construction and its subsequent occupation, encouraging the re-use of unavoidable waste where possible and the use of recycled materials where appropriate. In addition regard should be given to the design of new housing development to ensure waste collection vehicles can gain access for the collection of household waste and recyclables.

6.15.11. The County Council, as Waste Planning Authority, would expect commitment to producing a SWMP and for the SWMP to be implemented throughout the duration of the project. The SWMP must be prepared prior to commencement of the development and submitted to the Waste Planning Authority for comments.

6.15.12. We would request the following condition be attached to any approved planning permission:

6.15.13. Condition: No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to and approved in writing by the Local Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

6.15.14. Reason: This is a pre-commencement condition to promote sustainable development and to ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development management Policies document.

6.15.15. Good practice templates for producing SWMPs can be found at:

<http://www.smartwaste.co.uk/> or <http://www.wrap.org.uk/category/sector/waste-management>.

6.15.16. The SWMP should be set out as early as possible so that decisions can be made relating to the management of waste arisings during demolition and construction so that building materials made from recycled and secondary sources can be used within the development. This will help in terms of estimating what types of containers/skips are required for the stages of the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste for a project. The total volumes of

waste during enabling works (including demolition) and construction works should also be summarised.

6.15.17. SWMPs should be passed onto the Waste Planning Authority to collate the data. The county council as Waste Planning Authority would be happy to assess any SWMP that is submitted as part of this development either at application stage or as a requirement by condition, and provide comment to the District Council.

6.16. HCC Planning and Environment- no response received

6.17. HCC Spatial Planning and Economy Unit – no response received

6.18. Lead Local Flood Authority

6.18.1. The Lead Local Flood Authority responded in respect of this application on 05/01/2023 with the following:

Dear Planning Team

- *5/2022/0267 - Land between caravan site and Watling Street, Park Street, St Albans*

Hertfordshire County Council as Lead Local Flood Authority (LLFA) have reviewed the cases listed above and do not have significant concerns regarding the existing flood risk on site. There is not obvious potential for the proposed development on the site to reduce existing flood risk in the surrounding area. These proposals would not increase the flood risk on site or off site, provided national and local SuDS/surface water drainage requirements are considered in the site design.

As such we would recommend that the LPA requires the applicant to follow the standing advice, requirements and guidance available here <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx#>. In short, all sites should endeavour to follow the discharge and SuDS hierarchies, should discharge at greenfield runoff rates and should utilise a source control approach as far as possible.

If the LPA seeks further reassurance on the detail of the application, we would support the use of third-party consultant to review the proposals and provide case-specific advice regarding the surface water/SuDs design to ensure that the development complies with national and local requirements and best practice standards.

We would advise the LPA that with future discharge of condition applications where conditions have been provided by third-party consultants, we will need to utilise a flexible approach regarding their discharge. We intend to comment on the discharge of drainage conditions in the vast majority of cases, however resource constraints and the specific nature of the conditions may mean this is not possible in all cases. For example, we would not recommend the discharge of inappropriate conditions that do not meet national and local requirements.

6.18.2. Given the capacity issues currently faced by the LLFA, in this case the Council has engaged the services of RAB Consultants in the determination of this application. RAB's initial comments on 04/08/2022 on this application were:

This technical review has been carried out by RAB on behalf of St Albans District Council.

The application documents as submitted are insufficient for the Local Planning Authority to provide a detailed response at this stage. In order to provide a detailed response, the following information is required:

- The approval in principle from Thames Water with regards to surface water discharge is set at a maximum flow of 2l/s into the public sewer located in Old Orchard. However, the Micro Drainage hydraulic modelling calculations submitted as part of the Drainage Strategy Report uses a vortex flow control on the outfall pipe (label 1.019 in the hydraulic model) set at 3.1l/s. The applicant should revise the hydraulic modelling and submit results in accordance with the Thames Water permissible discharge of 2l/s.*
- The Micro Drainage hydraulic modelling calculations submitted as part of the Drainage Strategy Report includes a vortex flow control upstream of pipe label 1.007, for control on Basin 1. However, there is no flow control chamber shown on Drainage Strategy Plan submitted for planning. The applicant should confirm the locations of all flow controls and ensure that the surface water drainage information submitted is consistent.*
- With regards to the proposed surface water drainage outfall pipe (label 1.019 in the hydraulic model), the invert level at the upstream end is lower than the invert in the Thames Water public surface water chamber in Old Orchard (chamber number 5152). Consequently, the outfall pipe is shown as having a backfall, which will likely mean Thames Water will not adopt it and as a result, if the outfall pipe is not adoptable then the overall development surface water drainage infrastructure may also not be adoptable. Furthermore, a backfall of this nature (especially on the outfall pipe upstream of the final flow control chamber) will have significant operation and maintenance implications at that location. The applicant should substantiate the whole-life strategy in relation to this inverted outfall pipe, which should include confirmation of further consultation with Thames Water on this issue if the intention is to have the proposed surface water drainage infrastructure adoptable. If not adoptable, confirm what the whole-life strategy maintenance will be and if Thames Water will still permit a connection into their chamber from an inverted pipe. This updated strategy should confirm the whole-life operation and maintenance of the inverted outfall pipe.*
- The Environment Agency has confirmed that the site lies in a vulnerable groundwater area with a Source Protection Zone 2 and a principal aquifer. The applicant should confirm the infiltration strategy for Basin 1 and any other sustainable drainage features that are intended to infiltrate and that the Agency's advice ('that all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken') has been followed.*

Consequently, we advise that there is insufficient information to provide a detailed assessment of the proposals at this time. In order to satisfy the requirements of the Local Planning Authority, we advise that the applicant should ensure that the details above are submitted.

6.18.3. RAB's second response on this application, further to the receipt of additional information, was received on 08/12/2022, and set out the following:

This technical review has been carried out by RAB on behalf of St Albans District Council.

The proposed development would be considered acceptable to St Albans District Council as the Local Planning Authority if the following planning condition is attached to any permission granted.

1. No development shall be commenced until details of the surface water drainage scheme, based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority, which must include the following:

a. A fully detailed surface water drainage scheme has been submitted. The scheme shall include the utilisation of contemporary and appropriate sustainable drainage (SuDS) techniques, with reference to the 'Watling Street, Park Street Drainage Strategy' by Hydrock and dated 13th October 2022.

b. Accompanying hydraulic modelling calculations for the entire surface water drainage scheme should be submitted and approved. These detailed calculations should demonstrate that both the site and surrounding area will not flood from surface water as a result of the development for a full range of return periods and durations for summer and winter storm events, up to the 1 in 100 year return period event including the correct allowance for climate change.

c. The maximum permissible flow controlled discharge rate shall no more than 2l/s for all events up to and including the 1 in 100 year return period event plus the correct allowance for climate change, as currently agreed in principle with Thames Water. This 'in principle' discharge agreement must be formally confirmed in writing with Thames Water and submitted in support of this condition, which shall also include full details of the point of connection, including cover and invert level(s).

d. Submission of final detailed drainage layout plan(s) including the location and provided volumes of all storage and sustainable drainage (SuDS) features, pipe runs, invert levels and discharge points. If there are areas to be designated for informal flooding these should also be shown on a detailed site plan. The volume, size, inlet and outlet features, long-sections and cross sections of the proposed storage and SuDS features should also be provided.

e. The surface water drainage plan(s) should include hydraulic modelling pipe label numbers that correspond with the hydraulic modelling calculations submitted, to allow for accurate cross-checking and review.

f. If any infiltration drainage is proposed on the final drainage layout, this should be supported with appropriate infiltration testing carried out to the BRE Digest 365 Soakaway Design standard. This would also require confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above maximum groundwater levels.

g. A detailed assessment of the proposed SuDS treatment train and water quality management stages, for all surface water runoff from the entire development site. The inclusion of suitable proprietary surface water treatment devices on the proposed drainage infrastructure as part of the treatment train is acceptable.

h. The provision of a detailed plan showing the management of exceedance flow paths for surface water for events greater than the 1 in 100 year return period plus climate change event.

i. A construction management plan to address all surface water runoff and any flooding issues during the construction stage is submitted and approved.

j. If access or works to third party land is required, confirmation that an agreement has been made with the necessary landowners/consenting authorities to cross third party land and/or make a connection to a proposed sewer chamber location.

k. A detailed management and maintenance plan for the lifetime of the development has been submitted and approved, which shall include the arrangements for adoption by an appropriate public body or water company, management company or maintenance by a Residents' Management Company and/or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Reason: To ensure that the development is served by a satisfactory system of sustainable surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development. In compliance with Policy 84 of the St Albans District Local Plan Review 1994, the National Planning Policy Framework 2021 and the Technical Guidance to the National Planning Policy Framework.

6.19. HCC Water Officer

6.19.1. This will require a condition for the provision and installation of fire hydrants, at no cost to the County, or F&RS.

6.19.2. This is to ensure all proposed dwellings have sufficient and adequate water supplies available for use by the F&RS in the event of emergency

6.20. HSE Hazardous Substance Consent

6.20.1. HSE is a statutory consultee for certain developments within the consultation distance (CD) of major hazard sites and major accident hazard pipelines, and has provided planning authorities with access to HSEs Planning Advice WebApp <https://pa.hsl.gov.uk>.

6.20.2. I should therefore be grateful if you would arrange for HSEs Planning Advice WebApp to be used to consult HSE for advice on this application, which lies within very close proximity to the CD of Pipeline 7533 – Cadent Gas Ltd (Park Street/Link Road).

6.20.3. Should you or your colleagues need any additional help in using the new WebApp to obtain HSE's advice on a proposed development, a central support service is available at lupenquiries@hse.gov.uk or by telephoning on 0203 028 3708.

6.20.4. NB - On 1 August 2021 HSE became a statutory consultee with regard to building safety (in particular to fire safety aspects) for planning applications that involve a relevant building.

6.20.5. A relevant building is defined in the planning guidance at gov.uk as:

6.20.6. - containing two or more dwellings or educational accommodation and

- 6.20.7. - meeting the height condition of 18m or more in height, or 7 or more storeys
- 6.20.8. There is further information on compliance with the Building Safety Bill at <https://www.gov.uk/guidance/fire-safety-and-high-rise-residential-buildings-from-1-august-2021>.
- 6.20.9. HSE's team can be contacted by email via PlanningGatewayOne@hse.gov.uk.

N.B. The Local Planning Authority used the web app tool noted above, and retrieved the following response:

The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site. However, should there be a delay submitting a planning application for the proposed development on this site, you may wish to approach HSE again to ensure that there have been no changes to CDs in this area in the intervening period.

6.21. Community Services

- 6.21.1. Community Services forwarded the following response from the Parish Council:

"We had pre-empted your request so agreed at a committee meeting to submit the following

Play Areas: Park Street Recreation Ground

Parks & Open Spaces: Park Street Recreation Ground

Leisure & Cultural Centre: Park Street Pavilion"

6.22. Environmental Compliance

- 6.22.1. Advises that any permission which the Planning Authority may give shall include the following conditions. Informatives also recommended:

- 6.22.2. Noise issues:

- 6.22.3. 1. BS8233:2014 - Noise impact assessment

Condition:

Before the use commences a noise assessment should be carried out in accordance with BS8233: 2014 Guidance on sound insulation and noise reduction for buildings to establish the potential impact of noise from [road traffic, aircraft, railways, industry, construction, wind farms] on the proposed development.

Sound insulation measures shall be incorporated into the design of the proposed development so that the indoor ambient noise criteria described in BS8233:2014 are achieved within all habitable rooms.

In general, for steady external noise sources, it is desirable that the internal ambient noise level does not exceed the guideline values in the table below:

Internal ambient noise levels for dwellings

Activity	Location	0700 to 2300	2300 to 0700
Resting	Living room	35 dB Laeq, 16 hour	
Dining	Dining room/area	40 dB Laeq, 16 hour	
Sleeping (daytime resting)	Bedroom	35 dB Laeq, 16 hour	30 dB Laeq, 8 hour

The levels shown in the above table are based on the existing guidelines issued by the World Health Organisation.

The LA_{max,f} for night time noise in bedrooms should be below 45dBA; this is not included in the 2014 standard but note 4 allows an LA_{max,f} to be set. 45dBA and over is recognised by the World Health Organisation to be noise that is likely to cause disturbance to sleep.

Reason:

To protect the amenities of adjoining development. To comply with Policy 70 of the St. Albans District Local Plan Review 1994.

6.22.4. 2. Noise Monitoring Post Construction - Residential Dwellings

Condition:

The units hereby approved shall not be occupied unless details of the levels of noise and vibration in each of the flats' living rooms and bedrooms and within the external amenity space (post completion of the building works) have been submitted to and approved in writing by the Local Planning Authority in the form of an acoustic report demonstrating that "reasonable" resting levels of noise attenuation have been achieved in accordance with standards set out within BS8233: 2014 Guidance on sound insulation and noise reduction for buildings.

If "reasonable" noise levels have not been achieved, the report will details what additional measures will be undertaken to ensure that they are achieved. These additional measures shall be implemented prior to the occupation of the building in accordance with details so approved.

Reason:

To ensure that adequate precautions are implemented to avoid noise nuisance, in accordance with Policies 82 and 83 of the St. Albans District Local Plan Review 1994.

6.22.5. 7. Hours of Opening

Condition:

The use hereby permitted shall not be open to customers outside the following times:

Odour control:

6.22.6. INFORMATIVES

6.22.7. Hours of Demolition/Construction Works

No demolition or construction works relating to this permission should be carried out on any Sunday or Bank Holiday nor before 07.30 hours or after 18.00 hours on any days nor on any Saturday before 08.00 hours or after 13.00 hours.

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

6.22.8. Noise Insulation - Conversion

The attention of the applicant is drawn to The Building Regulations 2010, Approved Document E 'Resistance to the passage of sound', Section 0: Performance.

6.22.9. Internal ambient noise levels for dwellings

Activity	Location	0700 to 2300	2300 to 0700
Resting	Living room	35 dB Laeq, 16 hour	
Dining	Dining room/area	40 dB Laeq, 16 hour	
Sleeping (daytime resting)	Bedroom	35 dB Laeq, 16 hour	30 dB Laeq, 8 hour

The levels shown in the above table are based on the existing guidelines issued by the World Health Organisation.

The LA_{max,f} for night time noise in bedrooms should be below 45dBA; this is not included in the 2014 standard but note 4 allows an LA_{max,f} to be set. 45dBA and over is recognised by the World Health Organisation to be noise that is likely to cause disturbance to sleep.

6.22.10. Dust

Dust from operations on the site should be minimised by spraying water or by carrying out other such works necessary to contain/suppress dust. Visual monitoring of dust should be carried out continuously and Best Practical Means (BPM) should be employed at all times.

6.22.11. The applicant is advised to consider the document entitled 'The control of dust and emissions from construction and demolition - Best Practice Guidance', produced in partnership by the Greater London Authority and London Councils.

6.22.12. Bonfires

Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of following the proper duty of care and should not be burnt on the site. All such refuse should be disposed of by suitable alternative methods. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted.

6.22.13. Lighting details

Details of any external lighting proposed in connection with the development should be submitted to and approved by the Local Planning Authority prior to the commencement of development.

6.22.14. Contaminated Land

Where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner.

6.22.15. Informative for the Redevelopment of Agricultural Land and Buildings

An acceptable Desktop study would comprise a fully detailed statement of the previous uses and current activities on site by the landowner or operator at the time that potentially contaminative activities took place. The Desktop study must include a site walkover documented with photographs.

This should include consideration of excessive use or spills of the following materials; pesticides, herbicides, fungicides, bactericides, sewage sludge, farm waste disposal, asbestos disposal and hydrocarbons from farm machinery. Additionally, the study should also consider drainage, surface materials, ground conditions and obvious signs of contamination.

It should be noted that an internet search report or land condition report is not, in isolation, sufficient information to discharge the requirement for a Desktop study involving agricultural land.

Please be aware that full contaminated land conditions (attached) are being recommended at this stage because no information relating to potential contamination has been submitted to date. In this case it is possible that once the first condition, relating to the Desktop study, has been completed we will more than likely be able to recommend discharge of all remaining conditions. Unless of course it is found that it is likely or possible that significant contamination exists on the site.

6.22.16. Asbestos

Prior to works commencing it is recommended that the applicant carry out a survey to identify the presence of any asbestos containing materials on the site, either bonded with cement or unbonded. If asbestos cement products are found they should be dismantled carefully, using water to dampen down, and removed from site. If unbonded asbestos is found the Health and Safety Executive at Woodlands, Manton Lane, Manton Lane Industrial Estate, Bedford, MK41 7LW should be contacted and the asbestos should be removed by a licensed contractor.

6.22.17. SUGGESTED MINIMUM CONDITIONS FOR A3 EXTRACTION AND FILTRATION SYSTEMS

1. INTRODUCTION

The type of filter, fan and ductwork all depend on the nature of the food to be cooked.

2. FILTERS

It is the grease content of the food that influences the type of filter that needs to be installed. Most premises, for example, European, Chinese or Indian restaurants, all give rise to cooking odours. Most of these can be controlled by the installation of either carbon filters, masking agents, electrostatic precipitation or a high flue.

Carbon filters - These are also known as biological filters and work as the flue gases are neutralised as they pass over activated carbon. In order for carbon filters to be effective the flue gases must be free from grease and below 400c. It is therefore necessary for the flue gases to pass through prefilters in order to take out grease particles and allow the flue gas temperature to drop. The carbon filters have to be replaced periodically and prefilters have to be changed very regularly. The length of time between changes depends on the amount of use, however, once monthly for prefilters and every 8-12 months for carbon filters would seem reasonable.

Masking Agents - This process involves the injection of a chemical masking agent into the ducting as the flue gases pass by. Essentially, as the name suggests, the cooking odour is neutralised by the chemical. This method is not successful on its own when the flue gases are primarily smoke or greased based. The masking agent needs to be topped up every four weeks.

Electrostatic Precipitation - This is the best method for neutralising odours associated with cooking processes that involve smoke or grease, e.g., fish and chip shops. It is most effective when combined with a masking agent as described above. Essentially, particles become electrically charged and become attached to a metal plate as they pass through the unit. Unlike carbon filters and prefilters there unit does not become less effective over time provided that the metal plates are cleaned regularly.

Height of Flue - The presence of a canopy and a flue high enough to discharge odours away from neighbouring premises may be sufficient to prevent odour nuisance to neighbouring properties. This method should be treated with caution however, as weather conditions can cause flue gases to be blown back down to ground level. If a premises is relatively isolated, there are no tall buildings, hills or other obstructions close by, than the installation of a flue may be sufficient. In cases where an alternative method is to be employed, e.g. carbon filters; it is still worthwhile having the flue termination one metre above the eaves level of the nearest highest building.

3. FANS

For both carbon filters and electrostatic precipitators (ESP), the fan should be installed after the unit. The fan should have sufficient power to draw air through the units. There will be a degree of resistance associated with the ESP and the fan will have to be powerful enough to overcome this. With the carbon filter, there needs to be sufficient contact time between the filter and the flue gases and the fan should be selected to allow this.

4. DUCTWORK

The internal surface of ductwork should be smooth so that grease cannot build up. The presence of grease in ducting is not only a fire risk, but increases resistance and thus the velocity of flue gases. There should not be any sharp bends in the ducting as this will also reduce the velocity of gases. An ideal efflux velocity is 15 metres per second.

6.23. NHS GP Premises / NHS Herts Valley Clinical Commissioning Group

6.23.1. Herts Valley Clinical Commissioning Group has considered this planning application. Should this development of 95 dwellings go ahead, based on an

average occupancy of 2.4 occupants per dwelling, it will create circa 228 new patient registrations.

- 6.23.2. Despite premises constraints GP Practices are not allowed to close their lists to new registrations without consultation with, and permission from, the Herts Valley Clinical Commissioning Group. We expect applications for closed lists to increase as new developments in the area go live. Even when surgeries are significantly constrained Herts Valley CCG and NHS England would not wish an individual patient to be denied access to their nearest GP surgery. It is therefore important that new housing contributes financially towards healthcare infrastructure. Patient lists are only closed in exceptional circumstances.
- 6.23.3. When new dwellings and registrations are planned the preferred option is to find a way to absorb those significant demands upon surgeries by providing additional resources, e.g. by re-configuring, extending or relocating the premises to provide sufficient space to increase resources and clinical services and thus keep the patient lists open. Developers' contributions under these circumstances is considered fair, reasonable and necessary.
- 6.23.4. Patients are at liberty to choose which GP practice to register with providing they live within the practice boundary and the CCG nor NHS England can prescribe which surgery patients should attend. However, the majority of patients choose to register with the surgery closest and/or most easily accessible to their home for the following reasons; quickest journey, non-car dependent (public transport or walking distance), parking provision if a car journey is necessary, easy access during surgery hours, especially for families with young children and for older adults.
- 6.23.5. For several years, Herts Valley CCG, in accordance with national direction, has commissioned a number of additional services from general practice. This aspect of the general practice work is now due to increase substantially. Namely, the NHS Long Term Plan set out a requirement for practices to form Primary Care Networks (PCNs) effective from 1 July 2019. NHS England agreed an Enhanced Service to support the formation of PCNs, additional workforce and service delivery models for the ensuing 5 years.
- 6.23.6. In Herts Valley CCG there are 17 PCNs across the 4 localities; each covering a population of between circa 27,000 and 68,000 patients. These PCNs are expected to deliver services at scale for its registered population whilst working collaboratively with acute, community, voluntary and social care services in order to ensure an integrated approach to patient care. The PCN that covers St Albans and under which this development falls has a combined patient registration list of 141,130 and growing.
- 6.23.7. For the above reasons a S.106 contribution is requested to make this scheme favourable to NHS England and Herts Valley Clinical Commissioning Group.
- 6.23.8. Please note that our calculations below are based purely on the impact of this development, based on the number of dwellings proposed and does not take into account other development proposals in the area.
- 6.23.9. Below is the calculation of the contribution sought based on the number of dwellings proposed, for GMS GP provision:

228 new patient registrations/2000 = 0.114 of a GP *GP based on ratio of 2,000 patients per 1 GP and 199m² as set out in the NHS England "Premises Principles of Best Practice Part 1 Procurement & Development"

0.114 x 199 m² = 22.686 m² of additional space required

22.686 m² x £5,410* per m² = £122,731.26 (*Build cost; includes fit out and fees)

£122,731.26 / 95 dwellings = £1,291.91 per dwelling (rounded up to £1,292 per dwelling)

Total GMS monies requested: 95 dwellings x £1,292.00 = £122,740.00

- 6.23.10. This may involve expansion, reconfiguration and digitisation of patient records. All of these and possibly other options are with a view to increasing clinical space and increasing the level of patient access in line with what will be needed.
- 6.23.11. To achieve this S106 monies are required as being ultimately the only source of funding. A trigger point of on occupancy of the 25th and 50th dwelling is requested. An advantage to an extension for example in reflecting on the operational impact of the pandemic is that in line with the direction of travel, areas need to be identified that can be isolated from the main practice area for obvious reasons.
- 6.23.12. NHS England and the Herts Valley Clinical Commissioning Group reserve the right to apply for S106 money retrospectively and the right to amend and request that this be reflected in any S106 agreement.
- 6.23.13. As well as the importance of a S.106 contribution for GMS, it is also vital to consider the impact of developments and additional residents on community and mental healthcare as occupiers of the development will access a variety of healthcare. Based on recent cost impact forecasting calculations, the potential cost impact of these developments going ahead on community and mental healthcare would be as follows:
- 6.23.14. The CCG is keen to continue to work with St Albans City & District Council as well as the developer to ensure that patients access to healthcare isn't compromised by this development, or indeed, other developments.
- 6.23.15. In terms of identifying a project in full at this stage the following points must be considered:
- All projects are subject to Full Business Case approval by the CCG and NHS England.
 - A commercial arrangement has to be agreed between the landowner, developer and end user based on a compliant design specification and demonstrate value for money.
 - All planning applications and responses are in the public domain; identifying a project before any design work starts and funding is discussed, agreed and secured may raise public expectation and indicate a promise of improvements and increased capacity, which are subject to both above points. Securing developers contributions to all aspects of healthcare is vital.

- A project identified and costed in response to the planning application may not meet the objectives of the current strategies or could have significantly increased in cost, especially if there has been any significant time lapse from the date of the response to the date of implementation of the planning consent.

6.23.16. At the time of responding to planning applications it is unclear when the development may be delivered, even if the site is listed in the Local plan and features on the housing trajectory for the local authority or indeed if permission will be granted. But should this development, as with any other, materialise, it will have an impact on healthcare provision in the area and must be mitigated by legally securing developers contributions.

6.23.17. Subject to certainty that healthcare will be the beneficiary of the aforementioned Section 106 contributions in relation to this development. Herts Valley does not raise an objection to the proposed development.

Further Response 03/01/2023

6.23.18. Our response doesn't change as the number of Dwellings haven't changed.

6.24. Herts and Middlesex Wildlife Trust

First Response 15/03/2022

6.24.1. The full NE biodiversity metric in its original form must be supplied to enable verification. A summary is not acceptable.

6.24.2. Once this has been supplied and approved the following condition should be applied to translate the outputs of the ecological report and the metric assessment into the development.

6.24.3. Condition

'Development shall not commence until a landscape and ecological management plan (LEMP) has been submitted to, and approved in writing by, the local planning authority. The content of the LEMP shall ensure the delivery of the agreed number of habitat units as a minimum (13.04) to achieve the stated net gain in biodiversity and include the following.

a) Description and evaluation of features to be managed.

b) Aims and objectives of management.

c) Appropriate management options for achieving target condition for habitats as described in the approved metric.

d) Prescriptions for management actions, only definitive measures are acceptable.

e) Preparation of a 30 year work schedule, in a series of 5 year plans, with outputs clearly marked on plans.

f) Details of the body or organisation responsible for implementation of the plan.

g) Ongoing monitoring plan and remedial measures to ensure habitat condition targets are met.

h) Details of species selected to achieve target habitat conditions as identified in approved metric, definitively stated and marked on plans.

i) Details (make, model and location) of 30 integrated bat boxes and 40 integrated swift boxes to be included in the proposal

j) Details of hedgehog highways between the gardens of the development, clearly marked on plans

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason: To ensure a measurable net gain to biodiversity and to conserve and enhance biodiversity, in accordance with NPPF.

6.24.4. If you wish to discuss any of the above please get in touch.

Second Response 08/12/2022

6.24.5. The biodiversity metric that has been supplied is acceptable. The following condition should be applied to secure its outputs.

Condition

6.24.6. 'Development shall not commence until a landscape and ecological management plan (LEMP) has been submitted to, and approved in writing by, the local planning authority. The content of the LEMP shall ensure the delivery of the agreed number of habitat units as a minimum (11.35) to achieve the stated net gain in biodiversity and include the following.

a) Description and evaluation of habitat parcels to be managed, cross referenced to individual lines in the metric.

b) Maps of all habitat parcels, cross referenced to corresponding lines in the metric.

c) Appropriate management options for achieving target condition for habitats as described in the approved metric.

d) Preparation of a 30 year work schedule, in a series of 5 year plans, with outputs clearly marked on plans.

e) Details of the body or organisation responsible for implementation of the plan.

f) Details of species selected to achieve target habitat conditions as identified in approved metric, definitively stated and marked on plans.

g) Ongoing monitoring plan and remedial measures to ensure habitat condition targets are met.

h) Reporting plan and schedule for informing LPA of condition of habitat parcels for 30 years.

i) Details (make, model and location) of 30 integrated bat boxes and 40 integrated swift boxes to be included in the proposal

j) Details of hedgehog highways between the gardens of the development, clearly marked on plans

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason: To ensure a measurable net gain to biodiversity and to conserve and enhance biodiversity, in accordance with NPPF.

6.25. Hertfordshire Fire and Rescue Service (see comments under 'HCC Water Officer')

6.26. Housing

6.26.1. *First Response 31/03/2022:*

With regards to the above planning application, the Strategic Housing department supports the provision of a policy compliant 40% amount of affordable housing in the district.

I await further details as to the proposed tenure split, however the preference would be that the larger accommodation, specifically the 3 and 4-bedroom houses are provided for rent. Not only does this reflect housing need in the district but it also ensures that the smaller properties are available for intermediate housing and are more affordable and suitable for first time home owners.

The mix should be 2:1 rental to intermediate housing.

The Housing Department would want affordable housing to be secured through a Section 106 agreement and delivered via a Registered Provider. Any properties that are being made available for general need rental should be subject to a nominations agreement with the Council.

Second Response 10/06/2022

6.26.2. With regards to the above planning application, the Strategic Housing department supports the provision of a policy compliant 40% amount of affordable housing in the district.

6.26.3. The housing mix detailed in Appendix I broadly reflects local need in the district however I await further details as to the proposed tenure split. The preference would be that the larger accommodation, specifically the 3 and 4-bedroom houses are provided for rent. Not only does this reflect housing need in the district but it also ensures that the smaller properties are available for intermediate housing and are more affordable and suitable for first time home owners.

6.26.4. The mix should be 2:1 rental to intermediate housing.

- 6.26.5. The Housing Department would want affordable housing to be secured through a Section 106 agreement and delivered via a Registered Provider. Any properties that are being made available for general need rental should be subject to a nominations agreement with the Council.

Third Response 29/11/2022

- 6.26.6. In response to the further information provided, I await further details as to the proposed tenure split of the affordable housing provision.

6.27. Legal – no response received

6.28. Natural England

First Response 09/03/2022

- 6.28.1. Natural England has no comments to make on this outline application.
- 6.28.2. Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.
- 6.28.3. Natural England and the Forestry Commission have also published standing advice on ancient woodland, ancient and veteran trees which you can use to assess any impacts on ancient woodland or trees.
- 6.28.4. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise local planning authorities to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.
- 6.28.5. We recommend referring to our Site of Special Scientific Interest Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Second Response 16/06/2022

- 6.28.6. Natural England has previously commented on this proposal and made comments to the authority in our letter dated 09 March 2022 NE reference number 385205.
- 6.28.7. The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.
- 6.28.8. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

6.28.9. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

6.29. Parking – no response received

6.30. Planning Enforcement

6.30.1. We have no comments at this stage

6.31. Spatial Planning

Initial Response 04/07/2022

6.31.1. Recommendation – Neutral

ADVICE/ COMMENTS

6.31.2. The following advice and comments relate to principle of development, very special circumstances, and housing land supply/ proposed housing mix. It also provides update on relevant case law and appeal decisions.

Principle of Development

Relevant Policy

6.31.3. The proposed development would be located in the Metropolitan Green Belt.

6.31.4. Local Plan (Saved 2009) Policy 1 'Metropolitan Green Belt' states:

"Within the Green Belt, except for development in Green Belt settlements referred to in Policy 2 or in very special circumstances, permission will not be given for development for purposes other than that required for:

a) mineral extraction;

b) agriculture;

c) small scale facilities for participatory sport and recreation;

d) other uses appropriate to a rural area;

e) conversion of existing buildings to appropriate new uses, where this can be achieved without substantial rebuilding works or harm to the character and appearance of the countryside.

New development within the Green Belt shall integrate with the existing landscape. Siting, design and external appearance are particularly important and additional landscaping will normally be required. Significant harm to the ecological value of the countryside must be avoided."

6.31.5. NPPF states:

"147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

6.31.6. PPG Paragraph: 001 Reference ID: 64-001-20190722:

“What factors can be taken into account when considering the potential impact of development on the openness of the Green Belt?”

Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation”

Evidence Base and previous Local Plan work

SKM Green Belt Review

6.31.7. The SKM Green Belt Review comprises:

- Part 1: Green Belt Review Purposes Assessment (Prepared for Dacorum Borough Council, St Albans City and District Council and Welwyn Hatfield Borough Council) –2013
- Part 2: Green Belt Review Sites & Boundaries Study – Prepared for St Albans City and District Council only – February 2014

Part 1: Green Belt Review Purposes Assessment (Prepared for Dacorum Borough Council, St Albans City and District Council and Welwyn Hatfield Borough Council) – November 2013

6.31.8. The site is identified as part of GB28 in the Green Belt Review.

GB 28:

“Significant contribution towards maintaining the existing settlement pattern (providing gaps between St Albans and Park Street / Frogmore and How Wood). Partial contribution towards preventing merging and safeguarding the countryside. Overall the parcel contributes significantly to 1 of the 5 purposes.”

6.31.9. The assessment set out next steps for GB28:

“Land north of How Wood is recommended for further assessment as a small scale sub-area (SA-SS6). The subarea is enclosed by Tippendell Lane to north and settlement edge to south, east and west. Assessed in isolation this very small area of makes a limited or no contribution towards checking sprawl, preventing

merging, safeguarding the countryside, preserving setting or maintaining local gaps.”

- 6.31.10. The assessment of purposes is set out in Annex 1 of the Review. The extract of this assessment is provided at Appendix 1 of this report.

Strategic Housing Land Availability Assessment

- 6.31.11. The site was identified in the SHLAA 2016 (references 46) and SHLAA 2018 (also reference 46) as a subset of OS-624.

- 6.31.12. SHLAA 2018 Strategic Site Selection Evaluation Outcomes - Appendix 1 - Schedule of strategic sites, assesses Land West of Park Street PS -624 (combines 14, 46, 255, 543, 560 and 587) and does not find it suitable.

SHLAA 2009 Comments

“The site is part of the Upper Colne Valley, where leisure uses compatible with the nature conservation and ecological interest of the area are promoted.

Development would affect land that is presently rural rather than urban in nature, would cause demonstrable harm to the character and amenity of adjoining land, would be visually intrusive and result in encroachment into surrounding open countryside. Development would also result in increased coalescence between How Wood and St Albans and could prevent the land from making a positive contribution to the Watling Chase Community Forest.”

Strategic Site Selection Evaluation Outcomes – 2018

- 6.31.13. The site was considered through the Strategic Site Selection Evaluation Outcome on page 87. Below sets out the evaluation:

‘An independent Green Belt Review was carried out in 2013. The site falls in parcel GB28. The Review concludes

“The overall contribution of GB28 towards Green Belt purposes is:

- To check the unrestricted sprawl of large built-up areas – limited or no
- To prevent neighbouring towns from merging – partial
- To assist in safeguarding the countryside from encroachment – partial
- To preserve the setting and special character of historic towns – limited or no
- To maintain existing settlement pattern – significant”

“The parcel does not fully separate neighbouring 1st tier settlements however it contributes (with GB26, 27, 29 &) to the strategic gap between St Albans and Watford (Abbots Langley) to the south of the study area. This gap is 4.8km and contains the settlements of Chiswell Green, How Wood, Bricket Wood, Park Street / Frogmore and Radlett Road. Therefore any reduction in the gap would have a limited impact on the overall separation of 1st tier settlements in physical or visual terms but would have a significant impact on the separation between 1st and 2nd tier settlements and local levels of visual openness.”

“The parcel displays some typical rural and countryside characteristics to the north in a mixture of arable fields bound by hedgerows and occasional hedgerow trees

interspersed with some small blocks of woodland, whereas to the south pasture fields are enclosed with fencing. In spite of this, urban influences are strong through the proximity of settlement edges and A414 and A405 which run through the parcel. These are concealed by the general landscape and tree / hedgerow cover in some areas but are audibly intrusive. Settlement boundaries enclose the majority of the parcel reinforcing urban fringe characteristics. Levels of visual openness are variable and generally contained.”

“The parcel provides primary local gaps between St Albans and Park Street / Frogmore (2nd) and How Wood (2nd). Gaps are 0.4km and 1.1km respectively. Both gaps are narrow, especially to Park Street / Frogmore. In spite of containing the A414/A405 these major roads are well integrated into the landscape and are concealed to provide a limited perception of the gap or settlements from the routes. The gaps are well-maintained and any reduction would be likely to compromise the separation of settlements in physical and visual terms, and overall visual openness.”

In reviewing the boundary for this site and the reasonably likely form and layout of development it is considered that the overall rating is red. There is no reason to take a different view from that set out in the Green Belt Review 2013.

RED

Call for Sites - 2021

- 6.31.14. The site was submitted via the Call for Sites process which ran from January to March 2021. It is identified as site STS-64-21 in the HELAA and the site is considered to be potentially suitable subject to absolute and non-absolute constraints being reasonably mitigated. It should be noted that the HELAA process has not taken into account Green Belt constraints.

Housing

- 6.31.15. The proposed development is for up to 95 dwellings.

Housing Land Supply

- 6.31.16. SADC currently has a housing land supply of 2.2 years from a base date 1 April 2021. It is acknowledged that 2.2 years is substantially below the required 5 years.

Housing and Affordable Housing Need

- 6.31.17. GL Hearn South West Herts – Local Housing Need Assessment (LHNA) (September 2020). The following table on page 141 of the LHNA sets out the required need for different sized homes.

- **Recommendation:** The following mix of homes size by tenure is suggested as a strategic mix across the 2020-2036 period. As there are only modest changes at a local authority level this mix can be applied across the HMA and at a local level.

Size	Market	Affordable Homes to Buy	Affordable Homes to Rent
1-bedroom	5%	25%	30%
2-bedrooms	20%	40%	35%
3-bedrooms	45%	25%	25%
4+-bedrooms	30%	10%	10%

- The mix identified above could inform strategic policies although a flexible approach should be adopted. In applying the mix to individual development sites, regard should be had to the nature of the site and character of the area, and to up-to-date evidence of need as well as the existing mix and turnover of properties at the local level. The Councils should also monitor the mix of housing delivered.
- It will ultimately be for the Council(s) to write into policy the approach which best meets their local circumstance. This could be, for example, a desire for further downsizing or a pragmatic approach to a constrained housing supply both of which would see a greater proportion of smaller homes being built.

The LHNA does not recommend an affordable housing percentage, as it is up to the Council to decide with considering viability. Below sets out the range of affordable housing need.

Table 37: Estimated Annual Level of Affordable/Social Rental Housing Need (2020-2036)

	Dacorum	Hertsmere	St. Albans	Three Rivers	Watford	SW Herts
Current need (divided across 16 year period)	70	71	63	45	101	350
Newly forming households	570	380	486	360	448	2,243
Existing households falling into need	353	133	197	77	163	924
Total Gross Need	993	585	745	483	712	3,517
Supply	630	228	303	133	230	1,523
Net Need	363	356	443	350	482	1,994

Source: Census/CoRe/Projection Modelling and affordability analysis

- 5.99 For authorities with a plan period other than 2020-2036, the current need as stated in the final column of Table 33 should be divided by the number of years in the plan period. This will impact the total gross need, but the other numbers are calculated on a per annum basis so will not change.

Table 42: Estimated Annual Need for Affordable Home Ownership (2020-2036)

	Dacorum	Hertsmere	St. Albans	Three Rivers	Watford	SW Herts
Current need	25	18	34	14	26	118
Newly forming households	410	260	512	259	303	1,743
Existing households falling into need	76	55	103	41	79	355
Total Gross Need	511	333	649	315	408	2,217
Supply	263	186	265	153	156	1,023
Net Need	248	147	385	162	252	1,194

Source: Range of data sources as described

- 5.143 As per the analysis for affordable homes to buy, for those authorities whose plan period differs from the 2020 to 2036 period, the current need should be divided by the number of years in the plan period being used. This will also impact the calculation of the gross and net need. All the other factors are shown on a per annum basis.

6.31.18. The proposal is for 40% affordable units and sets out a mix of 11% 1-bed, 31% 2-bed, 59% 3 and 4 bed units.

Self-Build

- 6.31.19. The proposal includes 5% self-build plots. The LHNA states that as at 1st January 2020 there were 450 registered on part 1 of the self and custom build register (see LHNA para 8.9). As at 30th October 2021 the figure was 658. The PPG states that LPAs should use the demand data from the register in their area to understand and consider future need for custom and self-build housing in the area¹. Therefore the current data demonstrates that there is demand for self-build in the district which this proposal would assist in meeting.
- 6.31.20. The 2021 Authority Monitoring Report shows a total of 92 applications for self-build / custom build have been approved.

Housing Summary

- 6.31.21. It is clear that there is no 5 year land supply and that substantial weight should be given to the delivery of housing. It also clear that there is a need for affordable housing and self-build plots and substantial weight, should be given to delivery of affordable housing and self-build plots.

Other Relevant Case Law

- 6.31.22. A review of case law has been undertaken, including recent appeals, in the district, related to Very Special Circumstances. These are in Appendix 2.

Overall Conclusion

- 6.31.23. It is considered clear that a number of significant harms and significant benefits would result from this proposed development. A recent appeal decision in the District allowing permission for residential development in the Green Belt is also significant. The SKM Green Belt Review considered that overall parcel GB 28 does significantly contribute maintaining the existing settlement pattern (providing gaps between St Albans and Park Street / Frogmore and How Wood). It also partially contributes towards preventing merging and safeguarding the countryside. Overall the parcel contributes significantly to 1 of the 5 purposes.
- 6.31.24. It is clear that there is no 5 year land supply and that substantial weight should be given to the delivery of housing. It also clear that there is a need for affordable housing and substantial weight should be given to delivery of affordable housing.
- 6.31.25. This note is focussed on key policy evidence and issues but recognises that considerable other evidence is relevant. In totality this recommendation is neutral.

Appendix 1

Part 1: Green Belt Review Purposes Assessment (Prepared for Dacorum Borough Council, St Albans City and District Council and Welwyn Hatfield Borough Council) – November 2013

Green Belt Review Purposes Assessment – Parcel Assessment Sheets for St Albans City and District Council

GB28 – Green Belt Land to North of How Wood

Description The Parcel is located to the north of How Wood and south of St Albans. The boundary to the west follows the A405 and the east aligns with the railway line to the north of Park Street. The parcel is small at 63 ha in size and comprises an undulating chalk plateau which is flat to the south and rises gently to the northeast.



Land use Predominantly arable farmland.

Narrow gap between Park Street / Frogmore and How Wood



Non-Green Belt land at Tippled Lane represents an anomaly in the boundary



Principal Function / Summary

Significant contribution towards maintaining the existing settlement pattern (providing gaps between St Albans and Park Street / Frogmore and How Wood). Partial contribution towards preventing merging and safeguarding the countryside. Overall the parcel contributes significantly to 1 of the 5 purposes.

GB28 – Green Belt Purposes Assessment		Contribution
To check the unrestricted sprawl of large built-up areas		LIMITED OR NO
The parcel is located away from large built-up areas of London, Luton and Dunstable and Stevenage. It does not form a connection with a wider network of parcels to restrict sprawl.		
To prevent neighbouring towns from merging		PARTIAL
The parcel does not fully separate neighbouring 1 st tier settlements however it contributes (with GB26, 27, 29 &) to the strategic gap between St Albans and Watford (Abbots Langley) to the south of the study area. This gap is 4.8km and contains the settlements of Chiswell Green, How Wood, Brickat Wood, Park Street / Frogmore and Radlett Road. Therefore any reduction in the gap would have a limited impact on the overall separation of 1 st tier settlements in physical or visual terms but would have a significant impact on the separation between 1 st and 2 nd tier settlements and local levels of visual openness.		
To assist in safeguarding the countryside from encroachment		PARTIAL
The parcel displays some typical rural and countryside characteristics to the north in a mixture of arable fields bound by hedgerows and occasional hedgerow trees interspersed with some small blocks of woodland, whereas to the south pasture fields are enclosed with fencing. In spite of this, urban influences are strong through the proximity of settlement edges and A414 and A405 which run through the parcel. These are concealed by the general landscape and tree / hedgerow cover in some areas but are audibly intrusive. Settlement boundaries enclose the majority of the parcel reinforcing urban fringe characteristics. Levels of visual openness are variable and generally contained.		
To preserve the setting and special character of historic towns		LIMITED OR NO
The parcel does not provide setting for any historic places.		
To maintain existing settlement pattern		SIGNIFICANT
The parcel provides primary local gaps between St Albans and Park Street / Frogmore (2 nd) and How Wood (2 nd). Gaps are 0.4km and 1.1km respectively. Both gaps are narrow, especially to Park Street / Frogmore. In spite of containing the A414/A405 these major roads are well integrated into the landscape and are concealed to provide a limited perception of the gap or settlements from the routes. The gaps are well-maintained and any reduction would be likely to compromise the separation of settlements in physical and visual terms, and overall visual openness.		

Level of openness and countryside character

Existence of built development The level of built development is very low at 0.1%. The A414 and A405 dissect the parcel and an electricity substation and travellers site are also present.

Visual Openness Views are relatively contained by hedgerows both from outside and within the parcel.

Countryside Character The parcel is bounded by settlement, divided by the A414 and A405 and has areas of horse paddocks and an electricity substation which all add semi urban influences.

GB28 – Next Steps

Land north of How Wood is recommended for further assessment as a small scale sub-area (SA-556). The sub-area is enclosed by Tippendell Lane to north and settlement edge to south, east and west. Assessed in isolation this very small area of makes a limited or no contribution towards checking sprawl, preventing merging, safeguarding the countryside, preserving setting or maintaining local gaps.

Appendix 2

Roundhouse Farm, Land Off Bullen Green Lane, Colney Heath – Appeal - 2021

6.31.26. Paragraph 12 -13:

“The parties agree that the site is not a valued landscape under the Framework paragraph 170 definition and that no other landscape designations are applicable to the appeal site. The Hertfordshire Landscape Strategy, 2005 notes the site is located within the Mimmshall Valley, where the landscape character is described, amongst other things, as being strongly influenced by the major transport routes and the surrounding settlement which give it an urban-edge rather than rural character.

13. The A1 and railway line do not have any visual impact on the appeal site.

6.31.27. From what I saw on the site visits, the character of the area is a mix of edge of settlement and countryside. Walking along the footpaths which traverse the site, the experience is one of being on the edge of a settlement rather than a wholly rural context. Whilst the open countryside to the south and east is clearly visible, the surrounding residential properties either facing the site or their rear gardens and associated boundary treatment is also clearly visible. These range in scale and form from bungalows fronting Fellowes Lane, glimpsed views of the 3 storey dwellings within Admiral Close and Hall Gardens and the rear elevations and gardens of properties along Roestock Gardens. Bullens Green Lane and Fellowes Lane serve to enclose the appeal site and provide a degree of containment from the wider countryside and beyond. My judgement leads me to conclude that the site strongly resonates with this urban edge definition provided by the 2005 Landscape Strategy.

6.31.28. 14. Turning to consider the area beyond the appeal site itself, the sense of countryside prevails via the public footpath network and road network. These public footpaths continue within Bullens Green Wood and further beyond the appeal site at Tollgate Farm. Contrary to the views expressed by the Council, my experience of the views to the appeal site within Bullens Green Wood are of glimpse views of the appeal site. From the south and in the wider landscape context, the appeal site appears against the backdrop of the existing dwellings as a relatively self contained parcel of land on the edge of the settlement. These longer distance views of the appeal site reinforce the urban edge definition.”

Safeguarding the countryside from encroachment:

6.31.29. “24. It was generally agreed that the impact of the appeal proposal would be limited in terms of the impact on the wider integrity of the Green Belt. This is a view that I share. In terms of the impact of the development on the purpose of safeguarding the countryside from encroachment, my attention has been drawn to a number of background evidence documents including Green Belt studies. These include a report prepared by SKM Consultants in 2013 which included an assessment of Green Belt in both WHBC, SADC and Dacorum Borough Council. Here, the appeal site is assessed as part of parcel 34, a 419ha parcel of land. Reflective of the size and scale of the parcel of land, the report sets out a number of key characteristics of the land. With reference to the gap between Hatfield and London Colney, preventing the merger of St Albans and Hatfield, and preserving the setting of London Colney, Sleafshyde and Tyttenhanger Park, the report states that the parcel makes a significant contribution towards safeguarding the countryside and settlement pattern and gaps between settlements. These characteristics bear little or no relationship to the appeal site, and given the sheer size and scale of the land identified within the report when compared to the appeal site, I place only very limited correlation between the conclusions drawn here in relation to the function of the land or assessment of its function relative to the purposes of the Green Belt when compared to the appeal site.

6.31.30. 25. The most recent Green Belt Assessment which was prepared in relation to the WHBC Local Plan review is noted as a Stage 3 review and was prepared by LUC in March 2019. Only the part of the appeal site which falls within Welwyn Hatfield forms part of the assessment, and is included within the much wider site area known as parcel 54. The report notes that whilst residential development is visible across much of the parcel, the parcel as a whole makes a significant contribution to the safeguarding of the countryside from encroachment. The report notes that the impact of the release of the parcel as a whole from the Green Belt would be moderate-high, however the impact on the integrity of the wider Green Belt would be limited. Again, I place only limited weight on the findings of this report relative to the appeal site as the assessment and conclusions drawn relate specifically to parcel 54 as a whole which includes a much wider area and excludes part of the appeal site in any event.

6.31.31. 26. I have already set out in my assessment of character and appearance above that the appeal site has an urban edge/ edge of settlement character. I have made a clear distinction between the appeal site and its separation from the countryside beyond to the south and east of the appeal site. In this way, the appeal site is influenced by the surrounding residential development. As a result of these locational characteristics and influences, the consequences of the development at the appeal site would mean that the proposals would have only a localised effect on the Green Belt. The broad thrust of, function and purpose of the Green Belt in this location would remain and there would be no significant encroachment into the countryside. I therefore conclude that the appeal proposal would not result in harm in term of the encroachment of the Green Belt in this location. This is a neutral factor which weighs neither in favour nor against the appeal proposals.”

Compton Parish Council v Guildford Borough Council – 2020

6.31.32. “70. "Exceptional circumstances" is a less demanding test than the development control test for permitting inappropriate development in the Green Belt, which requires "very special circumstances."

Peel Investments V SoS [September 2020] (Appeal)

Paragraph 65:

6.31.33. “I agree with Sir Duncan Ouseley's observations in Paul Newman New Homes that a policy is not out-of-date simply because it is in a time-expired plan and that, if the Framework had intended to treat as out-of-date all saved but time-expired policies, it would not have used the phrase "out-of-date" but rather the language of time-expired policies or policies in a time-expired plan.”

Paragraph 68:

6.31.34. “With regard to the second ground of appeal, I do not accept the appellant's submission that a plan without strategic housing policies is automatically out-of-date for the purposes of paragraph 11d so as to engage the tilted balance.”

Paragraph 11 & the Tilted Balance: Monkhill Ltd v SoSCLG [2019] EWHC 1993 (Admin)

“1) The presumption in favour of sustainable development in paragraph 11 does not displace s.38(6) of the 2004 Act. A planning application or appeal should be determined in accordance with the relevant policies of the development plan unless material considerations indicate otherwise;

- 2) Subject to s.38(6), where a proposal accords with an up-to-date development plan, taken as a whole, then, unless other material considerations indicate otherwise planning permission should be granted without delay (paragraph 11(c));
- 3) Where a proposal does not accord with an up-to-date development plan, taken as a whole, planning permission should be refused unless material considerations indicate otherwise (see also paragraph 12);
- 4) Where there are no relevant development plan policies, planning permission should be granted unless either limb (i) or limb (ii) is satisfied;
- 5) Where there are relevant development plan policies, but the most important or determining the application are out-of-date, planning permission should be granted (subject to section 38(6)) unless either limb (i) or limb (ii) is satisfied;
- 6) Because paragraph 11(d) states that planning permission should be granted unless the requirements of either alternative is met, it follows that if either limb (i) or limb (ii) is satisfied, the presumption in favour of sustainable development ceases to apply. The application of each limb is essentially a matter of planning judgment for the decision-maker;
- 7) Where more than one "Footnote 6" policy is engaged, limb (i) is satisfied, and the presumption in favour of sustainable development overcome, where the individual or cumulative application of those policies produces a clear reason for refusal;
- 8) The object of expressing limbs (i) and (ii) as two alternative means by which the presumption in favour of granting permission is overcome (or disapplied) is that the tilted balance in limb (ii) may not be relied upon to support the grant of permission where a proposal should be refused permission by the application of one or more "Footnote 6" policies. In this way paragraph 11(d) prioritises the application of "Footnote 6" policies for the protection of the relevant "areas or assets of particular importance";
- 9) It follows that where limb (i) is engaged, it should generally be applied first before going on to consider whether limb (ii) should be applied;
- 10) Under limb (i) the test is whether the application of one or more "Footnote 6" policies "provides a clear reason for refusing planning permission. The mere fact that such a policy is engaged is insufficient to satisfy limb (i). Whether or not limb (i) is met depends upon the outcome of applying the relevant "Footnote 6" policies (addressing the issue on paragraph 14 of NPPF 2012 which was left open in R (Watermead Parish Council) v Aylesbury District Council [2018] PTSR 43 at [45] and subsequently resolved in East Staffordshire at [22(2)]);
- 11) Limb (i) is applied by taking into account only those factors which fall within the ambit of the relevant "Footnote 6" policy. Development plan policies and other policies of the NPPF are not to be taken into account in the application of limb (i) (see Footnote 6). (I note that this is a narrower approach than under the corresponding limb in paragraph 14 of the NPPF 2012 - see eg. Lord Gill in Hopkins at [85]);
- 12) The application of some "Footnote 6" policies (e.g. Green Belt) requires all relevant planning considerations to be weighed in the balance. In those cases because the outcome of that assessment determines whether planning should be granted or refused, there is no justification for applying limb (ii) in addition to limb (i). The same applies where the application of a legal code for the protection of a

particular area or asset determines the outcome of a planning application (see, for example, the Habitats Regulations in relation to European protected sites);

13) In other cases under limb (ii), the relevant "Footnote 6 policy" may not require all relevant considerations to be taken into account. For example, paragraph 196 of the NPPF requires the decision-maker to weigh only "the less than substantial harm" to a heritage asset against the "public benefits" of the proposal. Where the application of such a policy provides a clear reason for refusing planning permission, it is still necessary for the decision-maker to have regard to all other relevant considerations before determining the application or appeal (s. 70(2) of the 1990 Act and s. 38(6) of the 2004 Act). But that exercise must be carried out without applying the tilted balance in limb (ii), because the presumption in favour of granting permission has already been disapplied by the outcome of applying limb (i). That is the consequence of the decision-making structure laid down in paragraph 11(d) of the NPPF;

14) There remains the situation where the application of limb (i) to a policy of the kind referred to in (13) does not provide a clear reason for refusal. The presumption in favour of sustainable development will not so far have been disapplied under limb (i) and it remains necessary to strike an overall planning balance (applying also s.38(6)). Because the presumption in favour of granting planning permission still remains in play, it is relevant, indeed necessary, to apply the alternative means of overcoming that presumption, namely limb (ii). This is one situation where the applicant for permission is entitled to rely upon the "tilted balance";

15) The other situation where the applicant has the benefit of the "tilted" balance is where no "Footnote 6" policies are engaged and therefore the decision-maker proceeds directly to limb (ii).

40. Applicants for planning permission may object that under this analysis of paragraph 11(d), the availability of the tilted balance is asymmetric. Where a proposal fails the test in limb (i), the tilted balance in limb (ii) is not applied at all. In other words, the tilted balance in limb (ii) may only be applied where the proposal either passes the test in limb (i) (and there still remain other considerations to be taken into account), or where limb (i) is not engaged at all. This analysis is wholly unobjectionable as a matter of law. It is simply the ineluctable consequence of the Secretary of State's policy expressed through the language and structure of paragraph 11(d).

...

43. Any suggestion that because limb (ii) falls to be applied where a development passes limb (i), it follows that limb (ii) should also be applied where a proposal fails limb (i) involves false logic. It has nothing to do with the way in which paragraph 11(d) of the NPPF 2018 has been structured and drafted"

Wavedon Properties Ltd v SoS [June 2019]

Paragraph 56:

6.31.35. "...It needs to be remembered, in accordance with the principles of interpretation set out above, that this is a policy designed to shape and direct the exercise of planning judgment. It is neither a rule nor a tick box instruction. The language does not warrant the conclusion that it requires every one of the most important policies to be up-of-date before the tilted balance is not to be engaged.

In my view the plain words of the policy clearly require that having established which are the policies most important for determining the application, and having examined each of them in relation to the question of whether or not they are out of date applying the current Framework and the approach set out in the Bloor case, an overall judgment must be formed as to whether or not taken as a whole these policies are to be regarded as out-of-date for the purpose of the decision. This approach is also consistent with the Framework's emphasis (consonant with the statutory framework) that the decision-taking process should be plan-led, and the question of consistency with the development plan is to be determined against the policies of the development plan taken as a whole. A similar holistic approach to the consideration of whether the most important policies in relation to the decision are out-of-date is consistent with the purpose of the policy to put up-to-date plans and plan-led decision-taking at the heart of the development control process. The application of the tilted balance in cases where only one policy of several of those most important for the decision was out-of-date and, several others were up-to-date and did not support the grant of consent, would be inconsistent with that purpose."

Paul Newman v SoS CLG [2019] (Admin)

"32. I start by construing paragraph 11d in its context in the Framework, as a document on its own. The phrase "where there are no relevant development plan policies" is quite clear. Where one or more relevant development plan policies exist, that trigger for the application of the "tilted balance" cannot be applied. One relevant development plan policy is sufficient to prevent it. Although that policy may exist in a time-expired plan as a saved policy, it is a development plan policy. This trigger contains no requirement that the policy be up to date rather than out of date. "Relevant" can only mean relevant to determining the application. There is, however, no adjective qualifying the degree of relevance it should have for that purpose, for example that it should be decisive or of high importance. "Relevance" connotes no more than some real role in the determination of the application. A fanciful connection would not suffice, and a policy of wholly tangential significance may be "irrelevant". There is also no requirement in this first trigger that the one or more relevant development plan policies should comprise one or more development plan policies important for determining the application, let alone that they should constitute a body of policy or policies sufficient for determining the acceptability of the application in principle."

"34. In my judgment, the key part of the second trigger, the phrase "where the policies which are most important for determining the application are out-of-date", is reasonably clear. A policy is not out of date simply because it is in a time-expired plan; that is the point which the Inspector appears to have been addressing in DL27, though it appears not to have been an issue before her. I agree with what Dove J said in Wavendon Properties in this respect. It is the correct interpretation. If the 2018 Framework had intended to treat as out of date all saved but time-expired policies, it would not have used the phrase "out-of-date", which has different or wider connotations, and would have used instead the language of time-expired policies or policies in a time-expired plan. The Inspector's comment in DL27 is apposite in that context. Although the earlier jurisprudence in Bloor Homes and Hopkins Homes related to that same phrase in the 2012 Framework, I see no reason to discount it here where its role is not materially different."

35. I also agree with the analysis of the phraseology of the second trigger as a whole in Wavendon Properties. The first task is to identify the basket of policies from the development plan which constitute those most important for determining

the application. The second task is to decide whether that basket, viewed overall, is out of date; the fact that one or more of the policies in the basket might themselves be out of date would be relevant to but not necessarily determinative of whether the basket of most important policies was itself overall out of date. This second trigger contains no requirement that the up to date basket of the most important policies in the development plan for determining the application should itself also constitute a body of policies sufficient for the determination of the acceptability of the application in principle.

36. I do not consider that the plural "policies" means that a single up to date policy, even if plainly by itself the most important for determining the application, cannot suffice to block the second trigger; the plural encompasses the singular, as is a commonplace construction. Otherwise even an up to date, self-contained, site and development specific policy, the crucial policy, the sole survivor, could lead to the application of the "tilted balance" and to the grant of permission unless the provisos in (i) and (ii) applied. The alternative construction focuses unduly on what is mere linguistic awkwardness, accepted for convenience. The plural "policies" avoids the somewhat legalistic "policy or policies", with "is or are" to follow, at the price of the slightly awkward language seen in DL 26, last sentence. On the basis of her interpretation of GP.35, and on that interpretation of the second trigger, the Inspector's conclusion that the "tilted balance" did not apply is correct."

Very special circumstances (VSC)

Suffolk Coastal DC v Hopkins Homes Ltd: 2017 UKSC 37

6.31.36. "61. There is nothing in the statute which enables the Secretary of State to create such a fiction, nor to distort what would otherwise be the ordinary consideration of the policies in the statutory development plan; nor is there anything in the NPPF which suggests an intention to do so. Such an approach seems particularly inappropriate as applied to fundamental policies like those in relation to the Green Belt or Areas of Outstanding Natural Beauty. No-one would naturally describe a recently approved Green Belt policy in a local plan as "out of date", merely because the housing policies in another part of the plan fail to meet the NPPF objectives. Nor does it serve any purpose to do so, given that it is to be brought back into paragraph 14 as a specific policy under footnote 9. It is not "out of date", but the weight to be given to it alongside other material considerations, within the balance set by paragraph 14, remains a matter for the decision-maker in accordance with ordinary principles."

SoS Decision – At Land Off Glebelands, Thundersley, Essex (June 2013)

6.31.37. In the decision the SoS concluded:

"30. The Secretary of State concludes that the appeal proposals are inappropriate development in the Green Belt. Additionally he has identified harm to the GB's openness and harm to the GB's purposes of preventing urban sprawl, preventing encroachment on the countryside and preventing the merging of neighbouring settlements and, furthermore, harm to GB's character and appearance. He considers that, together, this represents considerable harm, to which he attributes substantial weight. The Secretary of State has found that there are factors in favour of the appeal including a severe lack of a forward housing land supply and that, setting aside GB considerations, development of the appeal site would not cause demonstrable harm. He also wishes to emphasise that national policy is very clear that GB reviews should be undertaken as part of the Local Plan process. In light of all material considerations in this case the Secretary of State is

concerned that a decision to allow this appeal for housing in the GB risks setting an undesirable precedent for similar developments which would seriously undermine national GB policy.

31. Having weighed up all material considerations, he is satisfied that the factors which weigh in favour of the proposal do not clearly outweigh the harm to the Green Belt that would arise from the proposal. The Secretary of State therefore concludes that the appeal should be dismissed.”

Further Response 06/12/2022

6.31.38. Thanks for sending. The additional or amended information will not affect Spatial Planning’s response to this application and we will therefore not provide further comments.

Further Response 28/06/2023

6.31.39. Recommendation – Neutral

6.31.40. The following advice and comments relate to principle of development, very special circumstances, and housing land supply / proposed housing mix.

Principle of Development

Relevant Policy

6.31.41. The proposed development would be located in the Metropolitan Green Belt.

6.31.42. Local Plan (Saved 2007) Policy 1 ‘Metropolitan Green Belt’ states:

“Within the Green Belt, except for development in Green Belt settlements referred to in Policy 2 or in very special circumstances, permission will not be given for development for purposes other than that required for:

a) mineral extraction;

b) agriculture;

c) small scale facilities for participatory sport and recreation;

d) other uses appropriate to a rural area;

e) conversion of existing buildings to appropriate new uses, where this can be achieved without substantial rebuilding works or harm to the character and appearance of the countryside.

New development within the Green Belt shall integrate with the existing landscape. Siting, design and external appearance are particularly important and additional landscaping will normally be required. Significant harm to the ecological value of the countryside must be avoided.”

6.31.43. The NPPF (2021) states:

“147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special

circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

6.31.44. PPG Paragraph: 001 Reference ID: 64-001-20190722:

"What factors can be taken into account when considering the potential impact of development on the openness of the Green Belt?"

Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume; the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and the degree of activity likely to be generated, such as traffic generation"

Evidence Base and previous Local Plan work

SKM Green Belt Review

6.31.45. The SKM Green Belt Review comprises:

Part 1: Green Belt Review Purposes Assessment (Prepared for Dacorum Borough Council, St Albans City and District Council and Welwyn Hatfield Borough Council) –2013

Part 2: Green Belt Review Sites & Boundaries Study – Prepared for St Albans City and District Council only – February 2014

Note: the SKM Green Belt Review Part 2 is entirely replaced by the Arup St Albans Stage 2 Green Belt Review June 2023.

Part 1: Green Belt Review Purposes Assessment (Prepared for Dacorum Borough Council, St Albans City and District Council and Welwyn Hatfield Borough Council) – November 2013

6.31.46. The site is identified as part of GB28 (Green Belt Land to North of How Wood) in the Green Belt Review. The Principal Function / Summary for this parcel is as follows:

"Significant contribution towards maintaining the existing settlement pattern (providing gaps between St Albans and Park Street / Frogmore and How Wood). Partial contribution towards preventing merging and safeguarding the countryside. Overall the parcel contributes significantly to 1 of the 5 purposes."

Strategic Housing Land Availability Assessment

6.31.47. The site was identified in the SHLAA 2016 (reference 46) and SHLAA 2018 (also reference 46) as a subset of OS-624. The SHLAA did not determine whether a site should be allocated for housing development. Such decisions were to be taken by the Council as part of its site selection process.

6.31.48. The SHLAA 2018 Strategic Site Selection Evaluation Outcomes assesses Land West of Park Street PS-624 (combines 14, 46, 255, 543, 560 and 587) and does not find it suitable. It concludes:

“In reviewing the boundary for this site and the reasonably likely form and layout of development it is considered that the overall rating is red. There is no reason to take a different view from that set out in the Green Belt Review 2013.”

Call for Sites - 2021

6.31.49. The site was submitted via the Call for Sites process which ran from January to March 2021. It is identified as site STS-64-21 under the Housing and Economic Land Availability Assessment (HELAA) process. The site is considered to be potentially suitable subject to absolute and non-absolute constraints being reasonably mitigated. However, it should be noted that the HELAA process has not taken into account Green Belt constraints.

Arup St Albans Stage 2 Green Belt Review June 2023

6.31.50. The Arup Stage 2 Green Belt Review Annex Report June 2023 identifies the site within sub-area SA-108. The sub-area’s Categorisation and Recommendation reads:

“The sub-area performs strongly against NPPF purposes but makes a less important contribution to the wider Green Belt. If the sub-area is released, the new inner Green Belt boundary would not meet the NPPF definition for readily recognisable and likely to be permanent boundaries. The new boundary would require strengthening. Recommended for further consideration as RA-41.”

6.31.51. In relation to the report finding that the new Green Belt boundary would require strengthening in order for it to be readily recognisable and likely to be permanent; this should be delivered in any approved development at this site.

Housing

6.31.52. The proposed development is for up to 95 dwellings.

Housing Land Supply

6.31.53. SADC currently has a housing land supply of 2.0 years from a base date 1 April 2022. It is acknowledged that 2.0 years is substantially below the required 5 years.

Housing and Affordable Housing Need

6.31.54. GL Hearn South West Herts – Local Housing Need Assessment (LHNA) (September 2020). The following table on page 141 of the LHNA sets out the required need for different sized homes.

- **Recommendation: The following mix of homes size by tenure is suggested as a strategic mix across the 2020-2036 period. As there are only modest changes at a local authority level this mix can be applied across the HMA and at a local level.**

Size	Market	Affordable Homes to Buy	Affordable Homes to Rent
1-bedroom	5%	25%	30%
2-bedrooms	20%	40%	35%
3-bedrooms	45%	25%	25%
4+-bedrooms	30%	10%	10%

- The mix identified above could inform strategic policies although a flexible approach should be adopted. In applying the mix to individual development sites, regard should be had to the nature of the site and character of the area, and to up-to-date evidence of need as well as the existing mix and turnover of properties at the local level. The Councils should also monitor the mix of housing delivered.
- It will ultimately be for the Council(s) to write into policy the approach which best meets their local circumstance. This could be, for example, a desire for further downsizing or a pragmatic approach to a constrained housing supply both of which would see a greater proportion of smaller homes being built.

6.31.55.

6.31.56. The LHNA does not recommend an affordable housing percentage, as it is up to the Council to decide with consideration of viability. Below sets out the range of affordable housing need.

Table 37: Estimated Annual Level of Affordable/Social Rental Housing Need (2020-2036)

	Dacorum	Hertsmere	St. Albans	Three Rivers	Watford	SW Herts
Current need (divided across 16 year period)	70	71	63	45	101	350
Newly forming households	570	380	486	360	448	2,243
Existing households falling into need	353	133	197	77	163	924
Total Gross Need	993	585	745	483	712	3,517
Supply	630	228	303	133	230	1,523
Net Need	363	356	443	350	482	1,994

Source: Census/CoRe/Projection Modelling and affordability analysis

- 5.99 For authorities with a plan period other than 2020-2036, the current need as stated in the final column of Table 33 should be divided by the number of years in the plan period. This will impact the total gross need, but the other numbers are calculated on a per annum basis so will not change.

6.31.57.

Table 42: Estimated Annual Need for Affordable Home Ownership (2020-2036)

	Dacorum	Hertsmere	St. Albans	Three Rivers	Watford	SW Herts
Current need	25	18	34	14	26	118
Newly forming households	410	260	512	259	303	1,743
Existing households falling into need	76	55	103	41	79	355
Total Gross Need	511	333	649	315	408	2,217
Supply	263	186	265	153	156	1,023
Net Need	248	147	385	162	252	1,194

Source: Range of data sources as described

- 5.143 As per the analysis for affordable homes to buy, for those authorities whose plan period differs from the 2020 to 2036 period, the current need should be divided by the number of years in the plan period being used. This will also impact the calculation of the gross and net need. All the other factors are shown on a per annum basis.

6.31.58.

6.31.59. The proposal is for 40% affordable units and sets out a mix of 11% 1-bed, 31% 2-bed, 59% 3 and 4 bed units.

Self-Build

6.31.60. The proposal includes 5% self-build plots. The LHNA states that as at 1st January 2020 there were 450 registered on part 1 of the self and custom build register (see LHNA para 8.9). As at 30th October 2022 the figure was 748. The 2022 Authority Monitoring Report shows a total of 152 self-build / custom build plots have been approved. The PPG states that LPAs should use the demand data from the register in their area to understand and consider future need for custom and self-build housing in the area¹. Therefore the current data demonstrates that there is demand for self-build in the district which this proposal would assist in meeting.

Housing Summary

6.31.61. It is clear that there is no 5 year land supply and that substantial weight should be given to the delivery of housing. It also clear that there is a need for affordable housing and self-build plots and substantial weight should be given to delivery of affordable housing and self-build plots.

Overall Conclusion

6.31.62. It is considered clear that a number of significant harms and significant benefits would result from this proposed development. A 2021 appeal decision in the District allowing permission for residential development in the Green Belt is also significant (Ref: 5/2020/1992 - Roundhouse Farm Bullens Green Lane Colney Heath). The SKM Green Belt Review 2013 considered that overall parcel GB 28 does significantly contribute maintaining the existing settlement pattern (providing gaps between St Albans and Park Street / Frogmore and How Wood). It also partially contributes towards preventing merging and safeguarding the countryside. Overall the parcel contributes significantly to 1 of the 5 purposes.

6.31.63. The Arup Stage 2 Green Belt Review Annex Report June 2023 identifies the site within sub-area SA-108. The sub-area's Categorisation and Recommendation reads: *"The sub-area performs strongly against NPPF purposes but makes a less important contribution to the wider Green Belt. If the sub-area is released, the new inner Green Belt boundary would not meet the NPPF definition for readily recognisable and likely to be permanent boundaries. The new boundary would require strengthening. Recommended for further consideration as RA-41."*

6.31.64. It is clear that there is no 5 year land supply and that substantial weight should be given to the delivery of housing. It also clear that there is a need for affordable housing and substantial weight should be given to delivery of affordable housing.

6.31.65. This note is focussed on key policy evidence and issues but recognises that considerable other evidence is relevant. In totality this recommendation is Neutral.

6.32. St Stephens Parish Council

6.32.1. Strong Objection: inappropriate development in an unsustainable location within the Green Belt without proven justification that the benefits outweigh the

¹ Paragraph: 011 Reference ID: 57-011-20160401 Revision date: 01 04 2016

detrimental impacts. Extreme concern over coalescence between Park Street and St Albans. Access to the development being sited on the brow of a hill is unsafe

6.33. Thames Water

First Response 07/03/2022

Waste Comments

- 6.33.1. Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.
- 6.33.2. Following initial investigations, Thames Water has identified an inability of the existing SURFACE WATER network infrastructure to accommodate the needs of this development proposal. Thames Water has contacted the developer in an attempt to agree a position for foul water networks but has been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. "The development shall not be occupied until confirmation has been provided that either:- 1. All surface water network upgrades required to accommodate the additional flows from the development have been completed; or- 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan." Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

Water Comments

- 6.33.3. With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.
- 6.33.4. The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://eu-west-1.protection.sophos.com?d=www.gov.uk&u=aHR0cHM6Ly93d3cuZ292LnVrL2dvd mVybmlbnQvcHVibGljYXRpb25zL2dyb3VuZhdhdGVyLXByb3RlY3Rpb24tcG9zaXRpb24tc3RhdGVtZW50cw==&i=NWQ1ZmMwOTQxNGFiNmYxMGEyYjA0MGY3&t=WDJOQjJQSVdwNzZGTEdrbWdzWmMyUXJvWmxzQ3Yzd1d2Q3ExME5HR0ZxYz0=&h=e642ab6c95cb476ab07b7eec5ad9c47>) and may wish to discuss the

6.34.2. The arboricultural report presents the proposed master plan in context of the existing treed boundaries. The proposed layout seeks to respect the Root Protection Areas to minimise any direct impact on the retained trees during development, and also future post development pressure once dwelling are occupied.

6.34.3. No objection to the trees identified for removal to facilitate access or on the grounds of condition. Tree protection measures to be in situ prior to any development on site

6.34.4. No Objection

6.35. UK Power Networks – no response received

6.36. Waste Management

First Response 15/03/2022

6.36.1. Thank you for forwarding these plans for our consideration.

6.36.2. The proposed layout has lots of dead ends and short drives. Navigating this layout would be extremely time consuming and impractical.

6.36.3. Although there are bin collection points, they are far too vague- there do not appear to be specific areas for bins to be presented- on recycling week, each property would present 1-2 x 240lt bins, 55lt box & a food waste caddy.

6.36.4. I would like to see more defined collection areas, nearer to the main roads and all bins presented on the boundary with the dark grey roads.

6.36.5. I do not feel the proposed layout is satisfactory for the collection of waste.

Second Response 10/06/2022

6.36.6. Regarding the social housing to the north, I assume the freighters will drive along the road and turn at the hammerhead? This will work as long as there are no vehicles parked so I would like the hammerhead to be a no parking area.

6.36.7. Flats 36-41 – there appears to be a footpath through to the properties on the west side so the vehicles will need to travel back on itself which is wasteful- could the access be made accessible for vehicles?

6.36.8. Re the bin areas; Please note that on recycling collection day, each property will be presenting 2x 240lt bins, at least 1x 55lt bin for paper and card so the bin collection space must be large enough to accommodate these containers for the number of properties it serves.

Third Response 07/12/2022

6.36.9. Thank you for passing these plans for our consideration.

6.36.10. The revised layout is a great improvement and it does look like there is good access to most properties.

6.36.11. The maximum trundle distance is 10 metres so if there are properties further than 10 metres from the end of a road, a bin collection point should be created.

6.36.12. There should be adequate parking to avoid parking on the road/ in undesignated areas which will narrow the road and could prevent our vehicles navigating the site.

7. Relevant Planning Policy

7.1. National Planning Policy Framework

7.2. St Albans District Local Plan Review 1994:

POLICY 1	Metropolitan Green Belt
POLICY 2	Settlement Strategy
POLICY 8	Affordable Housing in the Metropolitan Green Belt
POLICY 34	Highways Consideration in Development Control
POLICY 35	Highway Improvements in Association with Development
POLICY 39	Parking Standards, General Requirements
POLICY 40	Residential Development Parking Standards
POLICY 69	General Design and Layout
POLICY 70	Design and Layout of New Housing
POLICY 74	Landscaping and Tree Preservation
POLICY 84	Flooding and River Catchment Management
POLICY 84A	Drainage Infrastructure
POLICY 97	Existing Footpaths, Bridleways and Cycleways
POLICY 102	Loss of Agricultural Land
POLICY 106	Nature Conservation
POLICY 143A	Watling Chase Community Forest
POLICY 143B	Implementation

7.3. Supplementary planning Guidance/Documents

Design Advice Leaflet No 1 – Design and Layout of New Housing

Affordable Housing SPG 2004

Revised Parking Policies and Standards January 2002

7.4. St Stephen Parish Neighbourhood Plan 2022:

POLICY S1	Location of development
POLICY S2	Housing Mix
POLICY S3	Character of Development
POLICY S4	Non-designated Heritage Assets
POLICY S5	Design of Development
POLICY S6	Minimising the Environmental Impact of Development
POLICY S7	Protecting Natural Habitats and Species
POLICY S10	Green Infrastructure and Development
POLICY S11	Improvements to Key Local Junctions And Pinch Points
POLICY S12	Off-street Car Parking
POLICY S13	Bus services and Community Transport
POLICY S14	Provision for Walking, Cycling and Horse-Riding
POLICY S17	Leisure Facilities for Children and Teenagers
POLICY S24	Broadband Communications

7.5. Planning Policy Context

7.5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

- 7.5.2. The development plan is the St Albans District Local Plan Review 1994 and the St Stephen Parish Neighbourhood Plan 2022 (SSPNP).
- 7.5.3. The NPPF 2021 is also a material consideration.
- 7.5.4. Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 7.6. Paragraphs 218 and 219 of the NPPF reads as follows:

The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this replacement Framework has made.

However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The degree of consistency of the Local Plan policies with the framework will be referenced within the discussion section of the report where relevant.

8. Discussion

- 8.1. The following main issues are considered below:

- Principle
- Green Belt Harm
- Design and Amenity
- Landscape Character
- Provision of Housing including Affordable and Self-Build Housing
- Provision of Open Space and Children's Play Space
- Minerals
- Loss of Agricultural Land
- Ecology
- Highways and Sustainable Transport
- Economic Impacts
- Impact on Social and Physical Infrastructure
- Recent Planning Decisions of Relevance

- Other Matters including Matters Raised by Objectors / in Consultation Responses
- Planning Balance

8.2. Principle

8.2.1. The statutory development plan is the St Albans Local Plan Review 1994 and the St Stephen Parish Neighbourhood Plan 2019-2036 (SSPNP). The National Planning Policy Framework 2021 (NPPF) is an important material consideration.

8.2.2. The land is in the Metropolitan Green Belt where local and national policy only allows for certain forms of development, unless there are very special circumstances. The Local Plan policy differs in the detail of what may be classed as not-inappropriate development in the Green Belt when compared with the more recent NPPF, but the proposed development does not fall within any Local Plan or NPPF exception to inappropriate development, and the fundamental policy test of 'very special circumstances' is consistent in the Local Plan Policy (Policy 1) and in the NPPF.

8.2.3. A new Local Plan is underway but is at a very early stage. The NPPF in paragraph 48 states that weight can be given to emerging policies according to:

"a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."

8.2.4. It clarifies in relation to prematurity, in paragraph 49, as follows (note both a and b need to be satisfied for an application to be considered to be premature):

"49. However in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area."

8.2.5. Whilst a new Local Plan is being prepared, as noted in the following section of the report, only limited weight at most can be attached to it in decision making.

8.2.6. It noted that the policies of the new SSPNP, which was formally 'made' in July 2022, do not materially conflict with those of the NPPF and Local Plan in relation to the main planning issues for this application; it shows the site as within the Green Belt on the Policies Map, without any site-specific proposals for it. Policy S1 of the SSPNP requires 'very special circumstances' to exist for approval of inappropriate development in the Green Belt in the same way as the NPPF and Local Plan; and other policies relating to main planning issues are generally not materially at odds with the applicable NPPF and Local Plan policies.

- 8.2.7. It is further considered in this case that an argument that the application is premature is highly unlikely to justify a refusal of permission because there is no draft Local Plan (which would be the plan to allocate significant sites of strategic scale) for the application to be premature to and because, in any event, the criteria set out in paragraph 49 of the NPPF are not satisfied here.
- 8.2.8. It is also important to note that the potential outcome of evidence being prepared for the new Local Plan or the likelihood of land being allocated or otherwise as a result of that evidence, must not be prejudged. No weight can be attached to speculation about the likelihood of Green Belt releases in the new Local Plan or where these may be located.
- 8.2.9. This application must be treated on its own merits, based on relevant policy and material considerations which apply at the time of making the decision.
- 8.2.10. Paragraph 11 of the NPPF states that planning decisions should apply a presumption in favour of sustainable development. It states:

“For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework or taken as a whole.”

- 8.2.11. The Council cannot demonstrate a 5 year supply of land for housing as required by the NPPF. This means that the policies which are most important for determining the application are out of date, and paragraph 11(d) of the NPPF is engaged.
- 8.2.12. Furthermore, land designated as Green Belt is confirmed as one such area or asset for the purposes of 11d.i).
- 8.2.13. Paragraphs 147 and 148 of the NPPF provide the most up to date basis against which to assess whether there is a clear reason for refusal of the proposed development in this particular case. These paragraphs set out clearly the relevant policy test:
- “147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*
- 148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*

- 8.2.14. This means that the proposed development should not be approved unless there are other considerations sufficient to clearly outweigh the harm caused such that 'very special circumstances' would exist, and in this eventuality planning permission should be granted.
- 8.2.15. The age of the Local Plan and any consequences of that is covered by the application of paragraph 11 of the NPPF.
- 8.2.16. The remainder of this report goes on to consider the harm to the Green Belt and any other harm as well as all other considerations, before considering the overall planning balance, and assessing the proposed development against the above test in paragraph 148 of the NPPF, in order to determine whether very special circumstances exist in this case.
- 8.2.17. Assessment of other 'in-principle' matters such as loss of agricultural land, potential constraining of future use of the site for mineral working are considered in the relevant sections below. Assessment of these matters is in the context of '...any other harm resulting from the proposal' in the aforementioned NPPF para 148 test, noting that it is fundamentally this test within which the proposal falls to be considered.

8.3. Green Belt Harm

- 8.3.1. Inappropriate development in the Green Belt is by definition harmful, and substantial weight should be given to this harm (para 148 NPPF).
- 8.3.2. Paragraph 137 NPPF confirms that:
"The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."
- 8.3.3. The national Planning Practice Guidance (PPG) states:
"Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:
- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
 - the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
 - the degree of activity likely to be generated, such as traffic generation."*
- (Paragraph: 001 Reference ID: 64-001-20190722)
- 8.3.4. It is clear that the loss of Green Belt land here would be permanent. The circa 4.6 hectare site is currently in an arable agricultural use.
- 8.3.5. Whilst this application is made in outline form with all matters reserved except for access, the submitted illustrative masterplan and parameter plan indicate the majority of the site would be redeveloped for housing. Areas of open space and land reserved for ecological purposes would also be provided within the site, with the aforementioned plans showing these spaces being provided mainly adjacent to

the application site boundaries. The exact layout of the development would however only be formally defined at reserved matters stage.

- 8.3.6. The parameter plan indicates that building heights across the development would be mainly up to 2 storeys, with a section located centrally within the southern part of the site potentially accommodating up to 2.5 storeys.
- 8.3.7. The redevelopment of this site for up to 95 dwellings plus associated infrastructure on the site would clearly represent a significant permanent loss of openness in spatial terms to this part of the Green Belt, contrary to the aforementioned fundamental aim of Green Belt policy to keep land permanently open. This is the spatial aspect of openness referred to in the part of the PPG quoted above.
- 8.3.8. In relation to the visual aspect of openness, regard must be had to the Landscape and Visual Impact Assessment (LVIA) submitted with the application, in so far as it relates to the impact of the development on the openness of the Green Belt. As set out in detail in the relevant section below, HCC Landscape officers consider the submitted LVIA to provide an adequate level of assessment at this outline stage.
- 8.3.9. Whilst a more detailed analysis of the landscape impacts of the proposal are set out later in this report; Officers are of the view that the submitted LVIA demonstrates that in relation to the effects the proposal would have in terms of its landscape and visual impact, the proposed development would result in some harm. However, it should be noted that as the Green Belt is not a landscape designation, the landscape effects of the proposal (except in so far as they relate to openness) should not form part of the consideration of the impact of the development on the openness of the Green Belt, or its purposes.
- 8.3.10. Harm to the openness of the Green belt is considered to exist, and as a matter of planning judgement, the harm is significant. Visually the proposed development when completed would be significantly different to the existing field, and there would clearly be a significant increase in built form at the site compared to the current situation where there is no built form. The proposed development would have a permanent impact on the application site which could not be easily reversed, and when compared to the application site presently there would be an increase in the amount of activity generated. Accordingly, it is considered there would be significant harm to the openness of the Green Belt.
- 8.3.11. The assessment of harm to the Green Belt should be set in the context of the five Green Belt Purposes, as set out in paragraph 138 of the NPPF:
*“a) to check the unrestricted sprawl of large built-up areas;
b) to prevent neighbouring towns merging into one another;
c) to assist in safeguarding the countryside from encroachment;
d) to preserve the setting and special character of historic towns; and
e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*
- 8.3.12. During the course of the application, a new Green Belt Review has been published to support the preparation of a new local plan for the District. The Arup St Albans Stage 2 Green Belt Review June 2023 entirely replaces Part 2 of the previous SKM Green Belt Review for the District. However, Part 1 of the SKM Green Belt Review identified the site as part of GB28 (Green Belt Land to North of How Wood) in the Green Belt Review. The Principal Function / Summary for this parcel is as follows:

“Significant contribution towards maintaining the existing settlement pattern (providing gaps between St Albans and Park Street / Frogmore and How Wood). Partial contribution towards preventing merging and safeguarding the countryside. Overall the parcel contributes significantly to 1 of the 5 purposes.”

8.3.13. The site was submitted via the Call for Sites process which ran from January to March 2021. It is identified as site STS-64-21 under the Housing and Economic Land Availability Assessment (HELAA) process. The site is considered to be potentially suitable subject to absolute and non-absolute constraints being reasonably mitigated. However, it should be noted that the HELAA process did not take into account Green Belt constraints.

8.3.14. The Arup Stage 2 Green Belt Review Annex Report June 2023 identifies the site within sub-area SA-108. The sub-area’s Categorisation and Recommendation reads:

“The sub-area performs strongly against NPPF purposes but makes a less important contribution to the wider Green Belt. If the sub-area is released, the new inner Green Belt boundary would not meet the NPPF definition for readily recognisable and likely to be permanent boundaries. The new boundary would require strengthening. Recommended for further consideration as RA-41.”

8.3.15. In relation to the report finding that the new Green Belt boundary would require strengthening in order for it to be readily recognisable and likely to be permanent; this should be delivered in any approved development at this site.

8.3.16. Whilst it is noted that this site is included within the Regulation 18 Consultation Draft of the new Local Plan for the District, with particular reference to Paragraph 48 of the NPPF, it is considered that only limited weight at most could be afforded to the draft allocation at this time. However, Officers consider that significant weight can be afforded to the evidence base underpinning the preparation of the new Local Plan, including the new Green Belt Review considered above. It is considered that significant weight can be afforded to the new evidence base as it represents the most recent and comprehensive assessment of the Green Belt carried out by an independent consultancy under a recognised methodology. Moreover, Officers would note that the same conclusions would have been reached regardless of the weight to be attached to the new Green Belt Review, as the findings reached in that report reflect those that Officers would have reached.

8.3.17. Taking the above points into account, a planning judgement on the harm to Green Belt purposes of the proposed development at the application site on its own is provided below, drawing on the relevant evidence base as a material consideration:

a) to check the unrestricted sprawl of large built-up areas;

The site is directly adjacent to the existing settlement of Park Street, being in close proximity to existing built development to the east and south of the site. To the west of the site is noticeable area of vegetation, which in particular features a number of trees, which separates the application site from the arable fields adjacent to the North Orbital Road. It is noted that there is an electricity substation and a caravan park between Watling Street and the North Orbital Road, and in this context there is considered to be some development in the immediate vicinity of the application site to the west. Given the application site

boundaries, development would not extend further northward towards St Albans than other built development along Watling Street, and would not extend further westward than the built form along Old Orchard to the south or the farthest reach of the Caravan Park. In this context, Officers consider that the site could be seen as a 'rounding-off' of the settlement at Park Street. As set out later in the report, an enhanced landscape buffer can be provided along the western boundary of the site. The proposal is therefore not considered to represent unrestricted sprawl and there is not considered to be any harm to this Green Belt purpose. It is noted that the Arup Green Belt Review 2023 Annex Proforma Report indicates that the sub-area does not meet this purpose (with the application site being located within this sub-area).

b) to prevent neighbouring towns merging into one another:

As noted above, the development of this site would essentially 'round-off' the settlement of Park Street, and is not considered to result in new development being closer to St Albans or Chiswell Green than existing forms of development. It is not considered therefore that the development of this site would result in coalescence, and there is not considered to be any harm to this Green Belt purpose. Indeed, against this criterion, it is noted that the Arup Green Belt Review 2023 Annex Proforma Report states:

"The sub-area forms a less essential part of the gap between St Albans and Park Street/Frogmore; St Albans and How Wood; and Park Street/ Frogmore and How Wood. It is judged that the gap is of sufficient scale that the removal of the sub-area would not result in physical or perceptual merging between neighbouring built-up areas."

c) to assist in safeguarding the countryside from encroachment:

Against this criterion, it is noted that the Arup Green Belt Review 2023 Annex Proforma Report states:

"The sub-area is not covered by any built form. The sub-area comprises open agricultural fields with limited views to the wider countryside through the tree line along the west sub-area boundary. There are limited urbanising influences, including occasional views to dwellings along Old Orchard. Overall the sub-area has a strongly unspoilt rural character."

The development would result in the loss of an existing arable field, and in this context there would be some encroachment into the countryside. However, as noted above and elsewhere in this report, a strong defensible boundary can be provided to the western site boundary; and, moreover, the development would not extend beyond existing built development limits nearby. Officers consider therefore that the development of this site would only have a localised effect on the Green Belt, albeit nonetheless there would be a moderate to high level of conflict with this purpose.

d) to preserve the setting and special character of historic towns

It is not considered that the development of this site would have any impact on the setting and special character of the historic core of St Albans. No harm is identified in relation to this purpose. Indeed, the Arup Green Belt Review 2023 Annex Proforma Report explains the sub-area does not abut an identified

historic place or provide views to a historic place and does not meet this purpose.

- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

It is not considered that the development of this site would in itself prevent or discourage the development of derelict and other urban land in the District. The Council does not have any significant urban sites allocated for development, and whilst sites may come forward via a new Local Plan, this process cannot be afforded any significant weight in decision making at this time. No harm is identified by Officers in relation to this purpose.

- 8.3.18. To conclude on Green Belt harm, this ultimately is a matter of planning judgement. It is considered that there is harm to the Green Belt by inappropriateness, with additional substantial harm identified to Green Belt openness and harm to the purposes of the Green Belt relating to the encroachment to the countryside. Substantial weight is given to this Green Belt harm in accordance with paragraph 148 of the NPPF. In line with the NPPF, inappropriate development should not be approved except in very special circumstances.
- 8.3.19. This report now focuses on the many other considerations which must be taken into account, which may potentially weigh in the planning balance assessment as to whether the required 'very special circumstances' exist in this case.

8.4. Design, Amenity and Heritage

- 8.4.1. The application is in outline only with matters of Layout, Scale, Landscaping and Appearance reserved until reserved matters stage. As such, the assessment that follows focuses on the principle of the development and its impacts, informed by the application submission including the parameter plans and Illustrative Masterplan.
- 8.4.2. The NPPF advises that planning should ensure development is 'visually attractive as a result of good architecture, layout and appropriate and effective landscaping and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users' (Paragraph 130), that 'Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities' (Paragraph 126) and advising that 'development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents such as design guides and codes' (Paragraph 134). The National Design Guide 'Planning practice guidance for beautiful, enduring and successful places' 2021 provides additional guidance is a material planning consideration.
- 8.4.3. The Local Plan and the SSPNP are broadly consistent with the NPPF in this regard. In Local Plan Policy 69 (General Design and Layout) it states that all development shall have an adequately high standard of design taking into account context, materials and other policies; and in Policy 70 (Design and Layout of New Housing) it states that design of new housing development should have regard to its setting and the character of its surroundings and meet the objectives set out in a number of criteria relating to amenity. Policy S3 (Character of Development) of the SSPNP sets out that the design of new development should demonstrate how

it has taken account of the local context and has reflected the character and vernacular of the area, and that where development sites abut open countryside, development on the rural boundary edge should mitigate any detrimental visual impacts on the countryside; and Policy S5 (Design of Development) contains a number of detailed design criteria.

- 8.4.4. The application is accompanied by a Parameter Plan and an Illustrative Layout that has been revised during the application process. Both plans essentially show three parcels of development across the site, namely in the northern part of the site, the central part of the site, and the southern part of the site. The southern part of the site would see the greatest amount of development, with parameter plan indicating that the middle section of this parcel could see heights of up to 2.5 storeys, with the remainder of the parcel seeing heights of up to 2 storeys. Both other parcels would, in accordance with the parameter plan, see heights of up to 2 storeys. Whilst noting that layout is a reserved matter, the aforementioned plans suggest that each parcel would be linked onto an internal spine road that leads to the principal vehicular access into the site. A secondary pedestrian access is also shown, which leads onto Watling Street just to the north of the junction between Watling Street and Mount Drive.
- 8.4.5. The Design and Conservation Officer has noted that there are no above-ground heritage constraints, and there is unlikely to be an impact on the Park Street Conservation Area (which is around 75m away from the application site at their closest points and separated by existing built form). No detailed comments were made on the submitted plans, which appeared to the Design and Conservation Officer to be acceptable. Officers would comment that that the submitted plans appear to respond appropriately to the site and surrounding area, albeit there is some harm identified in relation to the landscape and visual impact of the proposed development which is considered in more detail in the following section of this report.
- 8.4.6. A condition can be imposed requiring slab levels details to be provided as part of a relevant reserved matters application, so as to ensure that the development is acceptable in terms of height and visual impact more generally in principle. Whilst the heights set out on the parameter plan are not considered to be unacceptable in principle, such a condition is considered appropriate in this case, as the slab levels of the dwellings could be imperative in ensuring an acceptable development comes forward at this site.
- 8.4.7. The amenity of existing and proposed residents would be fully considered as part of the detailed layout and design proposal at reserved matters stage. However, it is considered that there is scope on the site to provide housing which would provide for suitable amenity for future occupiers and retaining space for significant landscaping. The Illustrative Masterplan satisfactorily demonstrates that the site could provide for housing which could provide good natural lighting and outlook without leading to unacceptable degrees of overlooking. It is considered that the relevant separation distances / amenity space / defensible space / open space requirements found in Local Plan Policy 70 and associated SPD 'Design Advice Leaflet No. 1: Design and Layout of New Housing' could be met at this site.
- 8.4.8. There would not appear to be any obvious amenity issues that could not be overcome by way of good design including sensitive orientation of windows to avoid a harmful degree of overlooking within the site and relative to neighbouring properties. However, such matters would be further assessed with detailed plans at reserved matters stage.

- 8.4.9. Noting the separation distances to existing neighbouring properties, there would not be direct harmful impacts to existing properties in terms of loss of light, loss of outlook, overbearing visual impacts or overlooking from the housing proposed as indicatively shown in the Illustrative Masterplan.
- 8.4.10. Taking the above discussion into account, it is not considered that there would be harm caused in relation to design and amenity that could not be mitigated through good detailed design and through the appropriate use of planning conditions. Likewise, in respect of above-ground heritage assets, it is not considered that the proposed development would cause any adverse impacts. As such, this matter is considered to weigh neutrally in the planning balance, with no positive or negative weight given in these regards. It is recommended that the parameter plans are conditioned to ensure that reserved matters submission(s) are in scope with the parameters set at outline stage.
- 8.4.11. In respect of archaeology, the application was submitted with an archaeological desk based assessment, which indicated a low potential for archaeological deposits from all periods. No form of evaluation or on-site assessment apart from a walkover survey has been undertaken. The location, abutting the Roman Road of Watling Street, which was laid out in the first century AD and has been in use ever since. There is the potential for a roadside settlement of Roman and medieval date being identified. The desk-based assessment identified that a Roman kiln was identified to the southwest of the site.
- 8.4.12. The application site does not appear to be listed within Policies 110 or 111 of the Local Plan, however, Paragraph 205 of the NPPF reads:
- “Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.”*
- 8.4.13. In light of the information supplied with the application, alongside the archaeology comments received on this application, it is considered that a proportionate response to the potential for archaeological interest at this site would be to impose conditions requiring an archaeological investigation, and publication/dissemination. Subject to the imposition of such conditions, the proposal would be acceptable in terms of its archaeological impact, which would overall weigh neutrally in the planning balance on this application in the view of Officers.

8.5. Landscape Character

- 8.5.1. The NPPF in para 174 sets out that decisions should contribute to and enhance the natural environment by protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. It sets out in para 130 and 92 that decisions should also ensure that new developments are sympathetic to local character and history including the surrounding built environment and landscape setting, support healthy lifestyles through the provision of safe and accessible green infrastructure and an appropriate amount and mix of green and other public space, and are visually

attractive as a result of good architecture, layout, and appropriate and effective landscaping.

- 8.5.2. The NPPF recognises that trees make an important contribution to the character and quality of urban environments and seeks to ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.
- 8.5.3. Local Plan Policies 1 and 74 are broadly consistent with the NPPF in this regard. Policy 1 (Metropolitan Green Belt) sets out that “New development within the Green Belt shall integrate with the existing landscape. Siting, design and external appearance are particularly important and additional landscaping will normally be required. Significant harm to the ecological value of the countryside must be avoided.”
- 8.5.4. Local Plan Policy 74 (Landscaping and Tree Preservation) sets out, in relation to retention of existing landscaping, that significant healthy trees and other important landscape features shall normally be retained. In relation to provision of new landscaping, this policy sets out:
- “a) where appropriate, adequate space and depth of soil for planting must be allowed within developments. In particular, screen planting including large trees will normally be required at the edge of settlements;*
- b) detailed landscaping schemes will normally be required as part of full planning applications. Amongst other things they must indicate existing trees and shrubs to be retained; trees to be felled; the planting of new trees, shrubs and grass; and screening and paving. Preference should be given to the use of native trees and shrubs”*
- 8.5.5. The site lies within Landscape Area 010 – St Stephens Plateau, as defined under Hertfordshire's landscape character assessment (LCA), and the Watling Chase Community Forest. The Strategy and Guidelines for Managing Change' in the LCA are: Improve and Reinforce; which includes improvements to the network of woodlands, hedgerow restoration, public access and recreation opportunities, and to support the Watling Chase Community Forest in the realisation of its objectives for the area. Local Plan Policy 143A (Watling Chase Community Forest) sets out that:
- “Within the Community Forest, the Council will welcome detailed proposals for the purposes of landscape conservation, recreation, nature conservation and timber production. Proposals should be consistent with Green Belt policy (Policy 1) and the other policies in this Plan, particularly Policies 91, 96, 103 and 106.”*
- 8.5.6. As noted earlier in this report, the application is supported by a LVIA which considers the effects of the proposed development on landscape elements, character and visual amenity within the site and the surrounding area. The LVIA has been updated during the application process, and a Landscape Technical Note/Letter dated 30th May 2022 was also submitted.
- 8.5.7. The submitted documents have been reviewed by HCC Landscape, and their views are shared by Officers. Their full responses are set out in Section 6 of this report.

- 8.5.8. In respect of landscape effects, HCC Landscape comment that they are broadly supportive of the findings of the landscape assessment. It is acknowledged that the proposed development will change the landscape character from an open arable field to residential housing. However the significance of this is reduced due to the strong containment of the development within the field pattern, defined by existing vegetation that provides an opportunity to deliver mitigation and enhancements for the benefit of visual amenity and biodiversity. In addition, the site is well related to the existing settlement to the east and south, and the existing vegetation to the west provides an opportunity to deliver mitigation and enhancement to create a robust and defensible boundary to the open landscape to the west. Nonetheless, it is considered that overall in relation to landscape character impact, there would be some moderate to minor harm in respect of landscape character, noting the findings of the submitted LVIA and comments from HCC Landscape.
- 8.5.9. In respect of visual effects, the visual assessment concludes that the site is relatively well contained from views to the north and west, and from a lesser extent from the east as a result of the screening effect of the intervening the existing settlement edge and vegetation. The submitted 'Zone of Theoretical Visibility' shows that the site is potentially most visible from an area broadly contained by the A414 to the north, the railway line to the east, the A405 to the west, and the Old Orchard housing estate to the south. However verification on site, demonstrates that actual views are further limited due to the screening effect of the intervening sloping topography, settlement and infrastructure, and vegetation.
- 8.5.10. The most significant views are from Old Orchard to the south, and Watling Street immediately to the east. From here the new development will be highly visible, however the significance of this is reduced due to their less sensitive urban context, and the opportunity to deliver mitigation and enhancements along the site boundaries and throughout the development. Having had regard to the submitted LVIA and comments from HCC Landscape, Officers are of the view that overall in terms of visual effects, the proposed development would result in an adverse impact, which would be moderate/minor in nature at completion.
- 8.5.11. The LVIA helps demonstrate that the proposed development could be acceptable in principle. However, in their initial response on the application, HCC Landscape did raise some concern in relation to the mitigation proposed. In response to this, the landscape information supporting this application was revised in May 2022.
- 8.5.12. The revised information allows for additional and more robust tree planting, which should allow for a stronger defensible edge to be created, as well as allow for additional tree planting within the site itself. Although the plans are currently illustrative, detailed planting plans will be required (via condition) and the approach to planting along here will be critical to maximise density of vegetation and effectiveness as mitigation. It is considered important that the mitigation is delivered on-site.
- 8.5.13. In their initial response, HCC Landscape queried whether it would have been beneficial to locate the tallest (2.5 storey) elements of the scheme at the lowest parts of the site along the western edge. The submitted Landscape Technical Note/Letter dated 30th May 2022, in response to this point states:

"In terms of the distribution of building heights, we have examined this and whilst the western edge of the scheme is the lowest topographically, it is also the most

exposed to the surrounding landscape and therefore the proposed locations of the slightly taller structures is considered to present a balanced approach.”

- 8.5.14. Given the broad and in-principle support for the scheme expressed by HCC Landscape, and the comments above from the applicant’s landscape consultant, it is considered that the approach of 2.5 storey dwellings centrally within the southernmost development parcel at the site (as set out on the submitted parameter plan) would be acceptable in principle. The precise layout and appearance of the scheme would be for detailed consideration at reserved matters stage, whereby heights can also be further understood pursuant to the slab levels condition discussed earlier in this report. The precise interaction between the taller dwellings and landscaping provision can also be considered in further detail at reserved matters stage.
- 8.5.15. HCC Landscape did raise some concerns in connection with the location of the proposed play space and in relation to biodiversity. The amended information however appears to have satisfied these concerns, albeit it should be noted that all matters except for access are reserved at this stage. Biodiversity is also considered in further detail below. The comments of HCC Landscape in respect of patios are noted, albeit this is something that can potentially be considered in further detail at reserved matters stage, and for the purposes of this application can be dealt with by way of an informative.
- 8.5.16. An Arboricultural Impact Assessment was submitted with the application, which sets out:

“the removal of an individual tree and the partial removal of two groups. The completion of associated access facilitation pruning works will also be required. The individual tree and one of the groups to be completely or partially removed were considered to be of low arboricultural quality. The removal of these specimens is not expected to represent a significant impact to visual amenity of the local area.

Whilst the remaining group to be partially removed was of moderate arboricultural quality, it should be noted that provision has been made within landscaping proposals for new tree planting within the site. It is considered that this will actively boost the overall tree stock of the site and mitigate for any potential impacts to visual amenity that may arise.

All retained trees within, or directly adjacent to, the site will be protected through a combination of tree protective measures. This will predominantly consist of tree protective fencing, but permanent ground protection will also be required. These measures will ensure that retained trees remain free from significant harm throughout the development phases.

No ancient or veteran trees are present on or adjacent to the site so there is no conflict with national planning policy or guidance. Furthermore, those trees of important landscape, historic, cultural, green infrastructure and ecological benefit will be retained and protected in accordance with BS5837:2012 recommendations. Therefore, the scheme also complies with local planning policy.”

- 8.5.17. The Council’s Tree Officer has reviewed the application, and comments that the proposed layout seeks to respect the Root Protection Areas to minimise any direct impact on the retained trees during development, and also future post development pressure once dwelling are occupied. No objection was raised in

respect of the removal of trees to facilitate access or on the grounds of their condition.

8.5.18. It is recommended that tree protection measures are in situ prior to any development taking place at the site, and this can be adequately controlled by way of planning condition.

8.5.19. In light of the above discussion, the landscape and visual impact of the proposed development is considered acceptable, subject to the imposition of conditions. Nevertheless, it is considered that the introduction of built form across the existing fields would cause some harm in respect of both landscape and visual effects, to which limited to moderate weight is given.

8.6. Provision of Housing including Affordable and Self-Build Housing

8.6.1. The Council cannot demonstrate a 5 year housing land supply. The proposed development is for up to 95 new homes and would provide 40% affordable housing (comprising a mix of social rent, affordable rent, intermediate homes and First Homes). It is proposed that 5% of the dwellings would be made available as plots of self-build housing.

8.6.2. SADC currently has a housing land supply of 2 years from a base date 1 April 2021. It is acknowledged that 2 years is substantially below the required 5 years. There is also a clear and pressing need for affordable housing within the District, whilst the Council is currently failing to meet its statutory duty for the provision of plots for self-build housing.

8.6.3. The provision of housing therefore weighs heavily in favour of the proposals.

8.6.4. How much weight is a matter of planning judgement, informed by material considerations. In this regard, the recent appeal decision at Bullens Green Lane (5/2020/1992) is a relevant consideration. This decision was issued on 14 June 2021 and therefore considers a very similar housing and affordable housing position in the District as applies to the application considered in this report.

8.6.5. The Inspector concluded:

“49. There is therefore no dispute that given the existing position in both local authority areas, the delivery of housing represents a benefit. Even if the site is not developed within the timeframe envisaged by the appellant, and I can see no compelling reason this would not be achieved, it would nevertheless, when delivered, positively boost the supply within both local authority areas. From the evidence presented in relation to the emerging planning policy position for both authorities, this is not a position on which I would envisage there would be any marked improvement on in the short to medium term. I afford very substantial weight to the provision of market housing which would make a positive contribution to the supply of market housing in both local authority areas.”

...

“52. In common with both market housing and affordable housing, the situation in the context of provision of sites and past completions is a particularly poor one. To conclude, I am of the view that the provision of 10 self build service plots at the appeal site will make a positive contribution to the supply of self build plots in both local planning authority areas. I am attaching substantial weight to this element of housing supply.

...

“54. The persistent under delivery of affordable housing in both local authority areas presents a critical situation. Taking into account the extremely acute affordable housing position in both SADC and WHBC, I attach very substantial

weight to the delivery of up to 45 affordable homes in this location in favour of the proposals.”

8.6.6. There is no material reason for officers to apply a different weighting to the proposals subject of this officer’s report. The housing situation (in that there is a significant shortfall when considered against the five year housing land requirement) and the emerging plan situation are materially the same. There is no reason to think that the site cannot come forward immediately following the submission of reserved matters application(s) after the grant of outline planning permission and significantly boost local housing supply. Accordingly, very substantial weight is attached to the delivery of market and affordable housing, and substantial weight to the delivery of self-build plots.

8.7. Provision of Open Space and Children’s Play Space

8.7.1. Policy 70(xi) of the Local Plan sets out requirements in respect of open space provision. The policy requires public open space to be provided on sites providing more than 100 dwellings, albeit it is noted this development is for up to 95 dwellings. On developments of 30 or more dwellings each with two or more bedrooms, toddler play areas on the basis of 3sqm for every 5 such dwellings should be provided. Whilst the unit mix at this stage is not fixed, based on the mix set out within the submission, a requirement of 51sqm would be needed in accordance with Policy 70.

8.7.2. It should be borne in mind that the application is made in outline form, with all matters except access reserved. However, the illustrative layout shows approx. 1380sqm of public open space adjacent to the site access, and a further (approx.) 1070sqm of amenity grass towards the site’s southwestern corner. In total therefore, around 2,450sqm of open space/amenity areas would be provided at the site. The submitted planning statement explains that a LEAP (Locally Equipped Area for Play) would be located along the western boundary of the site, and that the s106 agreement will make provision for the delivery and maintenance arrangements of the open space and play space.

8.7.3. There is no policy requirement for anything other than toddler play areas within the Local Plan, albeit Policy S17 of the SSPNP is noted which expects provision to be made for the likely needs of the under-18 population. Given the above, it is considered that adequate provision of open space and play space could be provided at the application site. This can be adequately secured within the s106 agreement, which can also include management responsibilities. Subject to the inclusion of such planning obligations, it is considered that some limited positive weight can be afforded to this provision within the overall planning balance for this application.

8.8. Minerals and Waste

8.8.1. Section 17 of the NPPF “Facilitating the sustainable use of minerals” sets out in para 209:

“It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.”

8.8.2. In para 211 it states *“When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy”*; and in para 212: *“Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.”*

- 8.8.3. Hertfordshire County Council as Minerals Planning Authority note that the site falls entirely within the 'Sand and Gravel Belt' as identified in Hertfordshire County Council's Minerals Local Plan 2002 – 2016; the Sand and Gravel Belt is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. They note that British Geological Survey (BGS) data also identifies superficial sand/gravel deposits in the area. They note that their adopted Minerals Local Plan Policy 5 (Minerals Policy 5: Mineral Sterilisation) encourages the opportunistic extraction of minerals for use on site prior to non-mineral development. Opportunistic extraction refers to cases where preparation of the site for built development may result in the extraction of suitable material that could be processed and used on site as part of the development. Policy 8: Mineral Safeguarding, of the Proposed Submission document relates to the full consideration of using raised sand and gravel material on site in construction projects to reduce the need to import material as opportunistic use.
- 8.8.4. It should be noted that the Minerals Local Plan forms part of the development plan and it broadly aligns with the aims of Section 17 of the NPPF, and weight is given to it accordingly.
- 8.8.5. Specifically, the Mineral Planning Authority stated the following in their consultation response in respect of this application:
- "Whilst it is identified that there could be minerals present, there are unlikely to be significant mineral (sand and gravel) deposits within the area in question. On this basis, development may give rise to 'opportunistic' use of some limited or poorer quality minerals at the site that could be utilised in the development itself. Examination of these opportunities would be consistent with the principles of sustainable development. The county council, as the Minerals Planning Authority, would like to encourage the opportunistic use of these deposits within the developments, should they be found when creating the foundations/footings."*
- 8.8.6. Officers note that the response above from the Minerals Planning Authority is different to that received on other major applications in Chiswell Green (e.g. 5/2022/0927). However, it is the case that each application needs to be determined on its own merits, and each application site would be unique in terms of its siting, size etc. In this case, it would appear unlikely that there is significant material present at the application site, and on this basis it is not considered that the tests for imposing a condition or requiring a legal obligation in relation to mineral extraction would be met. There may however be some chance of opportunistic use of any deposits found at the site, and on this basis it is considered that this matter can be dealt with by way of informative. If it transpires that the extraction of such deposits would constitute development in its own right, then the applicant would need further planning permission, which again can be dealt with in a suitably worded informative.
- 8.8.7. In respect of waste, Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development.
- 8.8.8. The National Planning Policy for Waste (October 2014) sets out the following:
- 'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:*

• the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;

• new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;

• the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'

8.8.9. Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 form part of the Development Plan. Of relevance are:

• Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy;

• Policy 2: Waste Prevention and Reduction; &

• Policy 12: Sustainable Design, Construction and Demolition.

8.8.10. Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to.

8.8.11. A development of this size would require the consideration of waste which is generated during construction and subsequent occupation. This includes minimising waste generated by development during demolition, construction and its subsequent occupation, encouraging the re-use of unavoidable waste where possible and the use of recycled materials where appropriate. In addition regard should be given to the design of new housing development to ensure waste collection vehicles can gain access for the collection of household waste and recyclables.

8.8.12. With regard to construction related waste, it is considered that a Site Waste Management Plan can be required by way of planning condition. This would be to promote sustainable development and to ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development management Policies document.

8.8.13. In terms of internal layout, as set out previously, this is a reserved matter. However, it is noted that the Council's Recycling and Waste Officer has commented that there is good access to most properties. Bin collection points may be needed if trundle distances are greater than 10 metres, and there should be good parking facilities within the scheme to avoid collection lorries being hindered by parked vehicles. These comments are noted, and would be for more detailed consideration at reserved matters stage. However, in the interests of proper planning, it is considered that the comments of the Council's Recycling and Waste Officer can be included as an additional informative.

8.8.14. Noting the above, no additional harm is identified in this regard, this matter is considered to weigh neutrally in the planning balance in this case, and it is given neither positive nor negative weight.

8.9. Loss of Agricultural Land

8.9.1. The site's lawful use is as agricultural land. Local Plan Policy 102 states that development involving the loss of high quality agricultural land will normally be refused, unless an overriding need case can be made. The NPPF in para 174 states that planning decisions should contribute to and enhance the natural and local environment by, amongst other things:

“b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land,. And of trees and woodland.”

8.9.2. It also sets out in footnote 58 that “Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality”.

8.9.3. A submitted Agricultural Land Classification report identifies that 15% of the site is Grade 3A (0.67ha) and 85% is within Grade 3B (3.68ha). Grade 3A land falls within the aforementioned Local Plan Policy 102 definition of ‘high quality agricultural land’ and NPPF definition of ‘Best and most versatile agricultural land’ (BMV).

8.9.4. The loss of agricultural land has been an issue for several major development proposals in the SADC area in the recent past. The loss of 10.9ha of Grade 3A and 2.8ha of Grade 3B in the recent St Stephens Farm application (5/2021/3194) was considered to result in some harm to which some limited weight was given, and was similarly an issue in application 5/2022/0927 at Land South of Chiswell Green Lane. The committee report for the Bullens Green Lane application (5/2020/1992) noted that a reason for refusal for the loss of 5.1ha of Grade 3A agricultural land at the site was not considered sustainable at appeal. The committee report for the recent planning permission for up to 150 dwellings at Land to Rear of 112 to 156b Harpenden Road (5/2021/0423) stated that the loss of 5.136ha of former agricultural land was not considered to be significant, however it should be noted that the land had not been farmed for more than 20 years.

8.9.5. It is the Council's view that the consideration of loss of agricultural land on this scale should form part of the Local Plan process, as opposed to being decided through ad hoc applications. Nevertheless, taking the approach in the applications listed above into account, and noting that it would conflict with the aforementioned national and local policy, some additional harm is identified in this regard, to which some limited weight is given.

8.10. Ecology

8.10.1. Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 174 of the NPPF states:

“Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”

- 8.10.2. Policy 106 of the Local Plan explains that the Council will take account of ecological factors when considering planning applications. The objectives set out within the SSNP include protecting and increasing wildlife habitats and promoting biodiversity, and it is noted that Policy S7 of the SSNP requires major developments to assess local habitats and species. Policy S6 of the SSNP also requires proposals to maintain and where practicable enhance the natural environment, landscape features and the rural character and setting of the Neighbourhood area, for instance woodland and chalk streams. Development proposals that would achieve a net gain in biodiversity will be particularly supported. It is considered that the Local Plan and SSNP broadly align with the NPPF and that weight should therefore be afforded to them in decision making.
- 8.10.3. Herts Ecology has reviewed the application, and provided several consultation responses. It is noted that the application site has no biological records within the Environmental Records Centre. The caravan site to the west lies within an Ecosite for which there are records, but this implies no particular value. There are some local reptile records but these are likely to be from habitats to the east of Park Street associated with the Ver Valley and railway line.
- 8.10.4. The impact of the proposed development on protected species has been considered by Herts Ecology, and it is not considered that any protected species would be directly affected by the proposed development.
- 8.10.5. Herts Ecology has not objected to the proposed development, having taken into account the information submitted with the application. In the event that the application is approved, Herts Ecology recommend that a Construction and Environment Management Plan and a Landscape and Ecology Management Plan are secured by way of condition. These should be informed by a site walkover survey, which can again be the secured by way of a suitably worded condition.
- 8.10.6. Additional/amended information was provided during the course of the development in respect of Biodiversity Net Gain (BNG). In light of this, Herts Ecology now advise that the proposed development should achieve 12.9% BNG, with the potential for more to be submitted as part of a reserved matters application. An illustrative biodiversity gain plan was also provided and shows the buffering areas of Other Neutral Grassland and other habitats provided as part of the development. This approach is considered to be acceptable in achieving BNG on this outline application.
- 8.10.7. In terms of securing the BNG, it is noted that elsewhere in the District this has been achieved by way of using a suitably worded planning obligation within a legal agreement (e.g. application 5/2021/0423 at Land r/o Harpenden Road, St Albans). Whilst the BNG is being delivered on-site in this case, given the requirements for

long-term monitoring, it is considered that the use of suitably worded planning obligations would likewise be appropriate in this case.

- 8.10.8. Subject to the above, and provided that suitably worded conditions are included with any grant of planning permission, alongside appropriate planning obligations, it is considered that the ecological impact of the proposed development would be acceptable. Moreover, the proposed development would achieve an acceptable BNG in this case, which is considered to be a benefit of the development. The proposal would be in compliance with Policy 106 of the Local Plan, the SSNP and the NPPF.
- 8.10.9. The NPPF does not require a particular percentage of BNG and there is no statutory basis for requiring net gain at this time. However, the mandatory 10% BNG requirement will come into effect in November 2023 under the Environment Act 2021. As such, if the application was being determined in 3 months' time, the provision of 10% BNG would be an automatic condition on any the grant of planning permission. Reflecting this and the modest net gain proposed, limited positive weight is given to the provision of at least 10% BNG.
- 8.11. Highways and Sustainable Transport
- 8.11.1. The NPPF in Section 9 "Promoting sustainable transport" advises (para 104) that transport issues should be considered from the earliest stages of development proposals, so that: the potential impacts of development on transport networks can be addressed; opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised; opportunities to promote walking, cycling and public transport use are identified and pursued; the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.
- 8.11.2. When assessing development proposals, NPPF para 110 sets out that it should be ensured that: appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; safe and suitable access to the site can be achieved for all users; the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.11.3. Policy 35 of the Local Plan relates to Highway Improvements in Association with Development and sets out that, in order to mitigate the highway effects of development proposals the District Council, in conjunction with the County Council where appropriate, will seek highway improvements or contributions to highway improvements and/or improvements to the public transport system from developers whose proposals would otherwise result in detrimental highway conditions.
- 8.11.4. Policy 34 of the Local Plan relates to Highways Considerations In Development Control and sets out a number of considerations which are generally consistent with those of Section 9 of the NPPF (apart from its degree of emphasis on sustainable transport), and it states that in assessing applications, account will be taken of the advice contained in current documents prepared by Hertfordshire County Council, amongst others. The County Council as the local Highway Authority (HA) adopted a Local Transport Plan (LTP4) in 2018 which sets out in Policy 1 'Transport User Hierarchy' that to support the creation of built

environments that encourage greater and safer use of sustainable transport modes, the county council will in the design of any scheme and development of any transport strategy consider in the following order:

- Opportunities to reduce travel demand and the need to travel
- Vulnerable road user needs (such as pedestrians and cyclists)
- Passenger transport user needs
- Powered two wheeler (mopeds and motorbikes) user needs
- Other motor vehicle user needs

- 8.11.5. The NPPF has similar goals where it states in para 112 that applications for development should: give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; address the needs of people with disabilities and reduced mobility in relation to all modes of transport; create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.
- 8.11.6. Policy S11 of the SSPNP sets out that Transport Assessments for larger sites - as required by para 111 of the NPPF - should address to the satisfaction of the Highway Authority the cumulative transport impact on various road junctions and pinch points, including local pinch points in Park Street.
- 8.11.7. The above policy priorities are dealt with by the HA in their consultation response. The following discussion is informed by the detailed consultation comments of the HA. During the course of the application, the applicant provided additional/revised information, which has been used in the assessment of this application.
- 8.11.8. In terms of accessibility, the HA note that the site has a sustainable location given the site's proximity to local facilities, services and public transport links. Officers agree with this assessment, and are satisfied that the application site benefits from a sustainable location, particularly noting the proximity of local bus stops and Park Street Railway Station to the application site.
- 8.11.9. With regard to road safety, the HA requested the applicant provide the most up-to-date Personal Injury Accident (PIA) data during the course of the application. It is noted that between 2014 and 2021 there were two serious and three slight PIAs along Watling Street. Three of these accidents occurred to the north of the proposed site access at the junction with the BP Garage at different times of the day and during different conditions. None of the PIA's along Watling Street involved pedestrians, however one PIA involved a cyclist which occurred close to the junction of Burydell Lane where a cyclist collided with a parked car. In light of the additional data provided the HA has concluded that the proposals would not have a detrimental impact on existing highway safety, and there is no reason currently before Officers to disagree with this assessment.
- 8.11.10. Vehicular access to the site would be via a new T-junction at the eastern boundary of the site with Watling Street. Adequate visibility splays can be provided and works within the highway boundary can be secured by the HA via a Section 278 agreement with the County Council. In light of this, officers are content that vehicular access to the site would be acceptable.
- 8.11.11. The HA comment on car and cycle parking within their response. However, noting that this application is an outline planning application with all matters reserved except access, it is considered that these matters can be appropriately

dealt with at reserved matters stage. Swept path analysis for large cars and vehicles (e.g. refuse and fire vehicles) using the development can be dealt with by way of planning condition.

- 8.11.12. In terms of trip generation, the following total vehicle trip are identified for the development proposal:
- AM Peak (08:00-09:00): 14 arrivals, 37 departures resulting in 51 two-way movements
 - PM Peak (17:00-18:00): 35 arrivals, 14 departures resulting in 49 two-way movements
 - Daily (07:00-19:00): 218 arrivals, 220 departures resulting in 438 two-way movements
- 8.11.13. The HA comment that trip generation has been calculated using the TRICS database, and the parameters applied are acceptable to the HA. The applicant has derived mode shares for the proposed development from 2011 Journey to Work Census data for the St Albans 019MSOA area and applied the TRICS data to show predicted trips by mode. This methodology is acceptable and shows the majority of trips (69%) would be undertaken by privately owned vehicles.
- 8.11.14. Trip Distribution has been determined through the use of travel to work census data and National Travel Survey data for trip by purpose. Furthermore, it also takes into consideration the location of nursery, primary and secondary schools and census data on the distribution of school age children. Trips have been assigned to the local highway network based on commuting trips, educational trips and other (e.g. leisure, shopping). This methodology is considered acceptable to the HA, and there is no reason currently before Officers to disagree with this assessment.
- 8.11.15. In respect of impact upon the highway, the HA response details the data submitted with the application, which includes an ATC survey was undertaken in November 2021 along Watling Street, adjacent to the proposed site access. In addition to this Manual Classified Turning Counts (MCTCs) and queue length surveys were also undertaken at key locations within the vicinity of the site. A five-year post application has been assessed and the growth factors derived from TEMPRO. These factors are considered acceptable. The results of the junction capacity assessment at the site access show that the junction would operate well within capacity during both the AM and PM peak scenarios. The HA consider these results acceptable.
- 8.11.16. In response to HA concerns relating to observed queuing back from the Park Street Roundabout, the applicant has submitted a TA Addendum (dated 16th August 2022) which includes the results of a junction capacity assessment of Park Street Roundabout. It shows that the A414 East and A5183 arms in the 2021 base year operate close to capacity in the evening peak period, with Ratio Flow Capacity (RFC) at 0.9 and 0.88 respectively. All remaining arms operate well within capacity. In the future year (2026) with development both the A414 East and A5183 arms operate closer to capacity than the baseline year, RFC at 0.94 and 0.96 respectively in the evening peak. This signifies a small increase in traffic from that of the existing. All remaining arms operate well within capacity in 2026, and given this, Officers do not consider that the development is likely to result in an adverse impact on the safety of, or queuing on, these remaining arms.
- 8.11.17. The HA note that the results from the modelling have not replicated what has been observed on the highway network close to the application site. This is seemingly due to limitations of the ARCADY model and the difficulties in replicating queue lengths and queue times. The HA accept that traffic modelling

needs to replicate the actual traffic behaviour as much as possible, and this is normally achieved through validation. As the modelling of the queues along Watling Street did not validate in this case, normally the HA would require the modelling to be re-run to generate a more accurate assessment.

- 8.11.18. However, in this case, the HA has not required remodelling, as in their view it would not have changed their conclusions on the acceptability of the scheme. The HA indicate that the SRFI-related highway mitigation works would actually alleviate traffic issues along Watling Street. These measures would ultimately lead to Watling Street being downgraded from an A-road to a C-road. This, coupled with the proposed active travel mitigation works, in the view of the HA would provide a good basis for the change in street scene at this location, when the larger context is taken into consideration.
- 8.11.19. In respect of the overall highway impact, the HA advise that they do not formally accept the traffic modelling due to the validation issues identified. Were the modelling however to successfully represent the observed queue along Watling Street, then the HA are of the view that the development would not provide additional queuing directly relating to the proposed development. The HA advise that the development proposals do however provide the opportunity for new active travel trips through the proposed active travel mitigation measures. The location is to be further improved by the proposed Park Street Roundabout improvements, ultimately leading to Watling Street at this location being downgraded, creating a naturally more active travel and lower traffic environment for all existing and new residents.
- 8.11.20. Officers consider that, when taking into account the above, the proposal would be acceptable in terms of its highway impact. It is accepted that there are some issues with the modelling, and it is acknowledged that the surveys underpinning the modelling was undertaken during a coronavirus restrictions period. However, the HA has considered existing observed flows when reaching a judgement on acceptability, and these existing flows can be considered to be representative. Officers are mindful of Paragraph 111 of the NPPF which states:
“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
- 8.11.21. In this case, Officers do not consider that the proposed development would result in an unacceptable impact on highway safety.
- 8.11.22. Likewise, on the basis of the information before Officers, there is no basis to conclude that the residual impact of the proposed development on the road network would be severe. The HA response notes that the development would provide new opportunities for active travel, something which compared to yesteryear is now a real focus of both town and local transport planning. The HA response indicates the following off-site mitigation works would be secured by way of a S278 agreement under the Highways Act 1980:
- A toucan or tiger parallel crossing to the north of the proposed site access junction;
 - Upgrade footway on the eastern side of Watling Street from the proposed toucan or tiger parallel crossing to connect with the existing segregated footway / cycleway at Park Street Roundabout leading to St Albans;
 - Upgrade footway along the frontage of the site to a segregated footway / cycleway on the western side of Watling Street between the proposed toucan or tiger parallel crossing to as far south as possible, to link with Park Street Station; and

□ Upgrade the bus stops located on both sides of Watling Street to the north of the site to provide shelter, seating, real time passenger information and kassel kerbs.

- 8.11.23. It is also noted that a pedestrian and cycle access into the site will be provided at its northern and central parts to Watling Street. The application is also supported by a Travel Plan which sets out pedestrian and cycle improvement measures, travel information packs, provision of travel information to encourage use of transport modes other than private vehicles, measures to facilitate sustainable car travel, an action plan, and monitoring/review measures.
- 8.11.24. The mitigation measures above would be required irrespective of whether the SFRI scheme nearby comes forward or not, whilst the requirement for a travel plan to be in place from first occupation until 5 years post full occupation would be secured in the S106 agreement. Contributions towards the deliverance of active travel measures would also be required in the S106 agreement.
- 8.11.25. Accordingly, it is considered by Officers that a robust series of measures are in place which would suitably promote and encourage future residents of the application site to travel by means other than by private car. The application site enjoys a sustainable location close to good public transport links, which gives further weight to the fact that future residents at this site would not need to travel by car.
- 8.11.26. It is acknowledged that there can be queues of traffic along Watling Street to the Park Street Roundabout. However, the existing levels of queueing and delay are not considered to be “severe” either in the baseline position, or with the development. That is the case regardless of whether or not the SFRI scheme comes forward. It is noted, however, that this scheme is expected to result in significant changes to the operation of this Roundabout and the surrounding road network.
- 8.11.27. The HA in their response recommended a Construction Management Plan (CMP) to be secured by way of condition. The CMP would be required for all phases of construction. Conditions were also recommended by the HA in respect of the need to provide full details of on-site highway arrangements, drainage measures, off-site works, active travel accesses, and cycle parking provision. These conditions are considered to meet the necessary tests as per Paragraph 56 of the NPPF, and should be included with the grant of planning permission.
- 8.11.28. Given the above, the proposed development is considered to be acceptable in terms of its highways impacts, subject to conditions, informatives and planning obligations akin to those set out within the HA response being included with a grant of permission or secured in a legal agreement. The proposal is in accordance with Policies 34 and 35 of the Local Plan, the relevant policies of the SSPNP and the National Planning Policy Framework.

8.12. Economic Impacts

- 8.12.1. Section 16 of the NPPF outlines the importance of building a strong and competitive economy. Paragraph 81 states:
- 8.12.2. *“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.”*

8.12.3. The planning statement submitted with this application explains that a number of economic benefits would arise from the proposed development, which are:

- The injection of £18 million of private sector investment into Park Street (figure provided by Scott Properties);
- Supporting the employment of 294 people, including 3 apprentices, graduates or trainees (figures taken from the HBF Housing Calculator);
- Helping to deliver a significant boost to the local economy and wider area by generating a first occupation expenditure on goods and services;
- Increased local spending from new residents once the proposed development is fully constructed and occupied, some of which will be retained by businesses within the local area, supporting further local employment;
- The delivery of Council Tax receipts to once the development is occupied; and,
- Support for the vitality and viability of Park Street generally.

8.12.4. Whilst Officers cannot fully corroborate some of the figures quoted above, it is accepted that some economic benefits would arise from the proposed development. The economic benefits associated with the construction phase of the proposed development would be temporary. Additional household spending would be benefits in perpetuity. Based on the information provided in this case, it is considered that moderate weight should be applied to the economic benefits of the proposed development within the planning balance.

8.13. Impacts on Infrastructure

8.13.1. The proposed development, by virtue of its scale and nature, will generate demand for, and therefore have impacts on, social infrastructure, including education, youth provision, libraries, health facilities, open space and play space, sports facilities, and community facilities. This is evident in this case from consultation responses outlined earlier in this report. Policy 143B of the Local Plan 1994 requires planning applications to include within them provision for the infrastructure consequences of development. A number of SSPNP Policies set out Neighbourhood Plan level policy requirements in relation to provision / mitigation of: Bus services and community transport (S13); Provision for walking, cycling and horse-riding (S14), Improving the bridleway network (S15), Community facilities (S16), and Leisure Facilities for Children and Teenagers (S17); that are relevant in this regard.

8.13.2. The NPPF sets out that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations, which are routinely sought to mitigate the impact of development on physical and social infrastructure, as well as to secure affordable and other forms of specialist housing.

8.13.3. Para 57 of the NPPF states that planning obligations should only be sought where they meet all of the following tests, also set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (CIL Regs); that they are:

- i. Necessary to make the development acceptable in planning terms
- ii. Directly related to the development; and
- iii. Fairly and reasonably related in scale and kind to the development.

8.13.4. The Council has not adopted a Community Infrastructure Levy and therefore where a planning obligation is proposed for a development this can be dealt with by way of a s106 that is compliant with the requirements of the aforementioned CIL Regulations.

8.13.5. The Heads of Terms for the s106 have been agreed with the applicant and a draft s106 is currently being prepared. These Heads of Terms reflect contribution/obligation requests made by consultees to mitigate the impacts of the development on social infrastructure and are as follows:

- **Affordable Housing**

- 40% of the Dwellings shall be constructed for Affordable Housing.
- A ratio of 2:1 Affordable Rented Housing to Shared Ownership Housing (or such other tenure mix as may be agreed with the Council).

- **Self-Build and Custom Housebuilding**

- 5% of the Dwellings shall be made available as Self-Build and Custom Housebuilding Plots.

- **Primary Education**

- Towards the expansion of Killigrew Primary School and/or provision serving the development.

- **Secondary Education**

- Towards the expansion of Marlborough School and/or provision serving the development.

- **Special Educational Needs and Disabilities**

- Towards the delivery of new Severe Learning Difficulty (SLD) special school places (WEST), through the relocation and expansion of Breakspeare School and/or provision serving the development.

- **Youth Service**

- Towards the re-provision of the St Albans Young People's Centre in a new facility and/or provision serving the development.

- **Library Service**

- Towards increasing the capacity of St Albans Central Library and/or provision serving the development.

- **Sustainable Transport Contribution**

- The sum of £6,826 per dwelling towards the off-site works / mitigation (s278) identified in the planning conditions, funding of the Travel Plan (measures and monitoring), and associated schemes for active travel betterment identified in the County Council's Local Transport Plan.
- The monies will in the first instance be used to fund Travel Plan (measures and monitoring) and off-site works identified in the planning conditions, providing active travel betterment in the vicinity of the site for new and existing residents.
- Any unspent contribution will be payable to the Highway Authority who will distribute the monies to the associated schemes identified in the County Council's Local Transport Plan and its supporting documents, South Central Hertfordshire Growth & Transport Plan.

- **County Council Monitoring Fee**
 - The sum of £340 (adjusted for inflation against RPI from July 2021) per relevant trigger.
- **Open Space Provision**
 - To deliver the on-site Open Space in accordance with the approved Open Space Scheme, Open Space Programme, and Open Space Management Scheme.
- **National Health Service Contributions**
 - The sum of £122,740 for primary care, with the focus of the money to be on Midway Surgery's extension and improvement. This developer contribution figure is however a calculation only. The final payment will be based on the actual dwelling unit mix and the inclusion of indexation.
 - The sum of £25,009 for additional ambulance services to support the population arising from the development. As with the bullet point above, the final figure may need to be updated to reflect the actual dwelling unit mix and the inclusion of indexation.
- **Biodiversity Net Gain**
 - Not to commence the Development until the Biodiversity Onsite Compensation Scheme (to deliver an on-site Biodiversity Net Gain of not less than 10%) and Biodiversity Monitoring Schedule has been submitted to and approved by the Council (such approval not to be unreasonably withheld or delayed).

8.13.6. There is justification for the contribution requests provided by the relevant consultees in their responses; in summary the above contributions and other measures can be justified against the relevant tests found in the Regulations and NPPF as follows:

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

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations." Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development. The National Planning Practice Guidance (NPPG) states: "No payment of money or other consideration can be positively required when granting planning permission." The development plan background supports the provision of planning contributions. The provision of community facilities, mitigation of ecological impacts and promotion of sustainable modes of transport are matters that are relevant to planning. The contributions and measures sought will ensure that additional needs brought on by the development are met, and other matters suitably mitigated. To secure the affordable housing in perpetuity and to secure the provision of the biodiversity, self-build and open space related measures would be necessary to make the development acceptable, were the planning balance such that it was found that the resultant benefits would clearly outweigh the harms (in relation to the NPPF para 148 planning balance).

(ii) Directly related to the development.

The occupiers of new residential developments will have an additional impact upon local services. The financial contributions sought are based on the size, type and tenure of the individual dwellings comprising this development following consultation with the service providers and will only be used towards services and facilities serving the locality of the proposed development and therefore, for the benefit of the development's occupants. The securing of the proposed affordable and self-build housing is related to the development, noting that this is what the development proposes. The on-site provision of open space, and the ecological and highways and sustainable transport related mitigation is directly required as a result of the proposed development, forms part of the development proposed, and is directly related to the development. The affordable housing provision reflects the development proposed here. The off-site contributions sought in this case are directly related to the development in this case to ensure that sufficient capacity within community infrastructure can be provided to serve the future development.

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

The requested financial contributions were calculated according to the size, type and tenure of each individual dwelling comprising the proposed development (based on the person yield), using appropriate toolkits / formulae as appropriate, and are therefore considered to be fairly and reasonably related in scale and kind to the development. The measures to mitigate impacts in terms of sustainable transport improvements, other highway-related measures, provision of additional social infrastructure and ecological enhancements; are not excessive in scale and are primarily required to mitigate impacts of the development; and are considered to be fairly and reasonably related in scale and kind to the development. The affordable housing and self-build obligations are in line with what has been applied for in this case.

- 8.13.7. Noting the above discussion, it is considered that the contributions and other measures listed above meet the relevant tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), referenced in para 57 of the NPPF, and the applicable Local Plan and SSPNP policies.
- 8.13.8. Officers are aware of the judgement in *R (University Hospitals of Leicester NHS Trusts) v Harborough District Council [2023] EWHC 263 (Admin)*. In the light of the issues raised in the legal judgement Officers have been in discussions with the NHS regarding this case and the contributions they are seeking. The NHS Hertfordshire and West Essex Integrated Care Board explained that the majority of NHS funding set by Government through the Spending Review process is allocated for the NHS' day to day running costs, education and training of current and future health staff and local government health services. Therefore, the NHS will seek s106 funding from new developments to allow for capital investment to assist in mitigating the impact such developments will have on NHS services. Additional correspondence was also received from the NHS explaining in more detail why the contributions being sought for primary healthcare and the ambulance service are required. On this basis, Officers are content that the requested NHS contributions meet the aforementioned relevant legislative and policy tests.
- 8.13.9. During the course of the application, a request for contributions from St Stephen Parish Council through the District Council's Community Services team was received. This request sought contributions for play areas (for Park Street Recreation Ground), parks and open spaces (for Park Street Recreation Ground) and leisure and cultural centres (for Park Street Pavillion). However, the response failed to detail why the contributions sought were necessary to make the development acceptable in planning terms, directly related to the development, or fairly and reasonably related in scale and kind to the development. Officers have

chased this up several times, but without an adequate justification, the contributions would not meet the requirements within the relevant Regulations, and cannot therefore be sought in this case.

8.13.10. The applicants have advised that they would be open in-principle to enter into a s106 agreement containing planning obligations to secure the contributions / measures as set out above, and discussions / negotiations are regarding the draft agreement are ongoing in this regard with the relevant parties.

8.13.11. It is recommended that a period of six months from the date of the committee resolution is allowed for to complete this s106 agreement. It is noted that there have been some resourcing issues that have led to delays in the finalisation of s106 agreements – should such a situation occur in this case, it is recommended that it be resolved for the Development Manager to agree in consultation with the Chair of the Planning Development Management Committee an extended period of time to allow for the completion of the legal agreement and for the decision to be issued.

8.14. Recent Planning Decisions of Relevance

8.14.1. There are a number of recent planning decisions within the District and beyond for housing on Green Belt land. The applicant has drawn the Councils attention to recent decisions where housing has been approved in the Green Belt, and these are referenced in the 'Relevant Planning History' section above. Previous decisions can be material considerations, and it is noted that the context for assessing housing applications in the Green Belt changed with the approval at appeal of the 'Bullens Green Lane' application (5/2020/1992) in 2021, such that applications at Land to the Rear of 112 to 156b Harpenden Road, and at Orchard Drive (Refs 5/2021/0423 and 5/2021/2730 respectively) were subsequently recommended by officers for approval. Weight has been applied to previous decisions as appropriate but ultimately, each application must be considered on its merits having regard to prevailing policy and all material considerations, which has been the approach taken here. Whilst the applications to the north and south of Chiswell Green Lane were refused by the Council, these applications are the subject of appeals which have been 'called in' by the Secretary of State and remain undetermined at the time of writing.

8.15. Other Matters

Consultation Responses

8.15.1. Many of the consultation responses received on this application have been considered in the above discussion. However, the remaining responses are considered in this section of the report.

8.15.2. The comments of Affinity Water are noted, in particular that the application site is located in a Groundwater Source Protection Zone corresponding to a public water supply pumping station, and that the site is located above historic landfill. To this end, it is recommended that the conditions suggested by Affinity Water are included with a grant of planning permission in this case. Other comments made by Affinity Water can also be dealt with by way of informative.

8.15.3. Related to this, the Council's Land Contamination Officer has commented on the application that there is the potential for on-site and off-site contamination which could adversely impact future site users and the wider environment. Conditions are therefore recommended in this case in the interests of protecting human health and the quality of groundwater.

8.15.4. The comments of the Environment Agency can be dealt with by way of informative.

- 8.15.5. RAB acting for the Council instead of the LLFA, following receipt of additional information, advises that the development would be acceptable provided a drainage condition is included with a grant of permission. As such, it is recommended their recommended condition is included in this case.
- 8.15.6. Noting the comments of the HCC Water Officer, it is recommended that a condition securing fire hydrants is included in this case.
- 8.15.7. The noise conditions relating to dwellings and the informatives recommended by Environmental Compliance are considered to be appropriate in this case, and should be included with a grant of planning permission.
- 8.15.8. The comments of the Herts and Middlesex Wildlife Trust are noted, albeit it is considered that ecological matters are fully considered in the report above.
- 8.15.9. Thames Water's comments are noted, albeit following the submission of additional information, it would appear that Thames Water are no longer requiring a foul water related condition. Other comments made by Thames Water can be included as informatives.
- 8.15.10. The comments received from waste management are noted, albeit layout matters would be considered in full detail at reserved matters stage.
- 8.15.11. The comments of Herts Police, British Pipeline Agency, HSE, Natural England, and Planning Enforcement are noted in this case. Given their comments however, it is not considered any conditions or informatives are required in this case.

Neighbourhood Plan

- 8.15.12. Many of the relevant policies within the SSPNP are considered in the above discussion, particularly in relation to landscape and ecological impacts.
- 8.15.13. In relation to Policy S2, the final dwelling mix of the development would be for consideration at reserved matters stage and can be required by way of condition. Detailed design considerations would also be assessed at reserved matters stage.
- 8.15.14. The submitted Planning Statement Addendum specifically addresses Policy S4 alongside other policies. The addendum explains that the nearest listed building to the application site is at 52 Park Street, located around 350m south of the application site. The application site is not within a Conservation Area. The Historic Environment Record shows two records located in the area (being a now demolished sewage works used as a caravan, and faint cropmarks near Tippendell Lane). Given this, it is considered that the proposed development would be in accordance with Policy S4. As noted above, archaeological conditions are recommended to be included with a grant of planning permission.
- 8.15.15. Arguably, given the nature of the proposed development, Policy S12 is not overly relevant in this case. Nevertheless, the highways section above considers active travel measures, and in this regard it is considered that the relevant aims of this policy are met.
- 8.15.16. In respect of Policy S13, the HA comments on this policy are noted:
"This policy requires new major developments to seek S106 contributions towards public transport improvements. The LHA has made such requests through initially S278 proposals, however any remaining monies shall look to provide funding to wider improvement schemes as captured in the Growth & Transport Plan, which includes public transport projects."
- 8.15.17. Contributions can only be sought where the relevant statutory tests are met as noted above. Given the HA's comments, as improvements are being sought

through the S106 and S278 processes for a range of sustainable transport and highway mitigation measures, Officers are content that the proposed development would be acceptable in highways terms. There would be improvements to highways and transport infrastructure associated with the development. To this end, it is considered that in a broad sense Policy S13 is complied with, as there is the potential for improvements to be made to bus services and community transport.

- 8.15.18. In response to Policy S24 of the SSPNP, the applicant advises that there is an intention for superfast broadband to be provided on-site and will be discussed with utility providers at detailed design stage. Otherwise, suitable ducting will be provided. Officers consider this is sufficient given the requirements of the policy, and can be appropriately secured by way of condition.

Matters raised in representations

- 8.15.19. Many of the points raised in representations received from the public on this application have been considered in the discussion above. Whilst the majority of comments object to the proposed development, it is noted that some comments in support of the application have also been received. A number of representations were received raised concerns which are not considered to be material planning considerations e.g. impact on house prices and developer profitability, and have therefore not been taken into account in the determination of the application.
- 8.15.20. In respect of the comments made in relation to the principle of development, it is accepted that the proposal represents an inappropriate form of development in the Metropolitan Green Belt, albeit the following planning balance section of this report considers whether any very special circumstances exist in this case which would outweigh the harm caused by the development. Conflict with the development plan is also considered in the planning balance section of this report.
- 8.15.21. Various comments have been made that other sites exist for development that would be preferential to this one. However, such assertions are made without convincing supporting evidence and in any event each application falls to be determined on its own merits.
- 8.15.22. In respect of highways and transport concerns, the main concerns received relate to the increase in traffic caused by the development on a road which is already experiencing queues and congestion (particularly on the approach to Park Street Roundabout). However, these matters are addressed in detail above, and particularly given the active travel measures proposed/sought in this case, it is considered that the proposed development would be acceptable. It is not considered that the proposed development would lead to unacceptable highway safety issues, and in particular it is noted that the Highway Authority did not raise specific concerns in respect of emergency vehicle access.
- 8.15.23. Officers furthermore consider that the application site is in close proximity to good public transport links, including bus services along Watling Street and railway services from Park Street Railway Station. It is acknowledged that whilst the services provided may not be the most frequent, they nevertheless represent good alternatives to the necessary use of private vehicles. Officers would also argue that a way to improve public transport frequency is to increase patronage of the services, which the new future residents of this site may assist in achieving if the application is allowed.
- 8.15.24. In respect of landscape and visual impacts, it is accepted that the visual appearance of the application site would change as a result of the proposed development. However, it is considered that the site could be developed in a way where the appearance of the scheme would nonetheless be acceptable, with the reserved matters process providing an opportunity to further consider any such

impacts. The density of the scheme is considered to be acceptable in this case, and as noted above the landscape impact of the scheme is also considered to be broadly acceptable.

- 8.15.25. The ecological and drainage concerns raised are noted, but have considered in the above report, and the impact of the development is considered to be acceptable subject to the imposition of suitably worded conditions. Biodiversity Net Gain measures can be required in the S106 agreement.
- 8.15.26. It is accepted that the proposed development would result in some impact upon the local social and community infrastructure, and as such a number of planning contributions/obligations are sought as set out above. Comments were made in respect of the cumulative impact of development, however, it is not clear which other developments these concerns are specifically made in relation to. In any event each application falls to be determined on its own merits. Whilst the nearby petrol station shop may not fulfil all the needs of future residents, it is nonetheless considered that it could be used to obtain day-to-day goods if needed.
- 8.15.27. Amenity concerns are noted, albeit as noted above many of these can be considered in more detail at reserved matters stage. A comment was made that the proposal would impact upon security, and officers would note that the fear of crime can sometimes constitute a material planning consideration. However, to be given weight, there usually needs to be a sound basis underpinning such concerns. It is not clear that such a basis would exist in this case, particularly noting the responses received from the Crime Prevention Design Advisor at Hertfordshire Constabulary.
- 8.15.28. Concerns were raised that the proposed development would impact upon the adjacent Gypsy and Traveller community, and if granted would adversely impact their Human Rights. However, it is not clear how their Human Rights would be adversely impacted in this case, as the Gypsy and Traveller site falls outside the application site red line boundary, and would not result in the adjacent site having to close or be relocated. Amenity impacts on the adjacent Gypsy and Traveller site can be further considered at reserved matters stage as appropriate in the event of an approval.
- 8.15.29. Comments were raised that if the application is granted, future residents will be able to use their permitted development rights to further impact the amenities enjoyed by existing residents.
- 8.15.30. It is not considered that the determination of this application would set a precedent in itself, as every application falls to be determined on its own merits. The planning history of the site is noted, albeit the 2014 application (5/2014/0316) was not for the same application site and proposed a difference scheme in any event.
- 8.15.31. Comments were received concerned about the loss of agricultural land and resultant food security concerns. Loss of agricultural land is considered above and some harm has been identified by Officers. However, it is not considered that the impact the proposed development would have on food security would be harmful. The findings of the Inspector in appeal APP/G2713/W/23/3315877 are noted, where it was found that there is no food security problem in the country and the level of food production is good.
- 8.15.32. It is acknowledged the Council has agreed there is a climate change emergency. However, until the adoption of a new local plan, the Council is reliant on determining planning applications in line with the current development plan and national planning policy. The conformity of the proposal with these matters is considered in the planning balance section of this report.

8.15.33. Comments have been received arguing that the Council's consultation process is flawed and leaves the Council open to legal challenge. However, in this case, the Council has consulted on the application in line with its Statement of Community Involvement. Officers have also reviewed every comment received on the application, and taken into account all of those which raise material planning considerations in the determination of the application. Officers consider this report deals with the main issues raised in the representations received. Members are reminded that all of the representations received on the application can be provided by Officers, and the majority of the comments received can be viewed on the Council's website, should they wish to review the representations received in more detail.

Other Matters

8.15.34. The Council undertook a Screening Opinion for the application in line with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) on 24/06/2022. It was concluded that an Environmental Statement was not required for the development proposed.

8.16. Planning Balance

8.16.1. An assessment of the planning balance, in the context of paragraphs 11 and 148 of the NPPF is not a mathematical exercise. Rather, it is a series of planning judgments based on the merits or otherwise of each individual case. As set out in the 'Principle' section above, paragraphs 147 and 148 provide the fundamental policy test within which this application falls to be assessed; as follows:

"147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

8.16.2. This means that the proposed development should not be approved unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

8.16.3. This balancing exercise is set out below, and is informed by the previous sections of this report above:

- Substantial weight is given to the harm caused by inappropriateness, as required in NPPF para 148.

8.16.4. There is additional harm identified to which, cumulatively, very substantial weight is given, due to:

- The harm the proposal would cause to the openness of the Green Belt is afforded very substantial weight.
- Harm to the purposes of including land within the Green Belt, noting the discussion at 8.3.17 above, is afforded moderate weight.
- The introduction of built form across the existing fields would cause some harm in respect of both landscape and visual effects, to which limited to moderate weight is given.
- The loss of agricultural land, which includes round 0.67ha of Grade 3a land. Some limited weight is given to this harm.

8.16.5. The 'other considerations' weighing in favour of the development consist of:

- The provision of up to 95 homes, is afforded very substantial weight, particularly in light of the housing land supply shortfall present in the District.
- The provision of 40% affordable housing is afforded very substantial weight.
- The provision of self-build plots is afforded substantial weight.
- Provision of public open space and children's play space. Some limited positive weight is given to this provision.
- The provision of at least 10% biodiversity net gain. Limited weight is given to this provision.
- The economic benefits of the proposed development, as set out at section 8.12 of this report. Moderate weight is given to these benefits.

8.16.6. Taking the above points into account, it is considered that the potential harm to the Green Belt by reason of inappropriateness, and the other harm resulting from the proposal set out above is clearly outweighed by other considerations.

8.16.7. Other potential impacts in relation to other planning considerations could be suitably mitigated through the use of planning conditions or obligations in the event of a grant of planning permission, such as to weigh neutrally in the planning balance, with no weight given to them either positively or negatively.

8.17. Conclusions

8.17.1. Each application for planning permission is unique and must be treated on its own merits. In this particular case, taking the above discussion into account, it is considered that as a matter of planning judgement, the "other considerations" set out above clearly outweigh the harm to the Green Belt and any other harm. In accordance with paragraph 148 of the NPPF, it follows that very special circumstances exist. As such, and in light of the above discussion, the proposal would accord with the St Albans and District Local Plan Review 1994, the St Stephen Neighbourhood Plan and the National Planning Policy Framework 2021 and planning permission should be granted.

9. **Comment on Town/Parish Council/District Councillor Concern/s**

9.1.1. In respect of the call-in by former Councillor Richard Curthoys and response of St Stephens Parish Council, as set out above very special circumstances are considered to exist in this case which outweigh harm to the Green Belt and any other harm, such that in the view of Officers planning permission should be granted. It is not considered that the proposal would result in coalescence with St Albans and the proposal is considered to be acceptable in terms of highway safety.

10. **Reasons for Grant**

12.1. The site is situated in the Metropolitan Green Belt (Local Plan Review Policy 1). The proposed development comprises inappropriate development, for which permission can only be granted in very special circumstances, these being if the harm to the Green Belt and any other harm is clearly outweighed by other considerations (Paragraph 148 of the National Planning Policy Framework 2021). In this case, the harm relates to harm to the Green Belt openness and conflict with the purposes of including land within the Green Belt. The harm also relates to landscape character and the loss of agricultural land. The benefits include the provision of housing, affordable housing and self-build housing, the provision of open space and play space, the commitment to 10% BNG and economic benefits. These other considerations are considered to clearly outweigh the harm to the Green Belt in this particular case. There are no technical objections to the

application. The access is considered safe and appropriate. The impacts of the development can be appropriately mitigated by way of planning conditions and obligations in a s106 agreement.

EQUALITY AND HUMAN RIGHTS CONSIDERATIONS

Consideration has been given to Articles 1, 6, 8, 9, 10 and 14 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.

When considering proposals placed before the Council as Local Planning Authority, it is important that it is fully aware of and has themselves rigorously considered the equalities implications of the decision that they are taking. Therefore, rigorous consideration has been undertaken by the Council as the Local Planning Authority to ensure that proper appreciation of any potential impact of the proposed development on the Council's obligations under the Public Sector Equalities Duty.

The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

It is considered that the decision has had regard to this duty. The development would not conflict with either St Albans City and District Council's Equality Policy and would support the Council in meeting its statutory equality responsibilities.

RECOMMENDATION: Conditional Permission **Decision Code:** A1

13. Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called, the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

REASON Matters not particularised in the application are reserved for subsequent approval by the local planning authority. To comply with Section 92(1) of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON To comply with the requirements of Section 92 (2) of the Town and Country Planning Act 1990

4. The development hereby permitted shall be carried out in accordance with the following approved plans: 82-01 C, PP-01 F, 5153233-ATK-GEN-PRKST-DR-C-000001_P1.5 (located within the Transport Assessment dated 14 January 2022).

REASON For the avoidance of doubt and in the interests of proper planning.

5. Details shall be submitted as part of an application seeking approval of scale at reserved matters stage showing existing land levels and proposed slab levels for each proposed dwelling/building.

REASON So as to ensure that the visual impact of the development is acceptable, in accordance with Policies 1 and 69 of the St Albans District Local Plan Review 1994, Policy S5 of the St Stephen Parish Neighbourhood Plan 2022, and the National Planning Policy Framework.

6. Full details of the proposed housing mix, including a breakdown of unit sizes and tenure, should be submitted as part of application(s) for reserved matters approval as required by Condition 1.

REASON To ensure a suitable dwelling mix at the site in accordance with Policy 70 the St Albans District Local Plan Review 1994 and Policy S2 of the St Stephen Parish Neighbourhood Plan.

7. No development-related works shall take place within the site until a written scheme of archaeological work (WSI) has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a programme of initial trial trenching followed if required by open area excavation, followed by off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority. This must be carried out by a professional archaeological consultant or organisation in accordance with the agreed written scheme of investigation.

REASON To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with the National Planning Policy Framework paragraph 205. To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

8. Following the completion of the fieldwork and if needed the post-excavation assessment in Condition 7, appropriate resources will be agreed with the Local Planning Authority for the post-excavation project generated by the archaeological WSI in Condition 7. This will include all necessary works up to and including an appropriate publication and archiving and will include an agreed timetable and location for that publication.

REASON To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with the National Planning Policy Framework paragraph 205. To ensure the appropriate publication of archaeological and historic remains affected by the development.

9. As part of applications seeking approval of landscaping and layout at reserved matters stage, detailed planting plans shall be submitted in relation to additional tree planting along the western site boundary.

REASON So that the landscape and visual impact of the development is acceptable. To ensure that adequate tree planting can be provided on the application site, which can effectively mitigate the visual harm arising from the development, and create a stronger defensible edge to the application site. So as to ensure that the visual impact of the development is acceptable, in accordance with Policies 1 and 74 of the St Albans District Local Plan Review 1994, Policy S5 of the St Stephen Parish Neighbourhood Plan 2022, and the National Planning Policy Framework.

10. This permission does not extend to destroy, fell, lop or top the existing trees which are inside or outside the application site and which have been shown to be retained. These trees shall be protected during the implementation of the development in accordance with the recommendations set out in BS 5837 and any supplementary protection requested by the Local Planning Authority. Before excavation can commence, drawings shall be submitted to the Local Planning Authority giving details of the method of excavation, type of foundation proposed for the buildings and indicating how the roots of these trees shall be protected. No construction works shall commence until such drawings have been approved in writing by the Local Planning Authority.

REASON To protect existing trees during the course of construction works in order to ensure that the character and amenity of the area are not impaired. To comply with Policy 74 of the St. Albans District Local Plan Review 1994.

11. No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to and approved in writing by the Local Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

REASON This is a pre-commencement condition to promote sustainable development and to ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development management Policies document.

12. A Construction and Environment Management Plan (CEMP) shall be submitted as part of application(s) for reserved matters approval, as required by Condition 1. The CEMP will need to formalise the proposals set out within the Preliminary Ecological Appraisal in respect of the practicalities of undertaking any works in the context of safeguarding biodiversity. A site walkover survey should also be provided as part of the CEMP.

REASON To maximise the on-site mitigation for biodiversity impact, in line with the requirements of the NPPF.

13. A Landscape and Ecological Management Plan (LEMP) shall be submitted as part of application(s) for reserved matters approval, as required by Condition 1 and include:

- a) A description of the objectives;
- b) Details of habitats retained and created;
- c) Maintenance of habitat/feature creation measures in the long term (30 years) and those responsible for implementation, delivery and management;

- d) Lighting strategy (detailing how the ecological impact of light pollution will be minimised);
- e) Details of monitoring and potential mechanism for remedial measures to ensure habitat expectations are met.
- f) Details (type and location) of integrated bat boxes and bird (swift) boxes to be included in the proposal;
- g) Details of hedgehog highways between gardens;
- h) Details of reptile hibernacula or other ecological features proposed within the site;
- i) Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured;

The LEMP should cover all landscape areas within the site, other than small privately owned domestic gardens, unless specifically required in any of the criteria listed above.

REASON To maximise the on-site mitigation for biodiversity impact, in line with the requirements of the NPPF.

14. No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following on-site arrangements: i) roads, foot/cycleways; ii) foul and surface water drainage; iii) visibility splays; iv) access arrangements; v) parking provision in accordance with adopted standard; vi) loading areas; vii) turning areas.

REASON To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 34 of the St Albans District Local Plan Review 1994.

15. Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number (Drawing No.5153233-ATK-GEN-PRKST-DR-C-000001_P1.5 - located within the Transport Assessment dated 14 January 2022). Prior to the first use of the development hereby permitted arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

REASON To ensure satisfactory access into the site and avoid the carriage of extraneous material or surface water onto the highway in accordance with Policy 34 of the St Albans District Local Plan Review 1994.

16. (Part A) Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works has been submitted to and approved in writing by the Local Planning Authority. This should include the provision of a Road Safety Audit. For the avoidance of doubt the obligations to provide all offsite works are to be contained within highways land only and include, but are not limited to: -

- o A toucan or tiger parallel crossing to the north of the proposed site access junction;

o Upgrading of footway on the eastern side of Watling Street from the proposed toucan or tiger parallel crossing to connect with the existing segregated footway / cycleway at Park Street Roundabout leading to St Albans;

o Upgrading of the footway along the frontage of the site to a segregated footway / cycleway on the western side of Watling Street between the proposed toucan or tiger parallel crossing and using reasonable endeavours to upgrade the surface of the footway that links with Park Street Station; and

o Upgrading of the bus stops located on both sides of Watling Street to the north of the site to provide shelter, seating, real time passenger information and kassel kerbs.

(Part B) No dwellings within the scheme hereby permitted shall be occupied until the offsite highway improvement works referred to in Part A of this condition have been completed in accordance with the approved details; unless an alternative timeframe has been otherwise agreed in writing with the Local Planning Authority.

REASON To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policies 34 and 35 of the St Albans District Local Plan Review 1994.

17. No works shall commence until detailed design drawings and a scheme outlining timescales for delivery are submitted and approved in writing by the Local Planning Authority that show the provision of the two active travel accesses, being:

a) North of the Site to Watling Street: -

This access point will provide a direct link from the site to the proposed toucan or tiger parallel crossing on Watling Street;

b) Centre of the site to Watling Street:

This access point will provide a direct link from the site to the cycleway beside Watling Street towards Park Street Station

The accesses stated above must be completed and available for use in accordance with the approved design details and the scheme outlining timescales for delivery.

REASON To ensure construction of a satisfactory development and to promote sustainable development in accordance Policies 34 and 35 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework.

18. Prior to the first occupation of the development hereby permitted a scheme for the parking of cycles including details of the design, level and siting of the proposed parking shall be submitted to and approved in writing by the Local Planning Authority. The scheme must be designed in line with the cycle parking standards contained in the DfT's Cycle Infrastructure Design LTN1/20. The scheme shall also outline a timescale for delivery of the aforementioned requirements. Development shall thereafter proceed in accordance with the approved scheme, and the cycle parking provision shall be retained in perpetuity for this purpose.

REASON To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies

34 and 39 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework.

19. No development shall commence until vehicle swept path movements plans are provided for the following:

- a. a large car accessing all car parking spaces allotted to both housing and visitor parking bays;
- b. a fire tender vehicle accessing the site in a forward gear to all properties within the boundary of the internal road layout (once detailed under Condition 14); and
- c. a refuse vehicle accessing all properties and being able to safely and within a legal distance of residents bin collection points for a vehicle of dimensions L:10.875m x W:2.5m.

REASON To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 34 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework.

20. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan / Statement shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

REASON In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy 34 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework.

21. No works involving excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority in conjunction with Affinity Water:

- i) An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.
- ii) A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination.

iii) A Method Statement detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. appropriate piling design, off site monitoring boreholes etc.) to prevent and/or minimise any potential migration of pollutants to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.

The applicant or developer shall notify Affinity Water of excavation works 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply.

REASON Excavation works such as piling have the potential to cause water quality failures due to elevated concentrations of contaminants including turbidity. Increased concentrations of contaminants impacts the ability to treat water for public water supply. This can cause critical abstractions to switch off resulting in the immediate need for water to be sourced from another location, which incurs significant costs and risks of loss of supply during periods of high demand. To meet the aims of the National Planning Policy Framework.

22. If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until a Remediation Strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority in conjunction with Affinity Water. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

REASON To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply or health from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water. To meet the aims of the National Planning Policy Framework.

23. Prior to the commencement of development, details of a Surface Water Drainage Scheme that does not include infiltration shall be submitted to and approved in writing by the Local Planning Authority in conjunction with Affinity Water.

REASON To provide confirmation that direct infiltration via soakaways will not be used due to the presence of contaminated land (historic landfill) and the risk for contaminants to remobilise, potentially impacting public water supply. To meet the aims of the National Planning Policy Framework.

24. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and ground gas contamination and provide information for a detailed assessment of the risk to all receptors that may be affected. The site investigation shall comply with BS10175:2011+A2:2017 Investigation of potentially contaminated sites - Code of practice. Copies of the interpretative report shall be submitted to the LPA without delay upon completion.

REASON To ensure that adequate protection of human health is maintained for the lifetime of the development. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

25. The results of the site investigation and the detailed risk assessment referred to in Condition 24, shall be used to prepare an options appraisal and remediation

strategy giving full details of the remediation measures required and how they are to be undertaken. The options appraisal and remediation strategy shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person.

REASON To ensure that adequate protection of human health is maintained for the lifetime of the development. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

26. A verification report demonstrating completion of the works set out in the remediation strategy in Condition 25 and the effectiveness of the remediation shall be submitted in writing and approved by the LPA. The report shall include results of validation sampling and monitoring carried out in accordance with an approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON To ensure that adequate protection of human health is maintained for the lifetime of the development. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

27. No development shall be commenced until details of the surface water drainage scheme, based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority, which must include the following:

- a. A fully detailed surface water drainage scheme has been submitted. The scheme shall include the utilisation of contemporary and appropriate sustainable drainage (SuDS) techniques, with reference to the 'Watling Street, Park Street Drainage Strategy' by Hydrock and dated 13th October 2022.
- b. Accompanying hydraulic modelling calculations for the entire surface water drainage scheme should be submitted and approved. These detailed calculations should demonstrate that both the site and surrounding area will not flood from surface water as a result of the development for a full range of return periods and durations for summer and winter storm events, up to the 1 in 100 year return period event including the correct allowance for climate change.
- c. The maximum permissible flow controlled discharge rate shall no more than 2l/s for all events up to and including the 1 in 100 year return period event plus the correct allowance for climate change, as currently agreed in principle with Thames Water. This 'in principle' discharge agreement must be formally confirmed in writing with Thames Water and submitted in support of this condition, which shall also include full details of the point of connection, including cover and invert level(s).
- d. Submission of final detailed drainage layout plan(s) including the location and provided volumes of all storage and sustainable drainage (SuDS) features, pipe runs, invert levels and discharge points. If there are areas to be designated for informal flooding these should also be shown on a detailed site plan. The volume, size, inlet and outlet features, long-sections and cross sections of the proposed storage and SuDS features should also be provided.
- e. The surface water drainage plan(s) should include hydraulic modelling pipe label numbers that correspond with the hydraulic modelling calculations submitted, to allow for accurate cross-checking and review.

f. If any infiltration drainage is proposed on the final drainage layout, this should be supported with appropriate infiltration testing carried out to the BRE Digest 365 Soakaway Design standard. This would also require confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above maximum groundwater levels.

g. A detailed assessment of the proposed SuDS treatment train and water quality management stages, for all surface water runoff from the entire development site. The inclusion of suitable proprietary surface water treatment devices on the proposed drainage infrastructure as part of the treatment train is acceptable.

h. The provision of a detailed plan showing the management of exceedance flow paths for surface water for events greater than the 1 in 100 year return period plus climate change event.

i. A construction management plan to address all surface water runoff and any flooding issues during the construction stage is submitted and approved.

j. If access or works to third party land is required, confirmation that an agreement has been made with the necessary landowners/consenting authorities to cross third party land and/or make a connection to a proposed sewer chamber location.

k. A detailed management and maintenance plan for the lifetime of the development has been submitted and approved, which shall include the arrangements for adoption by an appropriate public body or water company, management company or maintenance by a Residents' Management Company and/or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

REASON To ensure that the development is served by a satisfactory system of sustainable surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development. In compliance with Policy 84 of the St Albans District Local Plan Review 1994, the National Planning Policy Framework 2021 and the Technical Guidance to the National Planning Policy Framework.

28. Unless it can be demonstrated to the satisfaction of the Local Planning Authority that there is no requirement for fire hydrants to serve the development hereby permitted, no above ground works shall take place until a scheme for the provision of fire hydrants has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings hereby permitted shall be occupied until the approved scheme has been fully provided at the site.

REASON To ensure appropriate on site infrastructure is provided in accordance with Policy 143B of the St Albans District Local Plan Review 1994 and the NPPF.

29. Before the use commences a noise assessment should be carried out in accordance with BS8233: 2014 Guidance on sound insulation and noise reduction for buildings to establish the potential impact of noise from road traffic, aircraft, railways, industry, construction etc. on the proposed development. The noise assessment shall be submitted to and approved in writing prior to the first occupation of the dwellings hereby permitted.

Sound insulation measures shall be incorporated into the design of the proposed development so that the indoor ambient noise criteria described in BS8233:2014 are achieved within all habitable rooms.

In general, for steady external noise sources, it is desirable that the internal ambient noise level does not exceed the guideline values in the table below:

Internal ambient noise levels for dwellings

Activity	Location	0700 to 2300	2300 to 0700
Resting	Living room	35 dB Laeq, 16 hour	
Dining	Dining room/area	40 dB Laeq, 16 hour	
Sleeping (daytime resting)	Bedroom	35 dB Laeq, 16 hour	30 dB Laeq, 8 hour

The levels shown in the above table are based on the existing guidelines issued by the World Health Organisation.

The LA_{max,f} for night time noise in bedrooms should be below 45dBA; this is not included in the 2014 standard but note 4 allows an LA_{max,f} to be set. 45dBA and over is recognised by the World Health Organisation to be noise that is likely to cause disturbance to sleep.

REASON In the interests of residential amenity, in accordance with Policy 70 of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework.

30. The units hereby approved shall not be occupied unless details of the levels of noise and vibration in each of the flats' living rooms and bedrooms and within the external amenity space (post completion of the building works) have been submitted to and approved in writing by the Local Planning Authority in the form of an acoustic report demonstrating that ""reasonable"" resting levels of noise attenuation have been achieved in accordance with standards set out within BS8233: 2014 Guidance on sound insulation and noise reduction for buildings.

If ""reasonable"" noise levels have not been achieved, the report will detail what additional measures will be undertaken to ensure that they are achieved. These additional measures shall be implemented prior to the occupation of the building in accordance with details so approved.

REASON In the interests of residential amenity, in accordance with Policy 70 of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework.

31. No development shall take place, other than works relating to access, until a submission has been made to the Local Planning Authority and is approved in writing, which demonstrates that either:

- a) the development hereby permitted can be served by a superfast broadband (fibre-optic) connection alongside confirmation that such a connection will be provided; or,
- b) such a connection would not be either possible, practical or economically viable.

In the event of b) being demonstrated, sufficient and suitable ducting should be provided within the site and to the properties hereby permitted to facilitate ease of installation at a future date on an open access basis. Confirmation that such ducting will be provided within the scheme should be given when discharging this condition.

REASON So as to meet the requirements of Policy S24 of the St Stephen Parish Neighbourhood Plan 2022.

14. Informatives:

1. The Local Planning Authority has been positive and proactive in its consideration of this planning application. The applicant and the Local Planning Authority engaged in pre-application discussions resulting in a form of development that improves the economic, social and environmental conditions of the District.

2. This determination was based on the following drawings and information: 82-01 C received 18/02/2022; BBS-BB-EGL-SU-01 received 02/02/2022; BBS-BB-EGL-SU-02 received 02/02/2022; BBS-BB-EGL-SU-03 received 02/02/2022; BBS-BB-EGL-SU-04 received 02/02/2022; BBS-BB-EGL-SU-05 received 02/02/2022; BBS-BB-EGL-SU-00 received 02/02/2022; PP-01 F received 09/06/2023; 4064/12/22-0160 v6 received 20/10/2022; IL-01 F received 20/10/2022; 20880-HYD-XX-XX-DR-D-2200 P03 received 01/06/2022; 4064/12/21-1600 v5 received 20/10/2022; Arboricultural Impact Assessment Ref: 21-0688 v2 dated January 2022; Transport Assessment dated 14 January 2022 received 02/02/2022; Letter from Nicholsons Lockhart Garratt dated 30 May 2022 ref: 22-0196 LET J OWEN ST ALBANS V2 AB160522 received 01/06/2022; Transport Assessment Appendix A - ATC received 01/06/2022; Transport Assessment Appendix A - J2 (Tuesday) received 01/06/2022; Biodiversity Metric received 20/10/2022; Agricultural Land Classification Report dated May 2022 received 01/06/2022; Planning Statement Addendum dated May 2022 received 01/06/2022; Transport Assessment Appendix A - J1 (Tuesday) received 01/06/2022; Transport Assessment Addendum dated 5 May 2022 received 01/06/2022; Transport Assessment Appendix A - J3 (Tuesday) received 01/06/2022; Preliminary Ecological Appraisal ref: 21-0662 v2 dated December 2021; Draft Heads of Terms received 24/05/2023; Nicholsons Lockhart Garratt Letter - Response to Ecology Comments / Land West of Watling Street ref: 22-0260 dated 24 November 2022 received 24/11/2022; Nicholsons Lockhart Garratt Letter - Response to spatial planning comments ref: 22-0458 dated 25 July 2022 received 20/10/2022; Thames Water E-mail Correspondence received 01/06/2022; Drainage Design Technical Note ref: 20880-HYD-XX-XX-TN-DS-001 rev P01 dated 23 August 2022 received 20/10/2022; Transport Assessment Addendum 2 dated 18 October 2022 received 20/10/2022; Archaeological Desk Based Assessment November 2021 received 02/02/2022; Additional Information Covering Letter dated 1 June 2022 received 01/06/2022; Design and Access Statement dated January 2022; Flood Risk

Assessment dated 4 January 2022 ref: 20880-HYD-XX-XX-FP-FR-0001-P02; Planning Statement dated January 2022; Utilities Statement dated 5 January 2022 ref: 20880-HYD-XX-XX-RP-Y-3000; Green Belt Appraisal dated 20 December 2021 ref: 16-0603 V3; Biodiversity Impact Assessment dated January 2022 ref: 21-1590 V2; Phase 1 Desk Study dated 20 October 2021 ref: 20880-HYD-XX-XX-RP-GE-1000; Framework Travel Plan dated 5 May 2022 received 01/06/2022; Landscape and Visual Impact Assessment dated 24 May 2022 ref: 21-0781 V4 received 01/06/2022; Drainage Strategy dated 13 October 2022 ref: 20880-HYD-XX-XX-RP-D-5001-P05 received 20/10/2022.

3. The applicant is encouraged to consider providing patios to the dwellinghouses hereby approved in the interests of well-being and to permit year round use of garden areas.

4. The county council, as the Minerals Planning Authority, would like to encourage the opportunistic use of any mineral deposits within the development, should they be found when creating the foundations/footings. Please however note that if such extraction constitutes a form of development in their own right, then separate planning permission may be required.

5. Please note the following comments from the Council's Recycling and Waste Officer:

The maximum trundle distance is 10 metres so if there are properties further than 10 metres from the end of a road, a bin collection point should be created.

There should be adequate parking to avoid parking on the road/ in undesignated areas which will narrow the road and could prevent our vehicles navigating the site.

Please note that on recycling collection day, each property will be presenting 2x 240lt bins, at least 1x 55lt bin for paper and card so the bin collection space must be large enough to accommodate these containers for the number of properties it serves.

6. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at:

[https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-inf](https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx)

[ormation/business-licences/business-licences.aspx](https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-licences/business-licences.aspx) or by telephoning 0300 1234047.

7. Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

8. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all

vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

9. Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to

ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works

commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

10. Estate road adoption (Section 38): The applicant is advised that if it is the intention to request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No

development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan. Further information is available via the County Council's website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

11. Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a

live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative

impacts of other nearby construction sites will be mitigated and managed. The level of detail required

in a CMP will depend on the scale and nature of development.

The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

12. Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6,000 and index-linked RPI May 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing travelplans@hertfordshire.gov.uk

13. Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking, and will help in Affinity Water's efforts to get emissions down in the district.

14. There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with Affinity Water's Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

15. In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

16. Please note the following advice from the Environment Agency:

In order to protect groundwater quality from further deterioration:

- o No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution (e.g. soakaways act as preferential pathways for contaminants to migrate to groundwater and cause pollution).
- o Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.

The applicant should refer to the following (non-exhaustive) list of sources of information and advice in dealing with land affected by contamination, especially with respect to protection of the groundwater beneath the site:

1. Follow the risk management framework provided in the updated guide LCRM, when dealing with land affected by contamination.
 2. Refer to the Environment Agency Guiding principles for land contamination for the type of information we require in order to assess risks to controlled waters from the site. The Local Planning Authority can advise on risk to other receptors, such as human health.
 3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed. The Planning Practice Guidance defines a "Competent Person" (to prepare site investigation information) as: "A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation." For this definition and more please see here.
 4. Refer to the contaminated land pages on Gov.uk for more information.
 5. We expect the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by contamination e.g. British Standards when investigating potentially contaminated sites and groundwater, and references with these documents and their subsequent updates:
 - o BS5930:2015 Code of practice for site investigations;
 - o BS 10175:2011 A2:2017 Code of practice for investigation of potentially contaminated sites;
 - o BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points;
 - o BS ISO 5667-11:2009, BS 6068- 6.11: 2009 Water quality. Sampling. Guidance on sampling of groundwaters (a minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns but more may be required to establish the conceptual site model and groundwater quality. See RTM 2006 and MNA guidance for further details);
 - o BS ISO 18512:2007 Soil Quality. Guidance on long-term and short-term storage of soil samples;
 - o BS EN ISO 5667:3- 2018. Water quality. Sampling. Preservation and handling of water samples;
 - o Use MCERTS accredited methods for testing contaminated soils at the site;
 - o Guidance on the design and installation of groundwater quality monitoring points Environment Agency 2006 Science Report SC020093 NB. The screen should be located such that at least part of the screen remains within the saturated zone during the period of monitoring, given the likely annual fluctuation in the water table. In layered aquifer systems, the response zone should be of an appropriate length to prevent connection between different aquifer layers within the system.
- A Detailed Quantitative Risk Assessment (DQRA) for controlled waters using the results of the site investigations with consideration of the hydrogeology of the site and the degree of any existing groundwater and surface water pollution should be carried out. This increased provision of information by the applicant reflects the potentially greater risk to the water environment. The DQRA report should be

prepared by a "Competent Person" e.g. a suitably qualified hydrogeologist. More guidance on this can be found at: <https://sobra.org.uk/accreditation/register-of-sobra-risk-assessors/>.

In the absence of any applicable on-site data, a range of values should be used to calculate the sensitivity of the input parameter on the outcome of the risk assessment.

Further points to note in relation to DQRAs:

- o oGP3 version 1.1 August 2013 provided further guidance on setting compliance points in DQRAs. This is now available as online guidance: <https://www.gov.uk/guidance/land-contamination-groundwater-compliance-points-quantitative-risk-assessments>

- o oWhere groundwater has been impacted by contamination on site, the default compliance point for both Principal and Secondary aquifers is 50 metres.

- o For the purposes of our Approach to Groundwater Protection, the following default position applies, unless there is site specific information to the contrary: we will use the more sensitive of the two designations e.g. if secondary drift overlies principal bedrock, we will adopt an overall designation of principal.

Where leaching tests are used it is strongly recommended that BS ISO 18772:2008 is followed as a logical process to aid the selection and justification of appropriate tests based on a conceptual understanding of soil and contaminant properties, likely and worst-case exposure conditions, leaching mechanisms, and study objectives. During the risk assessment one should characterise the leaching behaviour of contaminated soils using an appropriate suite of tests. As a minimum these tests should be:

- o o Up-flow percolation column test, run to LS 2 - to derive kappa values;

- o o pH dependence test if pH shifts are realistically predicted with regard to soil properties and exposure scenario;

- o o LS 2 batch test - to benchmark results of a simple compliance test against the final step of the column test.

Following the DQRA, a Remediation Options Appraisal should be completed to determine the Remediation Strategy, in accordance with the updated guide LCRM. The verification plan should include proposals for a groundwater monitoring programme to encompass regular monitoring for a period before, during and after ground works e.g. monthly monitoring before, during and for at least the first quarter after completion of ground works, and then quarterly for the remaining 9-month period. The verification report should be undertaken in accordance with in our guidance Verification of Remediation of Land Contamination.

17. Please note the following comments of Thames Water:

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. [https://eu-](https://eu-west1.protection.sophos.com/d=thameswater.co.uk&u=aHR0cHM6Ly93d3cudGhhbWVzd2F0ZXluY28udWsvZGV2ZWxvcGVycy9sYXJnZXItc2NhbGUtZGV2ZWxvcG1lbnRzL3BsYW5uaW5nLXlvdXItZGV2ZWxvcG1lbnQvd29ya2luZy1uZWVhYXN0ci1waXBlcw==&i=NWQ1ZmMwOTQxNGFiNmYxMGEyYjA0MGY3&t=TzhISDIRWnlxbkwvbHk0bE9hVmxBdXZudlhycEludFFWUUtUcXRQZkVVRTT0=&h=c0a57b5e27904c4f81b094e8a9f55d32)

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18. No demolition or construction works relating to this permission should be carried out on any Sunday or Bank Holiday nor before 07.30 hours or after 18.00 hours on any days nor on any Saturday before 08.00 hours or after 13.00 hours.

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

19. The attention of the applicant is drawn to The Building Regulations 2010, Approved Document E 'Resistance to the passage of sound', Section 0: Performance.

20. Internal ambient noise levels for dwellings

Activity	Location	0700 to 2300	2300 to 0700
Resting	Living room	35 dB Laeq, 16 hour	
Dining	Dining room/area	40 dB Laeq, 16 hour	
Sleeping (daytime resting)	Bedroom	35 dB Laeq, 16 hour	30 dB Laeq, 8 hour

The levels shown in the above table are based on the existing guidelines issued by the World Health Organisation.

The LA_{max,f} for night time noise in bedrooms should be below 45dBA; this is not included in the 2014 standard but note 4 allows an LA_{max,f} to be set. 45dBA and over is recognised by the World Health Organisation to be noise that is likely to cause disturbance to sleep.

21. Dust from operations on the site should be minimised by spraying water or by carrying out other such works necessary to contain/suppress dust. Visual monitoring of dust should be carried out continuously and Best Practical Means (BPM) should be employed at all times.

The applicant is advised to consider the document entitled 'The control of dust and emissions from construction and demolition - Best Practice Guidance', produced in partnership by the Greater London Authority and London Councils.

22. Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of following the proper duty of care and should not be burnt on the site. All such refuse should be disposed of by suitable alternative methods. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted.

23. Where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner.

24. An acceptable Desktop study would comprise a fully detailed statement of the previous uses and current activities on site by the landowner or operator at the time that potentially contaminative activities took place. The Desktop study must include a site walkover documented with photographs.

This should include consideration of excessive use or spills of the following materials; pesticides, herbicides, fungicides, bactericides, sewage sludge, farm waste disposal, asbestos disposal and hydrocarbons from farm machinery. Additionally, the study should also consider drainage, surface materials, ground conditions and obvious signs of contamination.

It should be noted that an internet search report or land condition report is not, in isolation, sufficient information to discharge the requirement for a Desktop study involving agricultural land.

Please be aware that full contaminated land conditions (attached) are being recommended at this stage because no information relating to potential contamination has been submitted to date. In this case it is possible that once the first condition, relating to the Desktop study, has been completed we will more than likely be able to recommend discharge of all remaining conditions. Unless of course it is found that it is likely or possible that significant contamination exists on the site.

25. Prior to works commencing it is recommended that the applicant carry out a survey to identify the presence of any asbestos containing materials on the site, either bonded with cement or unbonded. If asbestos cement products are found they should be dismantled carefully, using water to dampen down, and removed from site. If unbonded asbestos is found the Health and Safety Executive at Woodlands, Manton Lane, Manton Lane Industrial Estate, Bedford, MK41 7LW should be contacted and the asbestos should be removed by a licensed contractor.

26. When carrying out these works please give utmost consideration to the impact during construction on the environment, neighbours and the public. Think about using a company to carry out the works who are registered under the Considerate Constructors Scheme. This commits those registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

27. Remember - you are responsible for the legal and safe disposal of any waste associated with your project. In the event of your waste being fly tipped or otherwise disposed of illegally or irresponsibly, you could be held liable and face prosecution. If you give waste to anyone else ensure they are authorised to carry it. Ask for their carrier's authorisation. You can check online at <https://environment.data.gov.uk/public-register/view/search-waste-carriers-brokers> or by telephone 03708 506 506.

28. The applicant is advised that during the construction of the development hereby granted, that all materials should be stored within the application site. In the event of it not being possible to store materials on site; and materials are to be stored outside the site and on highway land the applicant will need to obtain the requisite approval of the Highway Authority. A licence is required to store materials on the Highway under the Highways Act 1980 Section 171 to Hertfordshire Highways. You must first obtain a licence from Hertfordshire County Council before depositing building materials on any part of the highway which includes all verges, footways and carriageways. Hertfordshire County Council may prosecute you if you fail to obtain a licence or breach a condition of a granted licence for which the maximum fine on conviction is £10 for each day the contravention continued. Hertfordshire County Council may also take legal action to recover any costs incurred including the costs of removing and disposing of unauthorised building materials deposited on the highway. To apply for a Licence please contact Highways, PO Box 153, Stevenage, Herts SG1 2GH or cschighways@hertfordshire.gov.uk

29. The applicant is requested to ensure no damage is caused to the footpath and highway verge during the course of the development. Any damage should be repaired to the satisfaction of Hertfordshire Highways.

30. The applicant is advised that the Council encourages the use of sustainable energy efficient building materials and alternative energy sources in construction.

31. The applicant is informed that the Local Planning Authority would encourage the use of sustainable energy efficient building materials and alternative energy sources in construction and would encourage the consideration of alternative forms of heating, for example solar power.

32. This permission has been issued following completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended).

33. The development hereby permitted creates one or more, new or replacement properties (residential or commercial) which will require a postal address. St Albans City and District Council controls the naming and numbering of streets and buildings. You must apply to Street Naming and Numbering before any street name or property name/number is used. For further information, please see <https://www.stalbans.gov.uk/street-signs-names-and-numbers>.

34. In relation to Condition 17, the applicant is advised that the 'Scheme outlining timescales for delivery' should detail when the proposed active travel accesses will be provided, with reference to the delivery of housing across the application site as a whole. Where one part of the application site may be delivered prior to another, the closest active travel access to that part being delivered should be fully provided and made available prior to first occupation, and these matters will need to be fully set out within the aforementioned Scheme.

35. In relation to Condition 18, the Scheme required by this condition will need to include timescales for delivery. The applicant is advised that cycle parking provision should be provided prior to the first occupation of any dwelling within the scheme, and this should be reflected within timescales provided within the submitted Scheme.

Officer

Lee Stannard

Section 65 Parties

Mill Dam Cottage, Wem, Shropshire, SY4 5HF
13 Kings Close, Wavendon, Buckinghamshire, MK17 8RP
111 Harrowden, Bradville, Milton Keynes, MK13 7BY
42 Wyness Avenue, Little Brickhill, Milton Keynes, MK17 9NG
2 Wilkins Green Farm, Wilkins Green Lane, St Albans, AL4 0HG
Hertfordshire County Council, Pegs Ln, Hertford, SG13 8DN

Plans on website

<https://www.stalbans.gov.uk/view-and-track-planning-applications>

Hertfordshire County Council Appendix D

Sustainable Growth
Executive Director Patsy Dell



St Albans City & District Council
St Peters Street
St Albans
Hertfordshire
AL1 3JE

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

16 May 2023

Respond to: growth@hertfordshire.gov.uk

Dear Planning Officer

Revised response by HCC's Growth & Infrastructure Unit to 5/2022/0267
Land Between Caravan Site And Watling Street Park Street St Albans
Hertfordshire

You will be aware the we updated our Guide to Developer Infrastructure Contributions on 31st October 2022. Applications which came in before that time, were given until the end of 2022 to be determined, otherwise HCC reserved the right to amend its financial contribution request. As this application remains undetermined I am taking this opportunity to update our contributions.

I am writing in respect of planning obligations sought towards non-transport services to minimise the impact of development on Hertfordshire County Council Services for the local community. Based on the information to date for the development of **95 dwellings** we would seek financial contributions towards the following projects:

HOUSES		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	0	2
2	14	6
3	29	10
4+	14	3
Total	57	21

FLATS		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	0	8
2	0	9
3	0	0
4+	0	0
Total	0	17

Trajectory						
Year	2023	2024	2025	2026	2027	2028
Units	0	25	25	25	20	0

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

Primary Education towards the expansion of Killigrew Primary School and/or provision serving the development (£919,862 index linked to BCIS 1Q2022)

Secondary Education towards the expansion of Marlborough School and/or provision serving the development (£1,012,378 index linked to BCIS 1Q2022)

Special Educational Needs and Disabilities (SEND) towards the delivery of additional Severe Learning Difficulty (SLD) special school places (WEST), through the relocation and expansion of Breakspeare School and/or provision serving the development (£114,074 index linked to BCIS 1Q2022)

Library Service towards increasing the capacity of St Albans Central Library and/or provision serving the development (£20,935 index linked to BCIS 1Q2022)

Youth Service towards the re-provision of St Albans Young People’s Centre in a new facility and/or provision serving the development (£27,681 index linked to BCIS 1Q2022)

Monitoring Fees – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

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

The county council methodology provides the certainty of identified contribution figures based on either a known or estimated dwelling mix, the latter of which might be agreed with the local planning authority based on expected types and tenures set out as part of the local plan evidence base. This ensures the contributions are appropriate to the development and thereby meet the third test of Regulation 122 of

the Community Infrastructure Levy Regulations 2010 (amended 2019): “fairly and reasonably relates in scale and kind to the development”.

Outline applications will require the ability for an applicant to recalculate contributions at the point of a reserved matters application and as such a calculation Table will be provided as part of the S106 drafting process. This approach provides the certainty of identified contribution figures with the flexibility for an applicant/developer to amend the dwelling mix at a later stage and the financial contribution to be calculated accordingly.

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

Justification

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

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

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

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

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

(ii) Directly related to the development.

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

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

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

PLEASE NOTE THE FOLLOWING:

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

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

Yours faithfully

Terri Brooks
Growth & Infrastructure Officer

Hertfordshire County Council Appendix E

Hertfordshire County Council

A Guide to the Hertfordshire Demographic Model



2021



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1.0 Introduction

HCC has a number of roles to deliver local infrastructure and as such is required to ensure that the impact of new development is mitigated in a number of areas. In order to determine likely levels of service(s) uptake, appropriate developer obligations and, to inform a strategic overview, HCC requires a method of projecting the populace likely to arise from new development. HCC has therefore established a Development Model (hereinafter referenced as “the model”).

The model provides HCC with the necessary baseline evidence to support a request for planning obligations through the appropriate mechanism. It ensures that HCC is able to meet the 3 tests in respect of planning obligations, namely: that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.

Information relating to pupil yield, across all school age stages, from new build housing is necessary for assessing schools capacity and the potential development of new schools. New housing developments can place additional pressures on school places through inward migration into an authority and by the redistribution of the existing population into areas where existing schools are at capacity or are not located within a reasonable distance.

Hertfordshire County Council (HCC) is the Local Authority with responsibility for **Education** and as such has a statutory responsibility for the provision of education services including sufficient school places for nursery, primary, secondary and sixth form age pupils. Provision must also be made available for children with special needs and sufficient child care spaces in the early year’s sector.

As Local **Libraries** Authority, HCC has a duty to provide a comprehensive and efficient library service for everyone who lives, works, or studies in the County under the 1964 Public Libraries and Museums Act. It 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.

Legislation¹ requires that local authorities have a “responsibility to ensure young people have access to sufficient educational leisure-time activities which are for the improvement of their well-being and personal and social development, and sufficient facilities for such activities; that activities are publicised; and that young people are placed at the heart of decision making regarding the youth work / positive activity provision.”

The focus of HCC **Youth** Connexions is prevention and early intervention. It supports young people by providing high quality 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, to reach their potential and make a successful transition to adulthood.

The Hertfordshire **Fire and Rescue** Service (HFRS) has two major functions - keeping people safe through community fire safety initiatives [Prevention & Protection] and saving lives through operations [Response].

As Fire Authority, Hertfordshire County Council is responsible for making arrangements to obtain the necessary information for the purposes of: providing a swift and effective 24/7 emergency response to: extinguish fires, with the aim of protecting life and property; rescuing people from road traffic collisions, water and height; and dealing with other emergencies such as wide-area flooding, chemical incidents and large animal rescues. HFRS also play a major role in civil protection, working in partnership with other public bodies and private sector organisations to ensure an integrated approach to dealing with large scale civil emergencies.

Hertfordshire County Council, as the **Waste** Disposal Authority (WDA), is responsible for the disposal of almost 530,000 tonnes of Local Authority Collected Waste (LACW) produced by Hertfordshire's residents each year. This waste is either collected at the kerb side by the district and borough councils in the role of the Waste

¹ The Education and Inspections Act 2006, Part 1, Section 6: Education Act 1996, Section 507B.

Collection Authorities (WCAs) or deposited by residents at Household Waste Recycling Centre's (HWRC's).

Hertfordshire County Council as the Local **Highway** Authority is responsible for providing a safe, efficient and resilient transport system that serves the needs of business and residents across Hertfordshire and minimises its impact on the environment.

The County Council will make best use of the existing road network and where necessary, introduce targeted schemes to deliver a reliable and readily useable transport network which encourages economic growth and allows access for everyday facilities. The County Council promotes and supports sustainable travel to help reduce car traffic and contribute to improved health and quality of life.

The methodology for this work is supported by the COMET model which is a countywide multi-modal transport model. COMET provides information on current travel patterns across Hertfordshire and will be used to consider the future impact on travel patterns and areas of congestion based on expected areas of growth. Highways impacts are not considered within the Development Model.

Increased levels of development ultimately have an impact on HCC services. The model provides a projection of residents likely to occupy a particular development and this document provides an overview of the model applied by the authority, the outcome of which informs discussions with developers to understand how best to mitigate the impact on HCC services.

1.1 The Hertfordshire Development Model

In Hertfordshire, a model has been developed by the HCC Property Intelligence Services Team. The model operates based on 2011 census data tabulated by dwelling size (number of bedrooms), type and tenure for All Households and Migrant Households customised outputs. The model allows for the population likely to be resident in a new development to change with time and for the overall population to conform to an age structure in line with the wider community.

HCC recognises that demographic modelling can be approached using a variety of different methodologies, discussed further in Technical Appendix 1, however the authority considers the Development Model to be appropriate as:

- The process of creating the customised table outputs incorporated into the HCC model involves the base data passing ONS Statistical Disclosure Controls (SDC) and as such the data are considered robust and non-identifying.
- A census is considered the most comprehensive and accurate survey of the population and it's characteristics at the time it is taken, local authority average person and household response rates within Hertfordshire (95% and 96% respectively) were higher than that reported for England overall (94% and 95% respectively).
- Specific consideration is taken of the demographic characteristics of wholly moving (Migrant) households which differ substantially to that of the population of the whole (All Households). Cohorts are aged "year on year" as a development progresses and therefore provide a more accurate projection of likely populace than other methods such as those which apply a flat or average yield per 100 dwelling rate.

The model is based on hierarchical data sourced from the Office for National Statistics (ONS) as customised table outputs for the geography of the area covered by Hertfordshire County Council. Detail on how the census tables are applied within the model is available in Technical Appendix 2. The ONS produced, upon commission by the authority, the following four customised table outputs²:

- CT0173 - Tenure of household by accommodation type by number of bedrooms – All Households - *All occupied households in unshared dwellings (excluding caravans and other mobile or temporary structures).*
- CT0174 - Tenure of household by age by accommodation type by number of bedrooms – All Households - *All usual residents living in households in*

² These tables are publicly and freely available upon request from the Office for National Statistics via: Census.CustomerServices@ons.gsi.gov.uk or can be downloaded from their published census data sets.

unshared dwellings (excluding caravans and other mobile or temporary structures).

- CT0478 - Tenure by bespoke accommodation type by number of bedrooms – Migrant Households - *Wholly moving households (excluding caravans/temporary structures) in unshared dwellings.*
- CT0479 - Age by tenure by bespoke accommodation type by number of bedrooms – Migrant Households - *All usual residents living in wholly moving households (excluding caravans/temporary structures) in unshared dwellings.*

Following ONS policy the data tables are publicly and freely available from their website. Data contained within these tables is identical in dwelling and person counts to requests made to the ONS by consultants for similar outputs although of aggregate age groups, for example CTO-339 and CTO-324 also available on the ONS website.

The model can operate at different levels of complexity to account for the level of information available at any given point in the planning application process. The more detail provided for input into the model, the more detailed the result:

- **Unit numbers** –this level of data represents the projected population wherein the least amount of data with regard to a development is known (typically the total development size only) although consideration can also be given to a specific bed size mix. This data level is beneficial in providing a strategic overview of likely demand for proposed District housing development with a long projection horizon where the application of a specific detailed mix is inherently rigid and questionable.
- **Unit numbers and the type of unit mix** – this level of data represents the projected population wherein the type mix of the overall unit number is also known, so consideration is also given to the type of proposed dwelling (house or flat) by bed size.
- **Unit numbers and the type & tenure of unit mix** – this level of data represents the projected population wherein the most detailed level of

information is available with regard to overall unit number, dwelling bed size, type and tenure.

1.2 How the model operates

The 2011 Census customised data outputs for All Households and Migrant Households provides information relating to the number of persons by age versus total number of households, or it can be drilled down by bed size, type and tenure (or any combination thereof). These tables, of which there are 330 in total (165 each for All Households and Migrant Households), provide the underlying raw data used in calculating population by sector, and by varying level of detail, from each of the detailed approaches applied by Hertfordshire County Council (Section 1.1).

The approach that HCC applies in projecting the number of people likely to be resident within a given development is dependent upon the level of information available for each particular development. However, there is a commonality in that the methodology is dependent on the ONS customised table outputs as their base data, although to varying degrees of detail, and the calculation processes are generally identical. Figure 1 illustrates the broad process for the model whilst Figure 2 displays the model main screen.

Two pieces of information are critical to the model operation: the development overall size (the total number of dwellings it is proposed to construct) and the trajectory (the number of dwellings completions per annum). Figure 2 displays the model main input screen where a user enters the available proposed development details. For instances where only the number of proposed units is known the entry table allows the user to enter only the Development Size. Additional detail such as bed size mix, type and tenure for a proposed development can be provided when known in order to refine projected population yields. When the development details are complete the user selects the button to enter the trajectory data as displayed in Figure 3. The trajectory may be provided by the applicant or, where not provided, based on a reasonable assumption given consideration of the total development size.

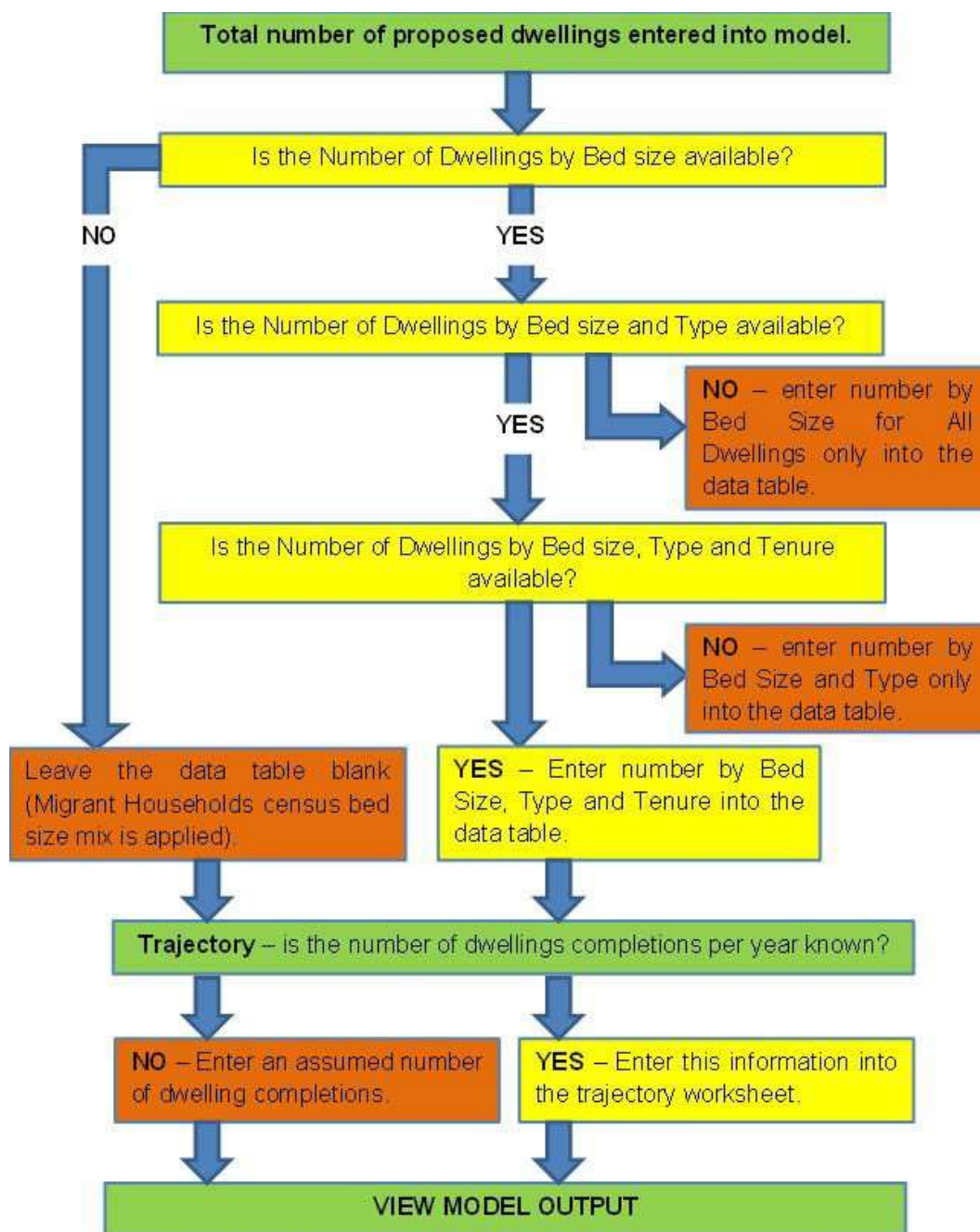


Figure 1. The Hertfordshire Development Model broad processes.

Select the Geography using the pick list: **GEOGRAPHY** County

Select the Area using the pick list: **AREA** Hertfordshire

View Data Source | View Output
View Finance Output | View Summary Print

SITE NAME:

APPLICATION REF:

Development Mix by Tenure and Size

HOUSES		FLATS	
Number of (A) Open Market bedrooms	B) Affordable (Social Rent)	Number of bedrooms	A) Open Market B) Affordable (Social Rent)
1	22	1	150
2	124	2	168
3	216	3	14
4+	120	4+	3
Total	488	Total	335

Auto Totals appearing here must equal the Development Size entered below

Development Size 1000

Combined Proportions

Number of bedrooms	% based on development mix (auto calc)
1 bed	25.1
2 bed	35.0
3 bed	26.5
4 bed	13.4
Total	100.0

IMPORTANT NOTE: If a development total number of dwellings is known and the percentage split by bed size is also known then, for the Hertfordshire Model only, the number of dwellings by bed size can be manually calculated and entered into the "Development Mix by Tenure and Size" box above. As the Hertfordshire Model does not take account of Type or Tenure then the data can be entered as either houses or flats the check boxes at the bottom of the page must be unchecked.

GUIDANCE (Only complete cells coloured light green)

- In the "Development Mix" table enter the number of dwellings if known, OR, if the number mix is unknown but the percentage (%) mix of sizes is known then this can be entered manually into the Combined Proportions table. If no data is available other than total dwellings then enter this in the "Development Size" box.
- Once the number of intended dwellings is entered into either the Development Mix or Size box then proceed directly to the Trajectory section and enter the dwelling completion trajectory. The trajectory must sum to the development size. Where the development mix is unknown the model will by default calculate the child yield on the basis of the census 2011 housing mix.
- Where the Type (house or flat) size mix is known but not the tenure then the data can be entered into either the Open Market or Affordable column of the respective Type. The Overall Total cell must either be zero or match the Development Size cell.
- Once all of the required data as set out above is entered then the yields will be automatically calculated and can be viewed in the Model worksheets and the Child Yield Graphs worksheet. Default printer layout has been installed. The 6th Form stay on rate is set to 80%, this can be amended below and links through to the calculation sheets.
- The model by default calculates a child yield for All Households (Houses and Flats combined) with consideration of bedroom size but not tenure. Where the development mix by type and/or tenure is entered into the Development Mix above then comparator calculations can be conducted on this basis. Use the check boxes below to indicate where comparators are required. Where insufficient data is available the model output will display #N/A.

Start Year of Development: 2016

6th Form Stay on Rate: 86%

Trajectory of Development

Select to enter Trajectory data

IMPORTANT Note: Trajectory data MUST be entered - do not proceed with yield calculations for any of the models until this step has been completed.

ADDITIONAL ANALYSIS OPTIONS

HOUSES AND FLATS BY BEDROOM SIZE WITH NO TENURE.
Tick the check box to include an analysis of child yield when considering Houses and Flats separately, irrespective of Tenure, with consideration of number of Bedrooms. Note that the Development Mix table must be completed (number of dwellings for houses and flats can be entered into either the Private or Social housing columns as Tenure is not considered).

HOUSES AND FLATS BY BEDROOM SIZE AND BY TENURE (PRIVATE AND SOCIAL).
Tick the check box to include an analysis of child yield when considering Houses and Flats separately, with consideration of Tenure (Private and Social housing) and number of Bedrooms. Note that the Development Mix table must be completed, the number of dwellings for houses and flats must be entered into their correct respective columns.

Figure 2. The model main screen for proposed development data entry.

Trajectory of Development (Enter Completions Per Annum)

Return to Illustrative Mix | View Output

No Tenure Check	Tenure Check	Unit Numbers Only		Unit Numbers and Type				Unit Numbers and Type & Tenure			
		Overall (1000 to enter)	Rolling Total	Houses (556 to enter)	Flats (444 to enter)	Houses OM (488 to enter)	Houses Social (68 to enter)	Flats OM (335 to enter)	Flats Social (109 to enter)		
OK	OK	2016	150	150	83	67	73	10	51	16	
OK	OK	2017	150	300	83	67	73	10	51	16	
OK	OK	2018	150	450	83	67	73	10	51	16	
OK	OK	2019	150	600	83	67	73	10	51	16	
OK	OK	2020	150	750	83	67	73	10	51	16	
OK	OK	2021	150	900	83	67	73	10	51	16	
OK	OK	2022	100	1000	58	42	50	8	29	13	
OK	OK	2023	0	1000	0	0	0	0	0	0	
OK	OK	2024	0	1000	0	0	0	0	0	0	
OK	OK	2025	0	1000	0	0	0	0	0	0	
OK	OK	2026	0	1000	0	0	0	0	0	0	
OK	OK	2027	0	1000	0	0	0	0	0	0	
OK	OK	2028	0	1000	0	0	0	0	0	0	
OK	OK	2029	0	1000	0	0	0	0	0	0	
OK	OK	2030	0	1000	0	0	0	0	0	0	
OK	OK	2031	0	1000	0	0	0	0	0	0	
OK	OK	2032	0	1000	0	0	0	0	0	0	
OK	OK	2033	0	1000	0	0	0	0	0	0	
OK	OK	2034	0	1000	0	0	0	0	0	0	
OK	OK	2035	0	1000	0	0	0	0	0	0	
OK	OK	2036	0	1000	0	0	0	0	0	0	
OK	OK	2037	0	1000	0	0	0	0	0	0	
OK	OK	2038	0	1000	0	0	0	0	0	0	
OK	OK	2039	0	1000	0	0	0	0	0	0	
OK	OK	Total	1000		556	444	488	68	335	109	
OK	OK	IM Data	1000		556	444	488	68	335	109	

Column Error Checks for Entered Trajectory Data

Combined Model	Proceed to Model Output
Houses (No Tenure)	Proceed to Model Output
Flats (No Tenure)	Proceed to Model Output
Houses (OM)	Proceed to Model Output
Houses (Social)	Proceed to Model Output
Flats (OM)	Proceed to Model Output
Flats (Social)	Proceed to Model Output

The Row Error check ensures that (A) the sum of the Type (House and Flats) trajectory, where values are greater than zero, matches that of the "Combined Model" trajectory and, (B) the sum of the Tenure trajectory, where values are greater than zero, matches that of the Combined trajectory. Where this is the case respectively then the cell will display "OK" with a green background. Where this rule is not satisfied then a cell value of "Error" will be displayed on a red background. All row totals must equate prior to proceeding to the model outputs.

HELP: Select the button below to enter a potential House and Flat Trajectory based on the overall proportion of each type relative to the total development size. Some minor amendments may need to be manually made where Row Error cells appear, this is due to rounding of calculated potential trajectories.

HELP: Select the button below to enter a potential House and Flat Trajectory by Tenure. Note that some amendments may need to be manually made where Row Error cells appear, this is due to rounding of calculated potential trajectories.

The Type and Tenure Trajectory data to be entered. The number of dwellings required to be entered is displayed in brackets.

Where the trajectory for the development is complete, or there is no dwelling count to be entered for a particular model, then a zero value must be entered into all (further) cells within the respective column. Cells becoming highlighted in yellow indicate a difference in trajectory row totals that will need to be amended before proceeding.

The Trajectory Totals must equal that entered into the Illustrative Mix worksheet otherwise cells will turn yellow to indicate differences.

All Error Checks must display "Proceed to Model Output" before proceeding to the output Child Yield Graphs. This section checks the entered trajectory total against the sum entered into the Illustrative Mix worksheet. Should an error be displayed in the trajectory then calculated child yields may be inaccurate.

Figure 3. The model trajectory sheet with conditional format error checking.

The model has the functionality to include very detailed trajectories but in most instances an applicant may not have a high level of detail on trajectories for individual types and tenures. The user is able to input a high level trajectory and allow the model to calculate the more detailed scenarios by applying a proportional split between the houses and flats across type and tenure.

1.3 Model outputs

The model uses the number of dwellings by bed size to calculate single dwelling population yield values as determined from the Census Migrant Household data. These yield figures are then multiplied by the dwelling percentage representation by bed size in order to calculate a yield per 100 dwellings by age. The yield per 100 dwellings values by age are linked to the underlying model sheets which utilise the build trajectory to calculate the number of persons by age as the development progresses. Technical Appendix 3 provides further detail on the specifics of the model process. Model outputs are both tabular and graphed. Figure 4 displays the graphed projected population yield output for a selected age range – for example primary education. More detail on the worksheets that sit behind the model is available in Technical Appendix 4.

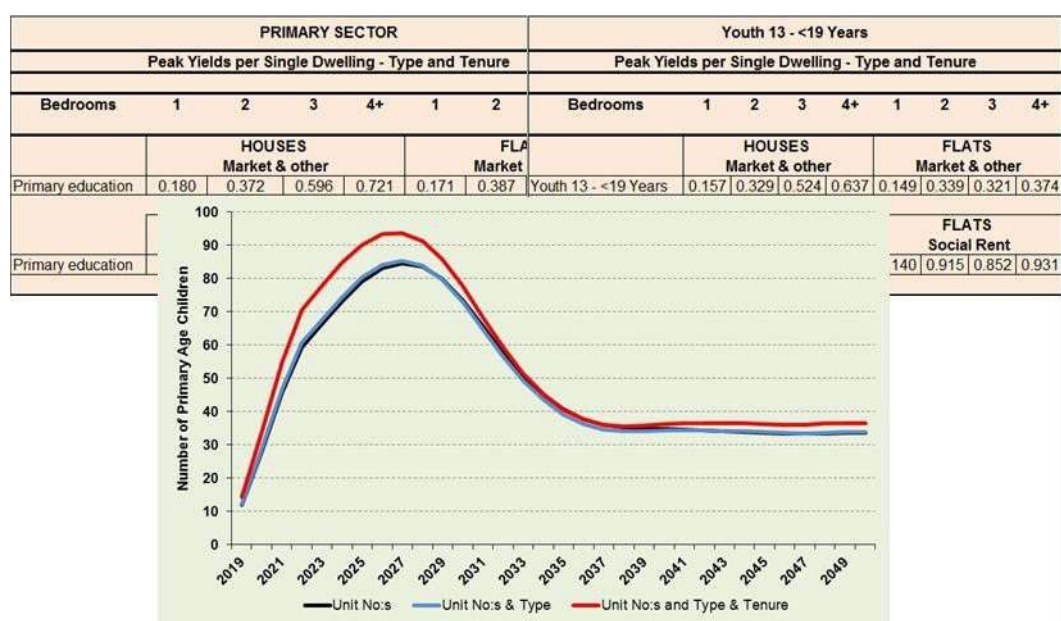


Figure 4. The graph and tabular model outputs for population yielded from a proposed development for a selected age group.

1.4 Calibrating the Demographic Model with the PYS

The scope of the authority PYS provides an excellent observed statistical base to which HDM mainstream pupil projections can be compared using “real world” new build development aggregations for which yields are known.

Comparison between the HDM and PYS was conducted using the PYS 59 cohort; this cohort has previously been used to determine mainstream pupil yields associated with the emerging development typology classification adopted for use at the Local Plan stage. The PYS 59 cohort consists of 6,261 new build dwellings overall of which 1,220 (19.2%), 2,980 (46.8%) and 2,161 (34%) were observed in Tier 1, Tier 2 and Tier 3 developments respectively. Comparisons in yields were conducted for all Tiers and for the cohort overall. The following typology Forms of Entry (FE) to dwellings counts, and within tier average development mixes, were observed from previous work:

- Tier 1, 1FE primary per 400 dwellings: *These sites are typically greenfield sites with a dominance of houses (typically 80/20 houses/flats), a higher proportion of 3+ bed properties and a higher proportion of detached or semi-detached houses. There tends to be a dwelling unit density of 22 to 40 per hectare (dph).*
- Tier 2, 1FE primary per 500 dwellings: *These sites are typically PDL with a mix of houses and flats, and a higher proportion of terraced, maisonettes or flats. There is generally a 50/50 Split between smaller (1 & 2-bed) and larger (3-bed+) family homes, while houses are most likely to be terraced. There tends to be a dwelling unit density of 40 to 60 per hectare (dph).*
- Tier 3, 1FE per 1,000 dwellings (excluding Watford)¹: *These sites are typically PDL with a dominance of 1-2 bed properties and are mainly flatted developments (at least 75% flats). There tends to be a dwelling unit density of >=60 per hectare (75 to 100 is quite common).*

Figure 1 displays an example output of primary mainstream yields projected for Tier

¹ Flatted developments in Watford produce abnormally high yields when compared to similar sites in other Hertfordshire authorities. A different strategic planning ratio is therefore applied to Tier 3 developments in Watford when assessing local plan growth scenarios.

1 developments versus that observed from the PYS. It can be observed that, in this instance, the accumulation of mainstream yields follows a consistent pattern with that projected from the HDM. There was a 4.1% difference in the HDM peak yield to the current PYS Tier 1 cohort count, it should be noted however that yields are still annually increasing although at a decreasing rate. It is anticipated that PYS yields will increase further in 2021 either narrowing the gap to the HDM projections or, for Tier 1 developments, surpassing HDM forecasts.

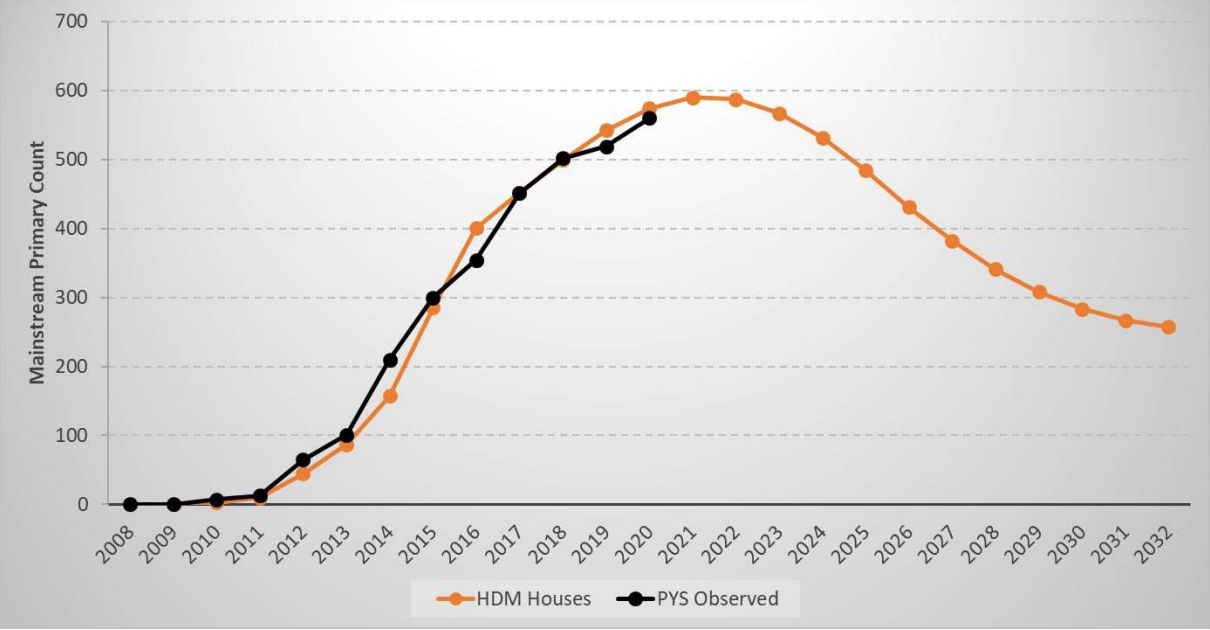


Figure 1. Typology Tier 1 PYS observed primary mainstream pupil counts versus HDM projected applying the aggregate development dwelling type, bed size and, tenure mix (Type Outputs).

Whilst HDM projected mainstream primary yields were close to that observed in Tier 1 developments a higher degree of variance was observed with Tier 2 and 3. Generally as the percentage contribution of houses to a mix decreased, and conversely a higher contribution of flats, then the larger the difference between the HDM projected primary mainstream yields and that observed from the PYS. Provisional evidence indicates that this likely occurs due to a higher level of resident churn (in and out movements) within Tier 2 and 3 in conjunction with lower proportions of AR/SR in contrast to Tier 1 (primarily for the flatted element). Functions were incorporated into the HDM to provide an indication of typology for an entered mix based on the typology classifications listed above. HDM projected

mainstream yields are subsequently reduced according to the typology-based Type and Tenure (highest level of detail) differences observed between PYS and HDM. The percentage reduction applied to a specific mix is not set to the Tier average difference observed for that typology but rather on a linear interpolated reduction related to the percentage contribution of houses to the entered mix. For example, a development is entered to the HDM from which the mix indicates a Tier 1 proposal such that: *there is a dominance of houses (typically 80/20) and a higher proportion of 3+ bed properties*. However, the representation of larger family houses is less than that observed from the PYS Tier 1 cohort and it can logically be expected that the percentage difference to the HDM projections will be greater and lie between the Tier 1 average reduction and that of Tier 2.

The higher difference occurs due to a lower representation of larger, higher yielding, family dwellings. The percentage reduction point is determined by the linear interpolation of the applied reduction between the known percentage contribution of Tier 1 houses to the known percentage contribution of Tier 2 and/or Tier 3 houses and the calculated percentage difference to the HDM. The interpolated value based on a proposal mix is applied to reduce HDM projected mainstream yields accordingly, outputs are therefore specific to each unique development (Figure 2).

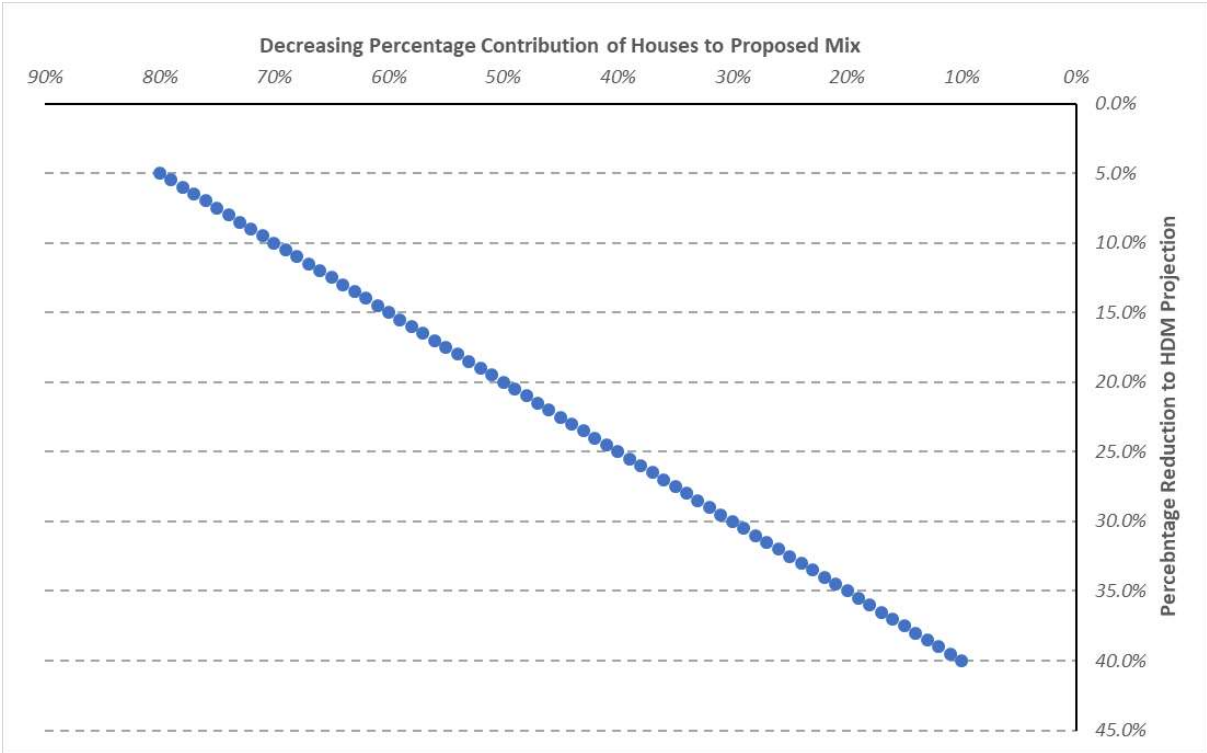


Figure 2. Example increasing percentage reduction to the HDM mainstream

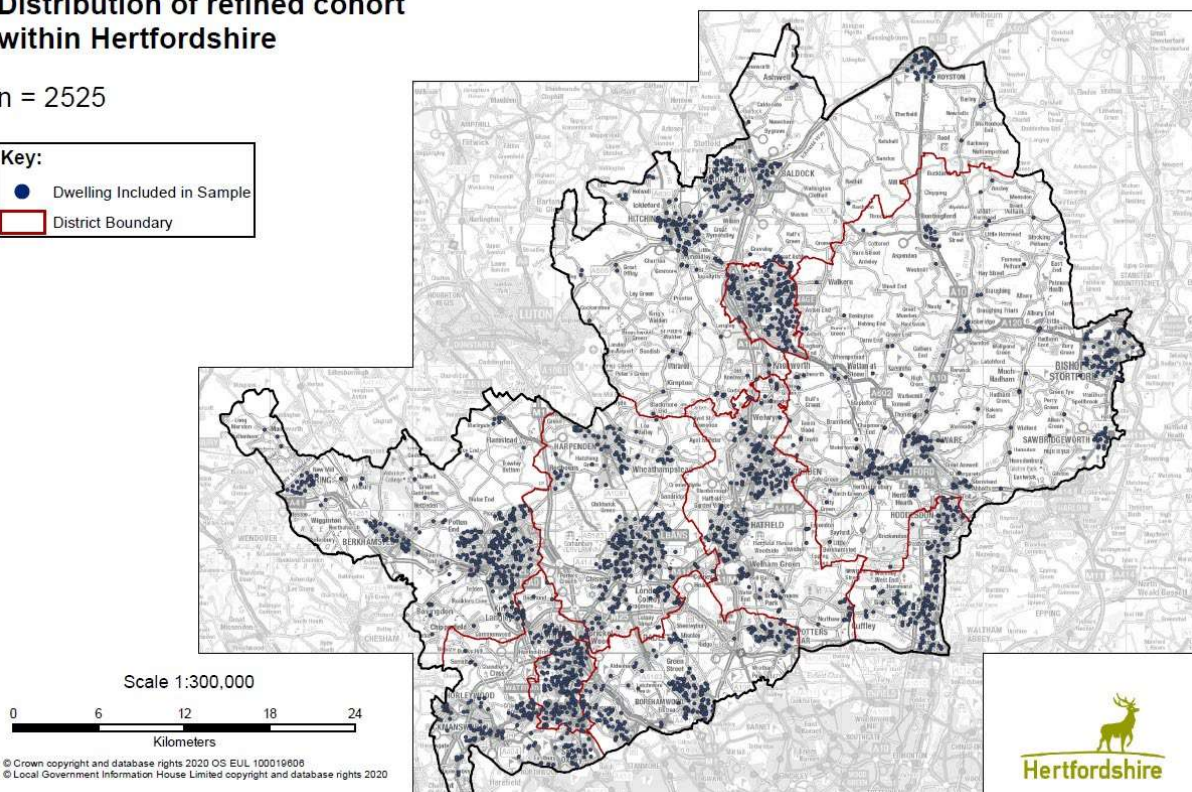
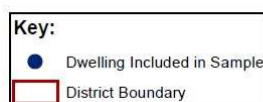
education outputs with decreasing representation of houses to a proposed mix (data is for illustration of method only; it does not represent observations from the PYS to HDM comparison study).

Figure 2 displays an example relationship between reducing contribution of houses to a mix and increasing percentage reduction to HDM calculated yield. The data presented is for illustrative purposes only and does not reflect actual observations from the PYS to HDM comparison.

A criticism previously raised was that the authority did not update Long Term Average (LTA) mainstream yields within projections to reflect post-2011 census yield rates. The LTA is the overall yield that a development would be expected to attain once enough time has passed post-peak and reflects the wider housing stock yields, it is sometimes referred to as the “All Households” yield. The HDM inclusion of only 2011 census based All Household yields was suggested to not take account of inter-census period changes to overall dwelling stock numbers nor changes in the demographic profile of the authority area. A statistical randomised dwelling sample of 2,525 dwellings was undertaken (Figure 3) of which 22.6% were flats and 77.4% houses, this is reflective of the overall dwelling stock split of 22.4% flats and 77.6% houses.

Distribution of refined cohort within Hertfordshire

n = 2525



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Figure 3. The randomised LTA update dwelling sample and scatter throughout Hertfordshire.

Whilst the industry standard confidence level is 95% +/- 5% it was considered prudent to aim for 95% +/- 2%; based on this criteria Figure 4 indicates a sample size of 2,401 dwellings would be required.

The inclusion of dwellings above this threshold was to provide a buffer for exclusion of some poor-quality School Census addresses which are impossible to geolocate to Unique Property Reference Number (UPRN) level. It can be noted that in deriving the figure of 2,401 dwellings that the population proportion displaying the characteristic of interest threshold of 50% has been applied. The PYS has demonstrated that houses can have a primary pupil yield up to, and in excess of 50 per 100 dwellings, or 50%. The 50% demarcation in sampling is the “worst case” scenario due to the presence of a higher level of uncertainty and hence the sample size required at this mid-point is the largest.

Figure 1: Sample size lookup table

Population Proportion	Precision (at the 95 per cent confidence level)							
	±12%	±10%	±8%	±5%	±4%	±3%	±2%	±1%
50%	66	96	150	384	600	1,067	2,401	9,604
45% or 55%	66	95	148	380	594	1,056	2,376	9,507
40% or 60%	64	92	144	369	576	1,024	2,305	9,220
35% or 65%	60	87	136	349	546	971	2,184	8,739
30% or 70%	56	81	126	323	504	896	2,017	8,067
25% or 75%	50	72	112	288	450	800	1,800	7,203
20% or 80%	42	61	96	246	384	683	1,536	6,147
15% or 85%	34	48	76	195	306	544	1,224	4,898
10% or 90%	24	35	54	138	216	384	864	3,457
5% or 95%	12	18	28	72	114	202	456	1,824

If you are expecting non-response or a difficulty in locating your sample selections then it is prudent to over sample to ensure that the sample size achieved provides the required level of precision.

The figures in **bold and italics** denote sample sizes of less than the recommended minimum.

Figure 4. Required sample size based on the percentage representation of the characteristic of interest, level of precision and, confidence interval (Source: National Audit Office – Statistical & Technical Team – A practical Guide to Sampling).

Address cleansing of January 2019 School Census records (extracted based on a

postcode match to the sample dwelling cohort postcodes), and cross-referencing of subsequently allocated UPRN to that of the sample cohort determined a count of mainstream pupils for Units Only, Houses Only and, Flats Only. These updated values are shown in Table 1 below.

Table 1. Sample derived LTA mainstream sector yields per 100 dwellings at Units Only, House Only and, Flats Only (2019).

	Dwellings	N2	PRIMARY	SECONDARY	POST-16
UNITS ONLY	2525	36	472	303	71
	Yield per 100	1.4	18.7	12.0	2.8
HOUSES	1954	30	425	286	69
	Yield per 100	1.5	21.8	14.6	3.5
FLATS	571	6	47	17	2
	Yield per 100	1.1	8.2	3.0	0.4

Once bed size and tenure information for the sample cohort based on each individual dwelling UPRN is obtained the authority can calculate updated type, bed size and tenure specific LTA yields for inclusion in development modelling. In the interim, HCC is conducting a 2020 LTA administrative update based on a larger sample cohort size of 6,000 dwellings. It is intended that this will both further reduce the confidence interval <1.5%, within which the true population mean will lie, and permit initial examination of special school LTA yields by sector.

1.5 Conclusion

Hertfordshire County Council has statutory requirements for a number of service areas. In particular, when considering the outputs of the model, to provide sufficient school places for its populace. Part of this process is to have robust and transparent processes which reflect that due diligence has been undertaken in estimating the most likely pupil yield arising from a particular development. The authority is confident that the contributions requested from developers as a result of the projection model, aligned with actual observed yields from the county council's Pupil Yield Study, are accurate and fair and are also supported by additional pieces of work which the county council has previously undertaken. Projected yield, and other data, arising from the model will be used to inform discussion on residential planning applications as sites come forward for delivery.

TECHNICAL APPENDIX 1: OTHER METHODS FOR THE PROJECTION OF POPULATION ARISING FROM NEW BUILD DEVELOPMENTS.

Historically estimates of the population, in particular child yield for education contributions, resulting from new housing developments have been debatable between authorities and developers although good data to support these negotiations has often been limited. Many factors influence both whether a contribution is sought from a proposed development by a local authority and also the scale requested (whether financial, land or other). General factors that influence whether a contribution is sought include:

- Development size (total number of dwellings).
- Development location.
- School capacity in the area (for primary and secondary aged pupils).
- Early years (childcare and pre-school) capacity in the area.
- Development composition, published literature indicates that sometimes the following are excluded from providing an education contribution:
 - Bed Sits, Studio and one bedroom properties³
 - Sheltered accommodation.
 - Hostels.
 - Student accommodation.
 - Specialist elderly housing such as rest homes and nursing homes.
 - Redevelopment or housing development schemes which do not increase the number of family houses.

Factors that influence the scale of the contribution from a housing development generally include:

- Dwelling Type – House or Flat.
- Dwelling Size – Number of bedrooms.

³ For example; Bracknell Forest (Planning Obligations, Supplementary Planning Document February 2015); Cambridgeshire County Council (Revisions to child yield multipliers for new developments September 2015); Essex County Council (The Essex County Council Developers' Guide to Infrastructure Contributions 2015).

- Dwelling Tenure – Market or Social Housing (often cross referred to as Affordable).

A number of methods have been applied by local authorities to determine pupil yields arising from new developments, these include:

- Demographic methods.
- Surveys of new build housing.
- Census data typically relating to person age and household counts for “All Households” and “Migrant Households” for application in statistical modelling.

Hertfordshire County Council has previously undertaken a review of local authority processes in determining pupil yields from new developments which examines in greater depth each of these methods (June 2012).

1.1 DEMOGRAPHIC RATIOS

Generally the application of demographic ratios is the simplest method to determine population yield from a development. However it should be noted that within published literature generally no distinction is made between older housing stock and new build properties, for dwelling type, size or tenure. This method therefore discounts the fact that wholly moving (Migrant Households) have a difference demographic age structure than the population as a whole and at best is suggestive of what a long term average yield would be in comparison to a local authority as a whole. Additionally this method has only tended to be applied by local authorities where a proposed development does not specify the type or tenure of housing that will be built. Whilst focus herein is predominantly on child yield the method is applicable to all age groups.

The Department for Communities and Local Government estimated that as at the 31st March 2016 there were 483,260 domestic dwellings in Hertfordshire (Source: DCLG Housing Statistics Table 125 - Local Authority Level). The Office for National Statistics (ONS) Mid-Year Estimates 2015 indicated that there were 264,254 children aged 0 to <18 years giving rise to an overall yield of 55 children per 100 dwellings

(Table 1). Applying the aggregated number of children within each year of age determined that in Hertfordshire, per 100 dwellings, there would be a yield of 13 children to Early Years (0 to <4 years), 22 to primary (4 to <11 years), 14 to secondary (11 to <16 years) and 6 to Post-16 education (note the latter excludes any applicable Post-16 stay on rate). In relation to the total population there would be a yield of 241 persons per 100 dwellings of which 67 would be aged 55+ and 40 aged 65+.

Table 1. Example yields per 100 dwellings for commonly requested population sectors based on the most recent DCLG dwelling estimates and ONS Mid-Year Estimates data (2015/16). For comparative purposes a selection of data for 2012 is also displayed.

	<i>0 - 3 Years</i>	<i>4 - 10 Years</i>	<i>4 - 8 Years</i>	<i>11 - 15 Years</i>	<i>16 - 17 Years</i>
2015 MYE	60,895	107,129	78,817	68,053	28,177
2016 Dwellings	483,260				
Yield per 100	12.6	22.2	16.3	14.1	5.8
	<i>13 - 19 Years</i>	<i>0 - 17 Years</i>	<i>Age 55+</i>	<i>Age 65+</i>	<i>Total Pop.</i>
2015 MYE	94,070	264,254	322,141	194,328	1,166,339
Yield per 100	19.5	54.7	66.7	40.2	241.3
	<i>0 - 3 Years</i>	<i>4 - 10 Years</i>	<i>11 - 15 Years</i>	<i>16 - 17 Years</i>	<i>0 - 17 Years</i>
2012 MYE	61,266	97,040	68,959	28,684	255,949
2012 Dwellings*	470,428				
Yield per 100	13.0	20.6	14.7	6.1	54.4

*Determined from Address Point files.

Since 2012 there has been an increase in the overall yield of children per 100 dwellings resulting from an additional 8,305 children aged 0 to 18 years (Table 1). The rise in overall number of children has been driven by an increase of 10,089 primary aged children offset by a slight decrease in the Early Years, Secondary and

Post-16 cohorts of 371, 906 and 507 children respectively. Overtime the primary cohort will age and transition into the secondary sector resulting in an approximate 14% rise ($[10,089/68,959]*100$) in this cohort. Sector yields per 100 dwellings calculated using this method would be applied to a known development size to determine a proxy measure of numbers of children irrespective of the dwelling bed size, type or tenure. For example the calculated 22 primary age children per 100 dwellings arising from Table 1 equates to 1 Form of Entry (FE, 210 primary age pupils) arising from 950 dwellings. Tables 2 and 3 display the yield per 100 dwelling values by age group for 2011 Census derived All Households and Migrant Household data sets. It can be observed that the yield values within the Early Years (0 to 3 years) sector are significantly higher in Migrant Households than All Households whilst the primary yields are relatively comparable.

Table 2. Example yields per 100 dwellings for commonly requested population sectors based on the 2011 Census All Households customised table outputs for Hertfordshire.

	<i>0 - 3 Years</i>	<i>4 - 10 Years</i>	<i>4 - 8 Years</i>	<i>11 - 15 Years</i>	<i>16 - 17 Years</i>
Population	59,396	93,828	67,569	68,918	28,463
Households	451,608				
Yield per 100	13.2	20.8	15.0	15.3	6.3

	<i>13 - 19 Years</i>	<i>0 - 17 Years</i>	<i>Age 55+</i>	<i>Age 65+</i>	<i>Total Pop.</i>
Population	93,884	250,605	290,132	166,589	1,097,683
Yield per 100	20.8	55.5	64.2	36.9	243.1

New build developments will be populated by persons that move into a development and indications of their numbers can be sourced from ONS defined wholly moving households. The Office for National Statistics (ONS) states that: “*Migration tends to be concentrated at young adult ages... future net migration has a much greater effect on the projected number of women of childbearing age and hence the projected number of births, than on projected deaths* (ONS SNPP 2014 – 29th)

October 2015)”. The demographic profile of migrant households therefore tends to differ observably from the population as a whole and given the dominance of the young fertile adult groups the likely number of births will be higher. It is a matter of natural progression that these high birth numbers will transition over time into the Early Years, Primary and Secondary sectors.

Table 3. Example yields per 100 dwellings for commonly requested population sectors based on the 2011 Census Migrant Households customised table outputs for Hertfordshire.

	<i>0 - 3 Years</i>	<i>4 - 10 Years</i>	<i>4 - 8 Years</i>	<i>11 - 15 Years</i>	<i>16 - 17 Years</i>
Population	8,503	7,046	5,400	3,222	1,030
Households	32,846				
Yield per 100	25.9	21.5	16.4	9.8	3.1

	<i>13 - 19 Years</i>	<i>0 - 17 Years</i>	<i>Age 55+</i>	<i>Age 65+</i>	<i>Total Pop.</i>
Population	3,981	19,801	6,951	3,453	71,334
Yield per 100	12.1	60.3	21.2	10.5	217.2

A significant limitation of the demographic ratios method is the inability to age the high yield per 100 dwellings in the Early Years sector into the primary cohort as a development ages resulting in an under-estimation of the number of children likely to require a school place in the future. The “Units Only” model projects a primary pupil yield of 426 pupils for 1,000 dwellings on the basis of the Migrant Household bed size mix however the summary primary yield per 100 dwellings within the underlying data set was 21.5 pupils (Table 3).

This is not dissimilar to those values displayed in Table 1 and equates to a projected primary yield difference of 211 (426 – 215) pupils and occurs as the application of flat rates does not allow for the cumulative transition of the higher yield per 100 dwellings age 0 to 3 cohorts into the primary sector over time. **It is therefore not necessarily the immediate number of primary age children arising from a**

development but the transition of higher yield births into this sector which increases demand on school places.

Any yield calculation method which does not consider this factor is likely to under-project future school place demand. Account is also not given to the higher “birth rates” within a new development as it ages and transitions to a rate equivalent to All Households of an identical dwelling mix (Figure 1). The effect of discounting the transition of the younger cohorts into the primary sector is in this example a significant under representation of likely yield. It is of note that the transition from a peak yield following a development completion to that expected from Hertfordshire overall can take many years and as such consideration cannot be given to the long term average in isolation.

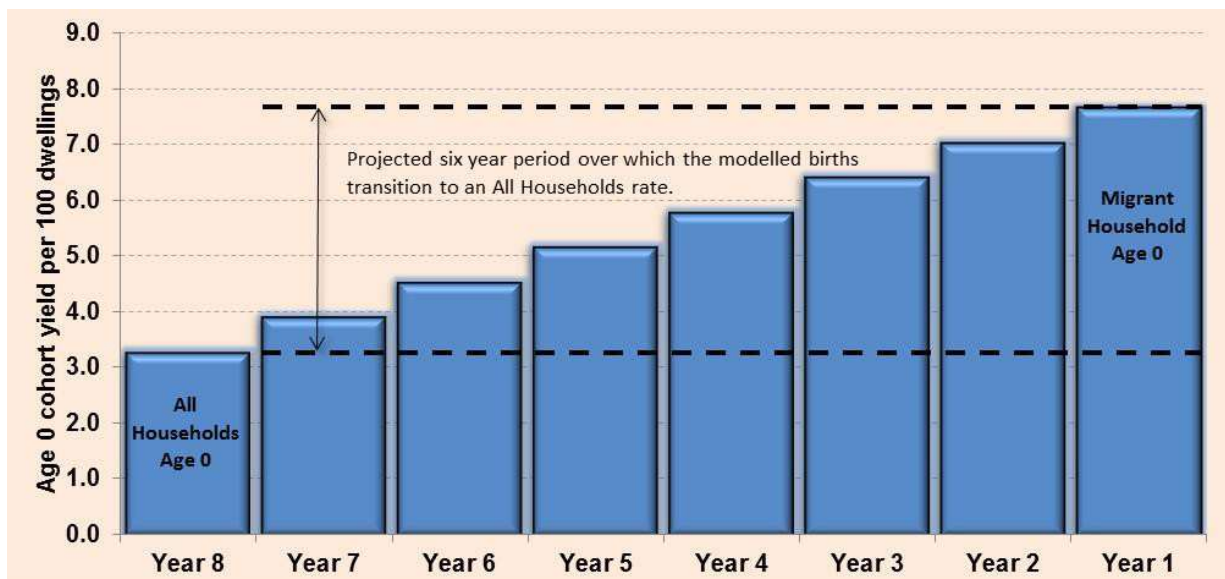


Figure 1. The transition of the Age 0 yield per 100 dwellings from Migrant Households (Year 1) for per annum completed dwellings in a development to that of the All Households yield (Year 8). The data displayed is representative of the Units Only development of 1,000 dwellings with 2011 census bed size mix.

Overall the impact of migration on population change can be significant with the ONS National Population Projections (2014) indicating that nationally 51% of population change to the end of their projection horizon will occur as a result of this element. This rises to 68% if taking into account the indirect contribution of future migration to

population change through its effect on births and deaths. **The demographic characteristics of migrant populations are generally sufficiently different to that of the population as a whole that they are considered by the ONS as a separate group**, much the same way that Special Populations are in the creation of their mid-year estimates.

1.2 HOUSING SURVEYS

Yields determined from surveys and that of a census tend to be more specific than demographic ratios and take into account factors such as accommodation type (house or flat), size (number of bedrooms) and tenure (affordable and market housing) which are generally accepted to influence overall child yield from a development⁴. These methods also allow for the hypothesis that new builds can give rise to a higher pupil yield in comparison to all housing stock and are therefore considered more precise. Surveys tend to be specific to particular areas where new developments have occurred and their robustness is directly proportional to the sampling methodology and response rates however they are generally resource intensive and costly.

HCC initiated a programme of research between 2008 and 2011 over concerns as to potential primary yield increasing as a result of the 22% rise in live births, and the 18% rise in the general fertility rate, between 2002 and 2011 within the authority. The project was an extension of an original body of work, funded by the Royal Statistical Society, which examined the accuracy of several beliefs relating to temporal variation in the age profile of residents on new developments in Hertfordshire. Primary and Secondary pupil yield data was sourced from the Schools Census following geo-coding and matching to identified and completed housing development sites of an urban, semi-urban and rural setting type. The authority's demographer determined that the sample size was statistically robust at county level.

⁴ *Social* housing is provided by a landlord on the basis of housing need, and rents are no higher than target rents set by the government for housing association and local authority rents. Market housing relates to owner-occupied and private rented housing, which does not meet the affordability and access criteria for social housing or intermediate housing.

Whilst neither dwelling type, tenure or bed size data was collected during the survey a mean yield of 23.2 primary pupils per 100 dwellings was determined although statistically applying a yield of 42.8 children per 100 dwellings would result in an under-prediction of calculated primary age yield in only 2.5% of observations. The mean yield of 23.2 pupils per 100 dwellings and the adjusted yield of 42.8 equated to one Form of Entry arising from between 900 and 500 dwellings respectively. Applying a one Form of Entry arising from this number of dwellings at a strategic level minimises the risk to the authority of under predicting pupil yield arising from new developments. The 1FE per 500 dwellings is also supported by analysis of 2011 census data as determined from the Development Model.

1.3 APPLICATION OF CENSUS DATA

Every ten years the census gives a complete picture of the nation and allows the comparison of different groups of people across the United Kingdom because the same questions are asked, and the information is recorded, in the same way throughout England, Wales, Scotland and Northern Ireland (Office for National Statistics). Public services such as schools, health, roads and libraries amongst others need to be planned and a census provides information that government needs to develop such policies and allocate funding. As a result of each census a multitude of data tables are produced, across a broad range of subjects, allowing for the statistically robust analysis and insight of the nation's characteristics across multiple geographies.

Information on population demographics and housing is collected as part of the census which provides data on accommodation and about the way households live. Application of census data within this context is generally dependent on the age profile yield from ONS customised table outputs relating to "All Households" and "Migrant Households". **All Households represents the overall population within a defined geography whilst Migrant Households represents wholly moving households in the twelve months prior to the census and which tend to have observably different demographic characteristics.** ONS customised 2011 census table outputs underpin the Hertfordshire Development model and are discussed extensively within Technical Appendix 2.

TECHNICAL APPENDIX 2: APPLICATION OF THE 2011 CENSUS ALL HOUSEHOLDS AND MIGRANT HOUSEHOLDS DATA TABLES.

The 2011 Census customised data outputs for All Households and Migrant Households provides information relating to the number of persons by age versus total number of households, or it can be broken down by dwelling bed size, type and tenure (or any combination thereof) for incorporation into the model. The 2001 census data was dependent on a relationship established between dwelling Number of Rooms to dwelling Number of Bedrooms in order to determine bed size. This was necessary as the 2001 census asked only for the household number of rooms and not the number of bedrooms, this distinction was corrected for the 2011 census which directly provides number of bedrooms. Whilst the 2011 census number of bedrooms data is directly applicable within the models as a result of statistical disclosure controls the bed size range was capped at 4+ bedrooms.

The customised outputs contained a series of sub-tables relating to (A) All Households (houses and flats combined i.e. B + C), (B) House or Bungalow and, (C) Flat, Maisonette or Apartment. An example of the All Households (ONS Table CTO174 & CTO173) sub-table is shown in Table 1 for all bed sizes in aggregate at Hertfordshire County Council geography. This is an age specific aggregation of the number of persons occurring in All Households (B and C combined) by tenure for Hertfordshire. Aggregation of the single year of ages for children aged 0 – 17 years allows for sector totals to be derived for pre-school (0 to <4 years), primary (4 to <11 years), secondary (11 to <16 years) and post-16 (16 + 17 years).

It is important to note that whilst the data displayed in Table 1 is theoretically an aggregation of Houses and Flats by Tenure, this being the constituent parts, the aggregate in this instance is for a “dwelling” of non-stated type. This distinction is of significance as at this level no distinction is made as to the proportional representation of the Type factor which Technical Note 1 determined to have an impact on projected development yield. It follows from the above classification that further sub-tables are available following an identical structure of persons by age for household type (Categories A, B and C above) by tenure and bed size.

Table 1. Summary data for All Households arising from ONS Table CTO174 & CTO173 - Accommodation type for households and age of persons by number of bedrooms by tenure – All households and all persons in households in Hertfordshire (Data shown is for all bed sizes in aggregate and for the age range 0 to 16 years only due to table size).

	Owner occupied: Owns outright	Owner occupied: Owns with a mortgage or loan and shared ownership	Rented from: Council (local authority)	Rented from: Housing Association/Registered Social Landlord	Rented from: Private landlord or letting agency	Rented from: Other	Total
TOTAL HOUSEHOLDS	134949	170855	41567	40695	54306	9236	451608

Total Persons by Age	269786	495415	96300	90178	127145	18859	1097683
0 years	686	8020	1510	1448	3080	303	15047
1 year	756	8018	1557	1486	2777	284	14878
2 years	758	8067	1641	1525	2542	245	14778
3 years	832	8279	1652	1518	2186	226	14693
4 years	892	8256	1581	1500	1941	238	14408
5 years	881	8045	1493	1533	1703	192	13847
6 years	980	7796	1408	1361	1571	190	13306
7 years	1089	7988	1365	1361	1478	175	13456
8 years	1109	7463	1290	1295	1229	166	12552
9 years	1174	7707	1421	1357	1235	146	13040
10 years	1362	7738	1396	1349	1218	156	13219
11 years	1409	7903	1385	1370	1241	162	13470
12 years	1498	8148	1473	1342	1161	145	13767
13 years	1638	7973	1487	1389	1088	143	13718
14 years	1686	8067	1529	1429	1097	162	13970
15 years	1837	7964	1583	1422	1050	137	13993
16 years	1972	8113	1571	1349	1053	156	14214

Table 2. The number of “All Households” residents and dwellings by bed size and the respective percentage (%) dwelling representation by bed size relative to all dwellings.

		Bed Size			
		1	2	3	4+
Units Only					
Persons	1,097,683	74,947	220,330	473,749	328,657
Dwellings	451,608	55,571	111,715	181,086	103,236
<i>% dwelling mix by size</i>		12.3%	24.7%	40.1%	22.9%
<hr/>					
Units & Type - Houses					
Persons	930,773	14,258	130,285	460,547	325,683
Dwellings	353,351	9,778	65,318	175,921	102,334
<i>% dwelling mix by size</i>		2.2%	14.5%	39.0%	22.7%
<hr/>					
Units & Type - Flats					
Persons	166,910	60,689	90,045	13,202	2,974
Dwellings	98,257	45,793	46,397	5,165	902
<i>% dwelling mix by size</i>		10.1%	10.3%	1.1%	0.2%
<hr/>					
Units & Type & Tenure – Open Market Houses					
		1	2	3	4+
Persons	799,477	8,924	99,604	378,021	312,928
Dwellings	304,930	5,697	51,793	148,273	99,167
<i>% dwelling mix by size</i>		1.3%	11.5%	32.8%	22.0%
<hr/>					
Units and Type & Tenure – Social Houses					
		1	2	3	4+
Persons	131,296	5,334	30,681	82,526	12,755
Dwellings	48,421	4,081	13,525	27,648	3,167
<i>% dwelling mix by size</i>		0.9%	3.0%	6.1%	0.7%
<hr/>					
Units and Type & Tenure – Open Market Flats					
		1	2	3	4+
Persons	111,728	35,135	64,543	9,499	2,551
Dwellings	64,416	24,995	34,788	3,870	763
<i>% dwelling mix by size</i>		5.5%	7.7%	0.9%	0.2%
<hr/>					
Units and Type & Tenure – Social Flats					
		1	2	3	4+
Persons	55,182	25,554	25,502	3,703	423
Dwellings	33,841	20,798	11,609	1,295	139
<i>% dwelling mix by size</i>		4.6%	2.6%	0.3%	0.0%

Table 3. The number of “Migrant Households” residents and dwellings by bed size and the respective percentage (%) dwelling representation by bed size relative to all dwellings.

		Bed Size			
		1	2	3	4+
Units Only					
Persons	71,334	10,753	21,918	24,111	14,552
Dwellings	32,846	8,254	11,497	8,714	4,381
<i>% dwelling mix by size</i>		25.1%	35.0%	26.5%	13.3%
<hr/>					
Units & Type - Houses					
Persons	48,036	1,423	9,610	22,707	14,296
Dwellings	18,252	1,030	4,813	8,130	4,279
<i>% dwelling mix by size</i>		3.1%	14.7%	24.8%	13.0%
<hr/>					
Units & Type - Flats					
Persons	23,298	9,330	12,308	1,404	256
Dwellings	14,594	7,224	6,684	584	102
<i>% dwelling mix by size</i>		22.0%	20.3%	1.8%	0.3%
<hr/>					
Units and Type & Tenure – Open Market Houses					
		1	2	3	4+
Persons	41,267	1,050	7,850	18,784	13,583
Dwellings	16,004	723	4,061	7,087	4,133
<i>% dwelling mix by size</i>		2.2%	12.4%	21.6%	12.6%
<hr/>					
Units and Type & Tenure – Social Houses					
		1	2	3	4+
Persons	6,769	373	1,760	3,923	713
Dwellings	2,248	307	752	1,043	146
<i>% dwelling mix by size</i>		0.9%	2.3%	3.2%	0.4%
<hr/>					
Units and Type & Tenure – Open Market Flats					
		1	2	3	4+
Persons	17,638	6,546	9,816	1,076	200
Dwellings	10,993	4,918	5,518	474	83
<i>% dwelling mix by size</i>		15.0%	16.8%	1.4%	0.3%
<hr/>					
Units and Type & Tenure – Social Flats					
		1	2	3	4+
Persons	5,660	2,784	2,492	328	56
Dwellings	3,601	2,306	1,166	110	19
<i>% dwelling mix by size</i>		7.0%	3.5%	0.3%	0.1%

These tables, of which there are 330 in total (165 each for All Households and Migrant Households), provide the underlying raw data used in calculating child yield by sector, and by varying level of detail, within the model applied by Hertfordshire County Council. Combination of customised table outputs CTO173 and CTO174 for All Households determined that there were 451,608 households in total within Hertfordshire of which 12.3% were 1 bedroom dwellings, 24.7% were 2 bedroom, 40.1% were 3 bedroom and 22.9% were 4 and above bedroom dwellings (Table 2).

In relation to the Migrant, wholly moving households in the year prior to the 2011 census date, customised output for Hertfordshire it was observed that there were a total of 32,846 households. Of these 25.1% were 1 bedroom households, 35.0% were 2 bedrooms, 26.5% were 3 bedrooms and 13.3% were 4 or more bedrooms (Table 3). In comparison the proportion of 1 and 2 bedroom households within the Migrants cohort was observably higher than that of the All Households.

Conversely the proportion of 3 and 4 (or more) bedroom households in Hertfordshire within the All Households customised output was higher than that of the Migrants cohort. In both instances the census household mix, as defined within Table 2 and 3, determined a particular age yield profile based on the proportional representation of these bedroom sizes. An amendment to the proportional mix would likely result in a different age yield being determined which would be an important component of any model. With respect to the percentage representation by dwelling type All Households had 78.4% Houses and 21.7% Flats whilst Migrant Households had a lower proportion of Houses at 55.6% and 44.4% Flats.

The dominant tenure for All Households and Migrant Households was Open Market Houses at 67.6% and 48.8% respectively followed by Open Market Flats at 14.3% and 33.5%. Affordable flats had a higher proportional representation in Migrant Households at 10.9% than that observed for All Households at 7.5%. Broadly speaking occupancy rates by type and tenure were similar between All Households and Migrant Households and in both instances affordable dwellings generally had a higher value (Tables 4 and 5). The latter point suggests that affordable dwellings are generally used more efficiently than that of the equivalent Open Market residences.

Table 4. The “All Households” percentage (%) contribution of households by Type and Tenure to total households for the Hertfordshire model and respective total population occupancy rates by bed size.

	% Contribution	Σ	Occupancy Ratio by bed size			
			1	2	3	4+
Units Only	100.0%	2.4	1.3	2.0	2.6	3.2
Units and Type						
<i>Houses</i>	78.4%	2.6	1.5	2.0	2.6	3.2
<i>Flats</i>	21.7%	1.7	1.3	1.9	2.6	3.3
Units and Type & Tenure						
<i>OM Houses</i>	67.6%	2.6	1.6	1.9	2.5	3.2
<i>Aff. Houses</i>	10.7%	2.7	1.3	2.3	3.0	4.0
<i>OM Flats</i>	14.3%	1.7	1.4	1.9	2.5	3.3
<i>Aff. Flats</i>	7.5%	1.6	1.2	2.2	2.9	3.0

Dividing the number of persons by the number of households by size (number of bedrooms) determines a “per dwelling” person yield by single year of age for both All Households and Migrant households (Table 6). For example within Migrant Households there were a total of 2,518 persons aged 0 for all bedroom sizes and a total number of 32,846 households which gives a specific age yield per dwelling of 0.08 in this instance. The 3 bedroom dwelling size count of persons aged 0 was 925 whilst the number of households was 8,714 giving rise to a single dwelling yield aged 0 of 0.106 and so forth. As Table 6 displays the data can be further broken down to provide single dwelling yields by age and bed size for Type and Type & Tenure. Aggregation of the Single Year of Age (SYOA) data presented within Table 6 allows for school stage totals to be determined per single dwelling for All Dwellings and by dwelling size for Type and Type & Tenure combined.

Table 5. The “Migrant Households” percentage (%) contribution of households by Type and Tenure to total households for the model and respective total population occupancy rates by bed size.

	% Contribution	Σ	Occupancy Ratio by bed size			
			1	2	3	4+
Units Only	100.0%	2.2	1.3	1.9	2.8	3.3
Units and Type						
<i>Houses</i>	55.6%	2.6	1.4	2.0	2.8	3.3
<i>Flats</i>	44.4%	1.6	1.3	1.8	2.4	2.5
Units and Type & Tenure						
<i>OM Houses</i>	48.8%	2.6	1.5	1.9	2.7	3.3
<i>Aff. Houses</i>	6.8%	3.0	1.2	2.3	3.8	4.9
<i>OM Flats</i>	33.5%	1.6	1.3	1.8	2.3	2.4
<i>Aff. Flats</i>	10.9%	1.6	1.2	2.1	3.0	2.9

The yield per dwelling values readily lend themselves for transformation to commonly applied ratios of child yield per 100 dwellings through multiplying the single year of age yield by specific bedroom size to the relevant development composition by bed size. This is discussed in greater detail in Technical Appendix 3. Where a development mix is unknown, such that just the development overall size is known, then the 2011 Migrant Household bed size mix ratios are applied (Units Only). Where the development mix is known, i.e. number of dwellings by bedroom size for all types and/or tenures combined, the specific mix is applied in the calculation process (Units and Type/Units and Type & Tenure). This therefore allows for yields to be calculated specific to the development mix characteristics but also enables the determination of yields wherein the mix is unknown through application of the census ratios. The Census development mix ratios for All Households and Migrant Households are as shown in Tables 2 & 3.

Table 6. The yield per dwelling by Single Year of Age for 3 Bed dwellings for “Migrant Households”.

Age (Years)	<i>Units Only</i>	<i>Units and Type</i>		<i>Units and Type & Tenure</i>			
		<i>Houses</i>	<i>Flats</i>	<i>OM Houses</i>	<i>Social Houses</i>	<i>OM Flats</i>	<i>Social Flats</i>
0	0.106	0.109	0.072	0.101	0.157	0.053	0.155
1	0.104	0.107	0.070	0.096	0.178	0.057	0.127
2	0.093	0.094	0.074	0.080	0.194	0.049	0.182
3	0.085	0.087	0.060	0.072	0.191	0.044	0.127
4	0.072	0.071	0.077	0.060	0.149	0.068	0.118
5	0.063	0.065	0.034	0.054	0.138	0.027	0.064
6	0.053	0.055	0.036	0.044	0.128	0.030	0.064
7	0.050	0.051	0.038	0.040	0.126	0.023	0.100
8	0.046	0.047	0.029	0.037	0.111	0.021	0.064
9	0.045	0.046	0.038	0.038	0.098	0.034	0.055
10	0.043	0.044	0.026	0.038	0.087	0.025	0.027
11	0.042	0.043	0.027	0.036	0.092	0.019	0.064
12	0.039	0.038	0.039	0.032	0.081	0.038	0.045
13	0.031	0.031	0.026	0.026	0.067	0.025	0.027
14	0.033	0.033	0.034	0.027	0.075	0.025	0.073
15	0.025	0.025	0.017	0.021	0.058	0.013	0.036
16	0.028	0.028	0.026	0.025	0.052	0.021	0.045
17	0.025	0.026	0.021	0.021	0.058	0.017	0.036
18	0.022	0.020	0.046	0.017	0.047	0.025	0.136
19	0.017	0.016	0.033	0.013	0.034	0.025	0.064

The difference between All Household and Migrant Household yield per 100 dwellings can be investigated on the basis of an example development applied to “Units Only”. This applies 1000 dwellings of unknown Type or Type & Tenure, with a 7 year build trajectory and applying the 2011 census Migrant Household bed size mix (1 bed = 25.1% of development total, 2 bed = 35.0%, 3 bed = 26.5% and 4+ bed = 13.3%). Figure 1 displays the observably higher Migrant Household yield per 100

dwellings of the young adult cohorts predominantly from 25 through to 39 years which relates to those cohorts whom are of reproductive age.

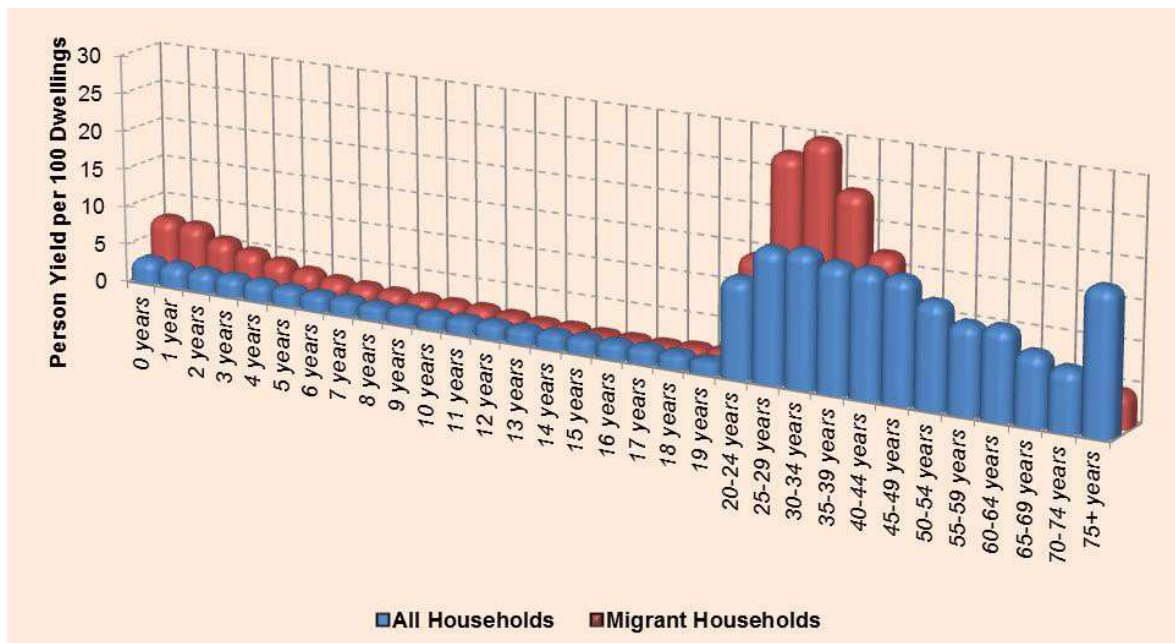


Figure 1. The yield per 100 dwellings for Migrant Households and All Households based on the 2011 census data tables for Hertfordshire in consideration of All Dwellings (Bed size mix reflects that of Migrant Households – Table 2).

It is also of note that the Migrant Household yields are twice those of All Households in the Age 0, 1, 2 and 3 cohorts. Whilst the primary age yields are higher for the Migrant Households this is predominantly in the age 4 to 6 cohorts with a tapering to an equivalent yield of All Households beyond this point. It is therefore observable that it is not necessarily a higher yield in primary age cohorts arising from Migrant Households which determines the yield arising from a new development but the ageing of the early years into the primary sector and beyond. The long term effects would be of particular relevance for a development with an extended trajectory.

Figure 2 displays the difference in yield per 100 dwellings by age between Migrant Households and All Households for the “Units Only” example given above wherein positive values indicate a higher Migrant Household yield. For the specified

development mix it can be observed that the Migrant age 7 to 11 yield is only marginally higher than that of All Households whilst, for the secondary sector, this position is reversed with All Households having a higher yield.

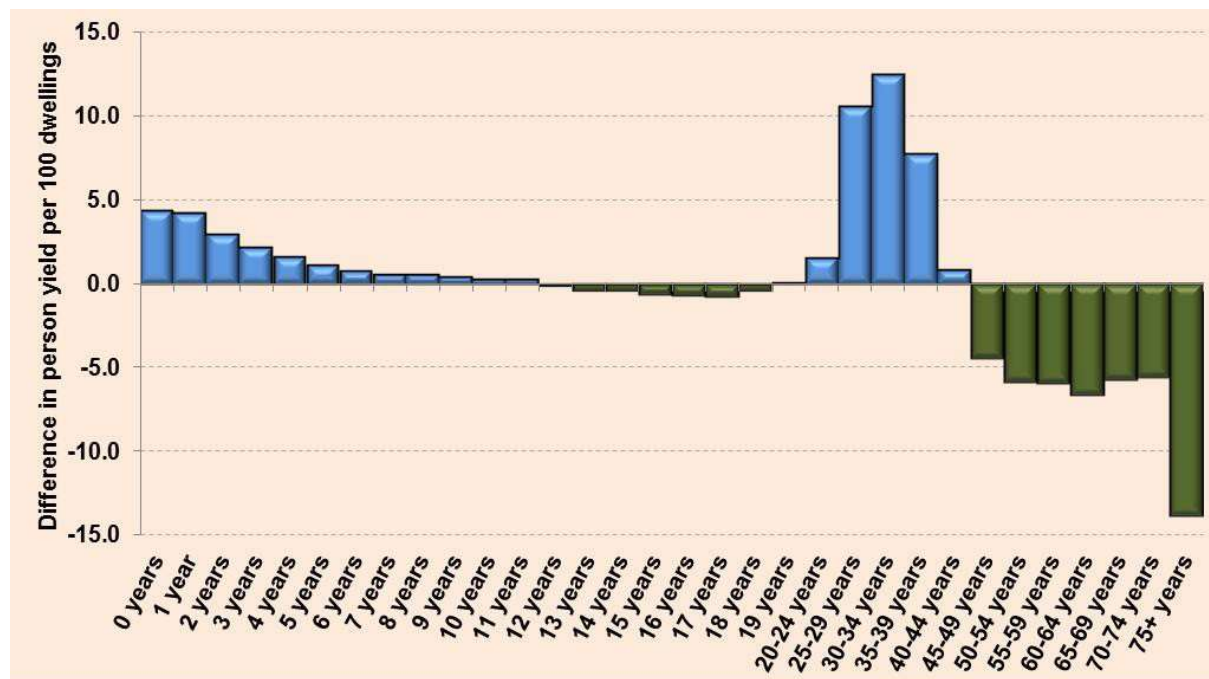


Figure 2. The difference in yield per 100 dwellings between Migrant Households and All Households based on the “Units Only” example (Bed size mix for both reflects that of the 2011 census Migrant Households – Table 2 – Positive values are a higher yield in Migrant Households).

Of particular note however is the observably higher yield per 100 dwellings within the adults aged 20 to 39 years which supports the ONS position that migrant households tend to be dominated by younger adults. This cohort is of reproductive age and applying age specific fertility rates to the number of females would determine a higher number of births than that experienced by the equivalent number of All Households. The higher number of births would be in addition to the greater Age 0 to 4 yields per 100 dwellings already present in Migrant Households which Figure 2 displays supporting the hypothesis that wholly moving households tend to have higher proportions of younger children.

Whilst the differences in these yields per 100 dwellings are observable context can be provided by dividing the Migrant Household yields by the All Households. On this

basis the age 0, 1, 2, 3, 4, 5 and 6 year old Migrant Households yields per 100 dwellings for the specified development mix are 234%, 238%, 203%, 180%, 162%, 147% and 134% higher than that of the All Households respectively. However, it is not just the migrant yields arising immediately from the completed dwellings which have an impact on projected early years and primary child numbers. As a development progresses and dwellings become occupied they will, over time, transition into a yield per 100 dwellings rate that reflects that of All Households i.e. a development over time is expected to reflect the demographic characteristics of Hertfordshire overall.

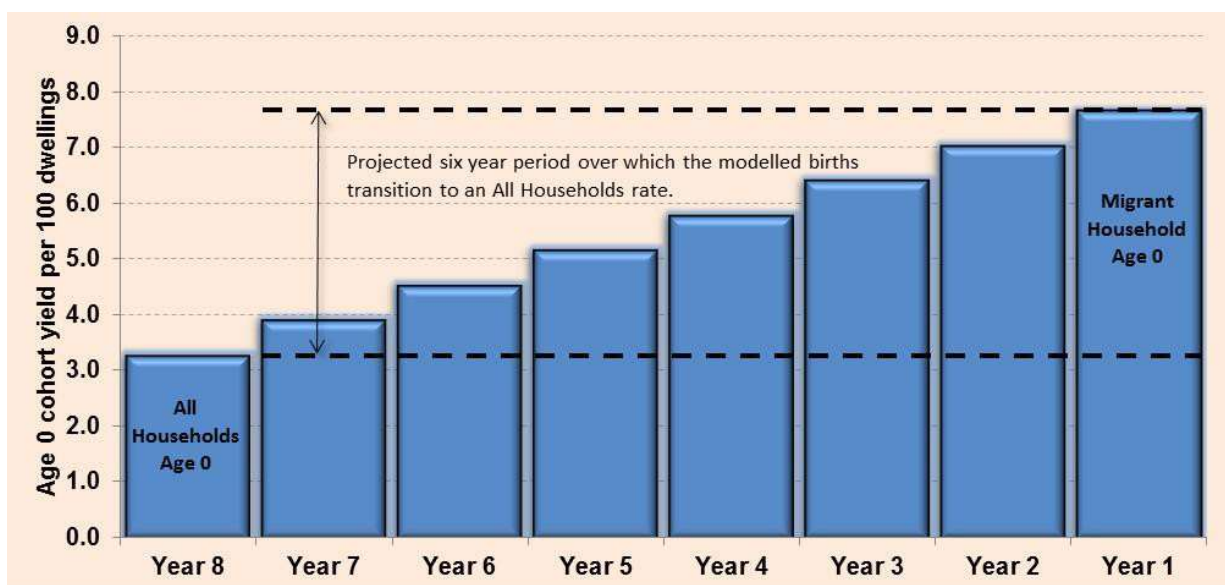


Figure 3. The transition of the Age 0 yield per 100 dwellings from Migrant Households (Year 1) for per annum completed dwellings in a development to that of the All Households yield (Year 8). The data displayed is representative of the “Units Only” example specific development mix.

As such the number of births that arise from a development, which age into early years and beyond, will reduce to that expected of All Households although this is a transitional period over a number of years within which the births arising for dwellings completed will still exceed that of All Households. For the “Units Only” example the expected age 0 cohorts that will transition into completed dwellings over time is as shown in Figure 3, note that these values are specific to the applied development mix.

It can be observed from the specified development mix that not only is the Age 0 (or effective birth) yield per 100 dwellings twice that of All Households but over a number of years, whilst the development transitions to a yield rate of Hertfordshire overall, that the number of modelled births will be higher. This position is supported by the observably higher per 100 dwelling yields occurring within the reproductive age cohorts (Figure 2). A final observation is with regards to the older adult cohorts aged 45 and above. Figure 2 clearly presents that the yield per 100 dwellings of this cohort is considerably greater in All Households than that of Migrant Households. The dominance of the younger adults aged 20 – 39 years and the relatively lower number of older persons aged 45+ provides Migrant Households a demographic profile which is sufficiently different to the population as a whole that they are often considered as a separate group within projection models.

TECHNICAL APPENDIX 3: HOW THE DEVELOPMENT MODEL OPERATES.

1.0 SINGLE DWELLING YIELDS AND APPLYING THE DEVELOPMENT BED SIZE PERCENTAGE SPLIT

The 2011 census All Households and Migrant Households customised data tables allows for the determination of number of persons and number of households by bed size. This is applicable at all levels of detail for the “Units Only”, “Units and Type” and, the “Units and Type & Tenure” drill downs available in the model. It can be observed that the aggregate number of persons and households at the highest level of detail (Units and Type & Tenure) equals that at the lowest level of detail (Units Only).

Within this context the Units Only level of detail considers all households to be an aggregate count of unspecified dwelling type whilst for Units and Type & Tenure the specific number of houses and flats by tenure is known. Given that the number of dwellings by bed size is known and that the number of persons by bed size is also known then it is possible to calculate yield per dwelling ratio values by bed size for each level of detail. This is applied within the Development model as a number of hidden and protected calculation worksheets relating to All Households and Migrant Households.

The layout and processes of each of the worksheets is identical between All Households and Migrant Households. Each of the worksheets contains a table linked to the Illustrative Mix and represents the number of dwellings by bed size, Type and where applicable Tenure (Figure 1). Where type and tenure is not being considered then the Units Only level of detail will use the Development Size data and apply the census Migrant Household Bed Size Mix in the calculation processes.

Figure 2 displays the next table included within these worksheets which shows the 2011 census number of residents and households relevant to the level of detail specified (i.e. “Units Only”, “Units and Type” and, the “Units and Type & Tenure”).

Within this is displayed the bed size percentage mix used to multiply the single dwelling yield by age and bed size values derived from the census data into a yield per 100 dwelling rates by age. Each of the tables display the “Census Proportion” which represents the underlying census data bed size split and this is applied wherein a development mix by bed size is not specified (Units Only).

Development Mix by Tenure and Size					
HOUSES			FLATS		
Number of bedrooms	A) Open Market	B) Affordable (Social Rent)	Number of bedrooms	A) Open Market	B) Affordable (Social Rent)
1	0	0	1	406	271
2	0	0	2	740	494
3	0	0	3	47	32
4+	0	0	4+	0	0
Total	0	0	Total	1193	797
<i>Totals entered here must equal the Development Size entered below</i>			Total Affordable (Social)		797
			Total Open Market		1193
			Overall total		1990
Dwelling Proportions		Development Size		1990	
Number of	% based on				
1 bed	34.0				
2 bed	62.0				
3 bed	4.0				
4+ bed	0.0				
Total	100.0				
IMPORTANT NOTE					
Where a development mix is not entered then the Dwelling Proportions by bed size will default to the 2011 Census All Dwellings values					

Figure 1. The development mix by tenure and size matrix contained within each of the yield by single dwelling worksheets.

The Development Proportion is displayed below the Census Proportion, where bed size data is entered into the models then the development mix will be applied rather than the census proportions. Detailed population data by age and bed size is presented from the relevant underlying census base data tables and is specific to the particular level of detail being applied (Figure 3).

AREA	Hertfordshire					
Known Development Total Size with Census Proportional Mix or Development Proportional Mix, by bedroom size, No Type or Tenure Split.						
ONS Customised Tables Census 2011 - CTO173 and CTO174						
2011 Census Geographic level = Hertfordshire and Districts						
All Tenures	BEDROOMS	1	2	3	4+	Check
Residents	1,097,683	74,947	220,330	473,749	328,657	OK
Households	451,608	55,571	111,715	181,086	103,236	OK
% household mix relative to all households		12.3%	24.7%	40.1%	22.9%	
TOTALS	Bedrooms	1	2	3	4+	
	Census Proportion	12.3	24.7	40.1	22.9	
	Development Proportion	34.0	62.0	4.0	0.0	

Figure 2. 2011 Census number of resident and households with the census or development proportions applied in the calculations displayed.

	All	1 Bed	2 Bed	3 Bed	4+ Bed		
Total Persons	1,097,683	74,947	220,330	473,749	328,657	OK	
SYOA	Persons	Persons by number of bedrooms				Check	
A	0 years	15,047	986	4,963	6,189	2,909	OK
	1 year	14,878	684	4,499	6,488	3,207	OK
	2 years	14,778	447	4,003	6,599	3,729	OK
	3 years	14,693	364	3,501	6,746	4,082	OK
B	4 years	14,408	291	3,026	6,718	4,373	OK
	5 years	13,847	207	2,603	6,638	4,399	OK
	6 years	13,306	184	2,222	6,334	4,566	OK
	7 years	13,456	144	1,915	6,423	4,974	OK
	8 years	12,552	129	1,619	5,942	4,862	OK
	9 years	13,040	134	1,641	6,163	5,102	OK
C	10 years	13,219	119	1,597	6,103	5,400	OK
	11 years	13,470	125	1,420	6,187	5,738	OK
	12 years	13,767	119	1,357	6,419	5,872	OK
	13 years	13,718	96	1,294	6,390	5,938	OK
	14 years	13,970	97	1,278	6,560	6,035	OK
D	15 years	13,993	113	1,310	6,416	6,154	OK
	16 years	14,214	116	1,265	6,540	6,293	OK
	17 years	14,249	177	1,292	6,495	6,285	OK

Figure 3. The 2011 Census population data used within the model sheets to calculate single dwelling yield values by bed size and age.

The specific number of households by bed size data shown in Figure 2 is applied to the detailed bed size population by age data displayed in Figure 3 in order to determine single dwelling yield values by age and bed size (Figure 4). The single dwelling yields arise from the underlying census data relative to “Units Only”, “Units and Type” and, the “Units and Type & Tenure” and are not as yet adjusted to take account of the development bed size mix.

		All	1 Bed	2 Bed	3 Bed	4+ Bed
SYOA		All	Child Yield per dwelling by SYOA			
A	0 years	0.03	0.018	0.044	0.034	0.028
	1 year	0.03	0.012	0.040	0.036	0.031
	2 years	0.03	0.008	0.036	0.036	0.036
	3 years	0.03	0.007	0.031	0.037	0.040
B	4 years	0.03	0.005	0.027	0.037	0.042
	5 years	0.03	0.004	0.023	0.037	0.043
	6 years	0.03	0.003	0.020	0.035	0.044
	7 years	0.03	0.003	0.017	0.035	0.048
	8 years	0.03	0.002	0.014	0.033	0.047
	9 years	0.03	0.002	0.015	0.034	0.049
	10 years	0.03	0.002	0.014	0.034	0.052
C	11 years	0.03	0.002	0.013	0.034	0.056
	12 years	0.03	0.002	0.012	0.035	0.057
	13 years	0.03	0.002	0.012	0.035	0.058
	14 years	0.03	0.002	0.011	0.036	0.058
	15 years	0.03	0.002	0.012	0.035	0.060
D	16 years	0.03	0.002	0.011	0.036	0.061
	17 years	0.03	0.003	0.012	0.036	0.061

Figure 4. Age and Bed size specific single dwelling yield values calculated within the relevant “Units Only”, “Units and Type” and, the “Units and Type & Tenure” underlying data sheets for All Households and Migrant Households.

1.1 CALCULATING THE YIELD PER 100 DWELLINGS BASED ON THE PERCENTAGE REPRESENTATION BY BED SIZE

The single dwelling yields are calculated by dividing the total number of persons of a particular age within a particular bed size household by the total number of households of that bed size. It therefore follows that if one were to multiply the single

dwelling yield, by age, for a particular bed size by the total number of households of that bed size then it would realise the census total number of people of that age and vice versa with households. An alternative way of expressing this is as a percentage value given that the total number of households is known and the breakdown by bed size is also known.

For example consider the “Migrant Households” census data for Units Only (i.e. no Type or Tenure level of detail). The total number of households was 32,846 of which 8254, 11497, 8714 and 4381 were 1, 2, 3 and 4+ bedroom dwellings respectively. It therefore follows that the percentage representation of these bed sizes was 25.1% for 1 bed, 35.0% for 2 bed, 26.5% for 3 bed and, 13.3% for 4+ bed. The migrant population by age and bed size as determined from the census, in the case of Units Only, was therefore resident in this bed size proportionate mix. This is intrinsically linked to the single dwelling yield values by age and bed size due to the inter-relationship of these parameters. If one were to multiply a particular age yield per dwelling value for a particular bed size by the proportional representation of that bed size household relative to all households then it would derive the total number of persons of that age in that bed size as at the census date.

Considering again the Units Only level of data, although this equally applies to Type and Tenure by bed size, the Age 0 yield per dwelling by bed size is as shown in Table 1 as (A). The percentage representation of the total number of households of each bed size relative to the total households is given as (B). Multiplying these figures together gives a yield per dwelling taking into account the percentage representation of the households relative to the total households (C). Multiplying these figures by one hundred gives an Age 0 yield per 100 dwellings (D) by bed size taking into account the proportionate bed size mix. The summation of these values by bed size gives an overall Age 0 yield per 100 dwellings which takes into account the percentage representation of the bed size mix. Based on the data in Table 1 the Migrant Household yield per 100 dwellings for Units Only (no Type nor Tenure distinction) for Age 0 children would therefore be $(0.669 + 2.746 + 2.813 + 1.430)$ 7.66 children.

Table 1. The application of the bed size percentage mix in order to calculate a yield per 100 dwellings specific to a development or the census. Data shown is for “Migrant Households” and the Units Only (no Type or Tenure distinction) Age 0 cohort.

	1 Bed	2 Bed	3 Bed	4+ Bed
<i>(A) Yield per Dwelling</i>	0.027	0.078	0.106	0.108
<i>(B) Household % Mix</i>	25.1%	35.0%	26.5%	13.3%
<i>(C) A x B</i>	0.007	0.027	0.028	0.014
<i>(D) Yield per 100 dwellings (C x 100)</i>	0.669	2.746	2.813	1.430

Within the model worksheets, as discussed later, the summary yields by age are multiplied by each year dwelling completions to determine the overall yield which will arise. The number of completions by bed size each year is unlikely to be known and therefore taking into account the bed size proportional representation in the yield calculations themselves accounts for this element. The yield per 100 dwellings by bed size taking into account the percentage bed size mix can be reverse calculated to check that the number of children matches that observed from the census. This can be done simply using the following equation:

$$\left(\text{Bed size yield per 100 dwellings} \times \left[\frac{\text{Total No: Households}}{100} \right] \right)$$

Applying this derives 220, 902, 924 and 470 Age 0 children resulting from the development proportional mix which matches that observed from the census (with the exception of minor rounding errors). An alternative way of expressing the yield per 100 dwellings with respect to the development proportionate bed size mix is displayed in Table 2 for the Age 0 cohort in the Units Only level of detail. The starting point in this instance is the number of households by bed size (A) from which the ratio value for a 100 households is determined (B). The total household 100 dwelling ratio value (328.46) is divided by the respective bed size ratio to determine a 1 household ratio (C) which is in effect the same as the household percentage mix.

The single dwelling yield for Age 0 children by bed size (*D*) multiplied by the 1 household ratio (*C*) determines the dwelling yield (*E*) by bed size. The per dwelling yield multiplied by 100 calculates the Age 0 yield per 100 dwellings which matches that calculated within Table 1 (minor differences due to rounding in applied data).

Table 2. The application of the 100 household ratio in order to calculate a yield specific to a development, or census, bed size mix. Data shown is for “Migrant Households” and the “Units Only” Age 0 cohort.

	<i>1 Bed</i>	<i>2 Bed</i>	<i>3 Bed</i>	<i>4+ Bed</i>	<i>Total</i>
<i>(A) All Dwellings</i>	8254	11497	8714	4381	32846
<i>(B) 100 household ratio (A/100)</i>	82.54	114.97	87.14	43.81	328.46
<i>(C) 1 household ratio</i>	0.251	0.350	0.265	0.133	N/A
<i>(D) Single dwelling yield</i>	0.027	0.078	0.106	0.108	N/A
<i>(E) per dwelling yield (C x D)</i>	0.007	0.027	0.028	0.014	0.08
<i>(F) per 100 dwelling yield (E x 100)</i>	0.670	2.746	2.816	1.434	7.67

It can therefore be observed that there is no difference in applying the percentage bed size mix as opposed to using the single dwelling yield multiplied by the representation of that bed size (by Type and Tenure where relevant) within the development and transforming to a per 100 dwellings figure. Both methods take into account the number of households by bed size relative to the total number of households. The proportionate bed size mix must always be taken into consideration as it enables the calculation of the bed size aggregate person yield per 100 dwellings required for the different levels of detail within the model. The percentage bed size mix values as observed from the census for “Migrant Households” for “Units Only”, “Units and Type” and, the “Units and Type & Tenure” are displayed in Technical Appendix 2 - Table 3.

The proportionate representation by bed size for the respective level of detail is applied to the single dwelling yields within the worksheets to determine the age and bed size yield per 100 dwellings (Figure 5). The area circled in Figure 5 represents the age and aggregate yield per 100 dwellings taking into account the development percentage bed size mix. These figures are linked through to the model worksheets for both All Households and Migrant Households for the relevant “Units Only”, “Units and Type” and, the “Units and Type & Tenure” modelling.

		All	1 Bed	2 Bed	3 Bed	4+ Bed
SYOA		All	Yield per 100 dwellings based on development percentage by bed size			
A	0 years	3.5	0.60	2.75	0.14	0.00
	1 year	3.1	0.42	2.50	0.14	0.00
	2 years	2.6	0.27	2.22	0.14	0.00
	3 years	2.3	0.22	1.94	0.15	0.00
B	4 years	2.0	0.18	1.68	0.15	0.00
	5 years	1.7	0.13	1.44	0.15	0.00
	6 years	1.5	0.11	1.23	0.14	0.00
	7 years	1.3	0.09	1.06	0.14	0.00
	8 years	1.1	0.08	0.90	0.13	0.00
	9 years	1.1	0.08	0.91	0.14	0.00
	10 years	1.1	0.07	0.89	0.13	0.00
C	11 years	1.0	0.08	0.79	0.14	0.00
	12 years	1.0	0.07	0.75	0.14	0.00
	13 years	0.9	0.06	0.72	0.14	0.00
	14 years	0.9	0.06	0.71	0.14	0.00
	15 years	0.9	0.07	0.73	0.14	0.00
D	16 years	0.9	0.07	0.70	0.14	0.00
	17 years	1.0	0.11	0.72	0.14	0.00
	18 years	1.0	0.17	0.72	0.13	0.00
	19 years	1.1	0.28	0.76	0.10	0.00
	20-24 years	11.0	3.44	7.03	0.51	0.00

Figure 5. The single dwelling yields multiplied by the development bed size representation determines the age and bed size specific yield per 100 dwellings applied in the model sheets.

It is important to note that the method by which the percentage bed sizes are calculated differs between the levels of detail. For “Units Only” the development percentage bed size representation is determined by the number of dwellings by size divided by the total dwellings in the development. For “Units and Type” the percentage representation of houses is calculated as the number of houses of a

particular bed size divided by the total number of houses only. The percentage representation of flats is similarly determined by dividing the number of flats by bed size with the total number of flats only. A similar principle is applied within the “Units and Type & Tenure” wherein the percentage representation of Open Market Houses is determined by the number of Open Market Houses by particular bed size divided by the total number of Open Market Houses and so forth. This may appear contrary to expectations given that “Units Only” applies the total number of dwellings however a detailed explanation for this is given in Technical Appendix 2.

TECHNICAL APPENDIX 4: THE MODEL WORKSHEETS

The model worksheets represent the most complex part of the process in projecting population and contain the detailed calculation functions. Whilst the physical model is the intellectual property of HCC, the methodology that has been adopted to create these worksheets is explained in detail below. The model contains seven principle calculation sheets which incorporate elements from the relevant All Households, Migrant Households and Illustrative Mix sections, as discussed in Technical Appendix 3, to predict the likely population arising from a proposed development mix.

1.0 OVERVIEW OF THE MODEL WORKSHEETS

As can be observed from Figure 1 there are four principle matrices to each of the model sheets, these are:

- Population Age Distribution per 100 Dwellings (top right of Figure 1 – cells highlighted in brown)
- Unborn child yield per 100 dwellings (top left of Figure 1 – cells highlighted in yellow)
- Timescale for development completion (middle table of Figure 1)
- Population by age yielded from the proposed development (large table at the bottom of Figure 1)

In addition to each of these matrices there is a separate summary table which summarises the population counts by single year of age to service specified aggregate groups, this is discussed later in the Technical Appendix.

1.1 THE POPULATION AGE DISTRIBUTION AND UNBORN CHILD YIELD PER 100 DWELLINGS

The population age distribution by single year of age is automatically completed from the age specific bed size aggregate yield per 100 dwellings information arising from the development mix as determined with respect to Migrant Households (Technical

Appendix 3). This represents the anticipated population yield that is likely to arise per 100 dwellings from the development based on the proportionate bed size mix. Each of the model sheets links to the specific tables with respect to Units Only, Units and Type, Units and Type & Tenure.

SITE NAME:		Adapted from data from the Office for National Statistics licensed under the Open Government Licence v.1.0.																								
APPLICATION REF:																										
(A)	Unborn child yield (per 100 dwellings)							AGE DISTRIBUTION - CHILDREN PER 100 DWELLINGS (SO)																		
AGE	-7	-8	-5	-4	-3	-2	-1	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
YIELD	3.41	3.58	3.76	3.94	4.12	4.29	4.47	4.65	3.36	2.46	1.62	1.56	1.14	0.99	0.75	0.82	0.73	0.68	0.69	0.75	0.43	0.56	0.54	0.53	0.55	1.03
(B)	TIMESCALES FOR DEVELOPMENT (YEARS), COMPLETIONS PER ANNUM AND RUNNING TOTALS																									
Year	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	TOTAL		
Completions per annum	51	51	51	51	51	51	29	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	336	
Running Total	51	102	153	204	255	306	335	335	335	335	335	335	335	335	335	335	335	335	335	335	335	335	335	335	335	336
(C)	Number of children by age yielded from proposed development																									
Dwellings	Year	Age 0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20-24	25-29	30-34	35-39	40-44
51	2016	2	2	1	1	1	1	1	0	0	0	0	0	0	0	0	0	0	0	1	1	9	16	13	8	5
51	2017	5	4	3	2	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	17	34	28	17	11	
51	2018	7	6	5	4	3	2	2	1	1	1	1	1	1	1	1	1	1	1	2	24	49	43	28	17	
51	2019	9	9	8	6	5	3	3	2	2	2	2	1	1	1	1	1	1	1	2	29	62	57	39	25	
51	2020	11	11	10	8	7	5	4	3	3	2	2	2	2	2	2	2	1	1	2	34	73	72	51	33	
51	2021	13	13	12	11	9	8	6	4	4	3	3	2	2	2	2	2	2	2	2	38	83	85	63	41	
29	2022	14	14	13	12	11	10	8	6	5	4	3	3	3	2	2	2	2	2	2	38	85	93	72	49	
0	2023	13	13	14	13	12	11	10	8	6	5	4	3	3	3	2	2	2	2	2	33	75	91	76	53	
0	2024	13	13	14	14	13	12	11	10	8	6	5	4	3	3	3	2	2	2	2	28	67	88	79	58	
0	2025	12	13	13	14	14	13	12	11	10	8	6	5	4	3	3	3	2	2	2	25	59	84	81	62	
0	2026	12	12	13	13	14	14	13	12	11	10	8	6	5	4	3	3	2	2	2	22	52	79	81	66	
0	2027	12	12	12	13	13	14	14	13	12	11	10	8	6	5	4	3	3	2	2	19	46	73	81	69	
0	2028	11	12	12	12	13	13	14	14	13	12	11	10	8	6	5	4	3	3	2	18	41	68	79	71	
0	2029	11	11	12	12	12	13	13	14	14	13	12	11	10	8	6	5	4	3	3	17	36	63	77	73	
0	2030	11	11	11	12	12	12	13	13	14	14	13	12	11	10	8	6	5	4	3	16	32	57	74	74	
0	2031	11	9	11	11	12	12	12	13	13	14	14	13	12	11	10	8	6	5	4	16	29	52	71	74	
0	2032	11	9	9	11	11	12	12	12	13	13	14	14	13	12	11	10	8	6	5	16	26	48	67	73	
0	2033	11	9	7	9	11	11	12	12	12	13	13	14	14	13	12	11	10	8	6	16	24	43	63	72	
0	2034	11	9	7	7	9	11	11	12	12	12	13	13	14	14	13	12	11	10	8	18	23	39	59	70	
0	2035	11	9	7	6	7	9	11	11	12	12	12	13	13	14	14	13	12	11	10	20	22	36	55	68	
0	2036	11	9	7	6	6	7	9	11	11	12	12	12	13	13	14	14	13	12	11	24	21	33	51	66	
0	2037	11	9	7	6	5	6	7	9	11	11	12	12	12	13	13	14	14	13	12	29	22	31	48	63	
0	2038	11	9	7	6	5	5	6	7	9	11	11	12	12	12	13	13	14	14	13	34	23	29	44	60	
0	2039	11	9	7	6	5	4	5	6	7	9	11	11	12	12	12	13	13	14	14	40	25	28	41	57	
0	2040	11	9	7	6	5	4	4	5	6	7	9	11	11	12	12	12	13	13	14	45	28	27	39	54	
0	2041	11	9	7	6	5	4	3	4	5	6	7	9	11	11	12	12	12	13	13	50	32	27	36	51	
0	2042	11	9	7	6	5	4	3	3	4	5	6	7	9	11	11	12	12	12	13	54	35	28	35	48	
0	2043	11	9	7	6	5	4	3	2	3	4	5	6	7	9	11	11	12	12	12	56	39	30	33	45	
0	2044	11	9	7	6	5	4	3	2	2	3	4	5	6	7	9	11	11	12	12	57	42	32	33	43	
0	2045	11	9	7	6	5	4	3	2	2	3	4	5	6	7	9	11	11	12	12	58	45	34	32	41	
0	2046	11	9	7	6	5	4	3	2	2	2	3	4	5	6	7	9	11	11	12	58	48	36	33	39	
336	LTA	11	9	7	6	5	4	3	2	2	2	2	2	2	2	2	2	2	2	3	4	60	100	88	56	39

Figure 1. The principle calculation matrices within the model worksheets.

The unborn child yield per 100 dwellings table (specified as cells -7 to -1 years) is used to calculate the Age 0 yield per 100 dwellings once the first year of development is completed, this Age 0 yield is in addition to the Age 0 yield arising from the number of developments to be completed in Year 2, and each year thereafter, for which the Age 0 yield rate from the Child Age Distribution table is applied. The model assumes that once the initial year of dwellings is completed that seven years after this point Age 0 yield will be equivalent to that arising from All Households. As such the yield per 100 dwellings in the -7 column is derived from the All Households single year of age yield per 100 dwellings relative to the development

proportional mix. The values within the -1 through to the -6 cells represent the incremental decrease in yield rate per 100 dwellings for Age 0 children from the initial higher Migrant Household yield to that experienced within All Households once the dwellings have aged 7 years. As this represents the difference in Age 0 yield minus the -7 yield with the result divided by the number of steps then the incremental decrease will always be uniform in size year on year.

It is perhaps easier to understand the Age 0 calculation process using an example. Consider that in Year 1 of a development there were 220 dwellings built, the anticipated Age 0 yield is calculated by multiplying the number of dwellings completed by the Age 0 yield per 100 dwellings arising from the Child Age Distribution table. If the Age 0 yield is 6.8 per 100 dwellings then the Age 0 yield in Year 1 in effect becomes $(220/100) \times 6.8 = 15$ children. In Year 2 there were 390 dwellings built which becomes $(390/100) \times 6.8 = 26$ Age 0 children. However, there is also an Age 0 yield arising from the 220 developments completed in the previous year for which the -1 year cell becomes the multiplier per 100 dwellings.

The multiplier for years -1 to -6 is the stepped difference between -7 and Age 0 which are the All Households and Migrant Household Age 0 yields per 100 dwellings determined from the relevant bed size proportionate mix. For the example presented herein it is assumed that -1 = 6.27, -2 = 5.75 and, -3 = 5.23 per 100 dwellings. The Age 0 yield for the dwelling already completed in the first year of the development is therefore calculated as $(220/100) \times 6.27$ (the unborn yield rate for -1 as the Age 0 yield for already completed developments decreases over time to the All Households rate at -7) = 14 children. The total Age 0 children yielded within Year 2 would therefore be 40 children.

In Year 3 there were 580 dwellings completed which becomes $(580/100) \times 6.8 = 40$ Age 0 children. However there is also the Age 0 yield from the previous two years of dwelling completion to add. The Age 0 yield arising from the previous year's completions would be $[(390/100) \times 6.27$ (-1 unborn yield) = 24 Age 0 children] + $[(220/100) \times 5.75$ (-2 unborn yield) = 13 Age 0 children]. The total Age 0 cohort therefore becomes $40 + 24 + 13 = 77$. In Year 4 there were 540 dwelling completions which becomes $(540/100) \times 6.8 = 37$ Age 0 children. Added to this are the Age 0

yields from the three previous years dwelling completions which are $[(580/100) \times 6.27 \text{ (-1 unborn yield)} = 36] + [(390/100) \times 5.75 \text{ (-2 unborn yield)} = 22] + [(220/100) \times 5.23 \text{ (-3 unborn yield)} = 12]$. The total Age 0 yield in year 4 would therefore be 107 children.

The Age 0 calculation process continues in this manner year on year although once the development is completed there will be no migrant Age 0 component adding to the total yield within this band. In this instance the Age 0 cohort will arise solely from the dwellings completed in previous years until the development is 7 years past the overall year of completion at which point the Age 0 contribution arises solely from the total number of dwellings built overall multiplied by the All Household yield rate (-7 unborn children data). As such seven years after development completion the number of children born year on year will be uniform.

1.2 TIMESCALES FOR DEVELOPMENT COMPLETION

The number of dwelling completions each year entered into the Trajectory worksheet automatically appears within the Timescales for Development table in the model sheets. The “Running Total” row within this table is an annual summation of the build total across the trajectory. The Total column sums each row of data respectively and conditional formatting checks the row totals against one another, where there is discrepancy then the cell background will flag as red indicating to the user that an error has occurred. The number of dwelling completions each year is used to directly calculate the number of persons in conjunction with the yield per 100 dwelling rates.

1.3 POPULATION BY AGE YIELDED FROM THE PROPOSED DEVELOPMENT

The main yield for the development trajectory is based on a matrix which calculates by year of dwelling completions the population likely to arise (Figure 2). Dwelling completions information entered into the “Trajectory” worksheet automatically populates the “Dwellings” column of the matrix, the development start date links as

the first date within the Year column, subsequent years are simple “plus one” functions from the initial date.

Dwellings	Year	Age 0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
67	2016	4	3	2	1	1	1	1	1	1	0	0	0	0	0	0	0	0	0	1	1
67	2017	7	7	5	3	2	2	2	1	1	1	1	1	1	1	1	1	1	1	2	3
67	2018	10	10	9	6	4	3	3	2	2	2	1	1	1	1	1	1	1	1	2	3
67	2019	14	13	12	10	7	5	4	3	3	2	2	2	2	2	2	2	2	2	2	3
67	2020	16	17	15	13	11	8	6	5	4	3	3	2	2	2	2	2	2	2	3	4
67	2021	19	19	18	17	15	12	9	7	5	4	4	3	3	3	3	2	2	2	3	4
42	2022	20	21	21	19	17	15	12	9	7	5	5	4	4	3	3	3	3	3	3	4
0	2023	19	20	21	21	19	17	15	12	9	7	5	5	4	4	3	3	3	3	3	3
0	2024	18	19	20	21	21	19	17	15	12	9	7	5	5	4	4	3	3	3	3	3
0	2025	17	18	19	20	21	21	19	17	15	12	9	7	5	5	4	4	3	3	3	3
0	2026	17	17	18	19	20	21	21	19	17	15	12	9	7	5	5	4	4	3	3	3
0	2027	16	17	17	18	19	20	21	21	19	17	15	12	9	7	5	5	4	4	3	3
0	2028	16	16	17	17	18	19	20	21	21	19	17	15	12	9	7	5	5	4	4	3
0	2029	16	16	16	17	17	18	19	20	21	21	19	17	15	12	9	7	5	5	4	4
0	2030	16	16	16	16	17	17	18	19	20	21	21	19	17	15	12	9	7	5	5	4
0	2031	16	14	16	16	16	17	17	18	19	20	21	21	19	17	15	12	9	7	5	5
0	2032	16	14	14	16	16	16	17	17	18	19	20	21	21	19	17	15	12	9	7	5
0	2033	16	14	12	14	16	16	16	17	17	18	19	20	21	21	19	17	15	12	9	7
0	2034	16	14	12	12	14	16	16	16	17	17	18	19	20	21	21	19	17	15	12	9
0	2035	16	14	12	10	12	14	16	16	16	17	17	18	19	20	21	21	19	17	15	12
0	2036	16	14	12	10	10	12	14	16	16	16	17	17	18	19	20	21	21	19	17	15
0	2037	16	14	12	10	8	10	12	14	16	16	16	17	17	18	19	20	21	21	19	17
0	2038	16	14	12	10	8	8	10	12	14	16	16	16	17	18	19	20	21	21	19	17
0	2039	16	14	12	10	8	6	8	10	12	14	16	16	16	17	18	19	20	21	21	19
0	2040	16	14	12	10	8	6	6	8	10	12	14	16	16	16	17	18	19	20	21	19
0	2041	16	14	12	10	8	6	6	6	8	10	12	14	16	16	16	17	18	19	20	19
0	2042	16	14	12	10	8	6	6	6	6	8	10	12	14	16	16	16	17	17	18	19
0	2043	16	14	12	10	8	6	6	4	6	6	8	10	12	14	16	16	16	17	17	18
0	2044	16	14	12	10	8	6	6	4	4	6	6	8	10	12	14	16	16	16	17	17
0	2045	16	14	12	10	8	6	6	4	4	4	6	6	8	10	12	14	16	16	16	17
0	2046	16	14	12	10	8	6	6	4	4	4	4	6	6	8	10	12	14	16	16	16
444	LTA	16	14	12	10	8	6	6	4	4	4	3	3	3	3	3	3	3	3	4	6

Figure 2. The matrix for calculating population yield arising from a proposed development.

The calculation process for determining the Age 0 children arising from the proposed development with each progressive year is as explained in Section 1.1 above. The yields arising from the first year of dwelling completions are the simplest calculations within the matrix. They are based on the dwellings completed in the first year divided by 100 and multiplied by the relevant age yield per 100 dwellings for migrant households as shown in Figure 1. The cell backgrounds for population yields within the initial year of the build programme are highlighted a different colour to delineate the fact that their calculation functions are different from other cells. For the second year of dwelling completions the yield for Age 0 children is as described previously. The Age 1 second year yield is calculated as the number of dwellings completed in Year 2 multiplied by the Age 1 migrant household yield per 100 dwellings and adding the roll forward Age 0 children from Year 1, this functionality therefore extends diagonally across the matrix for all years and person ages. It should be noted that

people occurring within previous years of dwellings completions are assumed to not migrate in a similar manner to the application of cohort survival modelling. Where a household did leave a development then it would be replaced by persons typified by the same demographic characteristics of wholly moving households (Technical Appendix 2).

Highlighted numbers which appear as bold within each column represent the maximum or peak number of that age to facilitate determining in which year of development they occur. This is a conditional format set on the basis of each individual cell value versus the age column peak value as shown at the base of the matrix (in turn a simple “Max” function). The row of data appearing in Year 8 of a development has a different cell colour to delineate a change in formula within the Age 0 calculations.

The change in function at Year 8 reflects the fact that those dwellings completed in Year 1 have an Age 0 yield dependent on the -7 unborn child yield (Figure 1) arising from the single year of age average yield of All Households dependent on the development proportional mix. Therefore at this point a sum function is incorporated within the equation so that further years of Age 0 calculations will incorporate the All Households (-7 unborn) average yield for all dwellings completed in the 7th year plus prior to the current year of dwelling completions.

Following this point a functional statement has been introduced to the equations for which the purpose is to compare the single year of age yield arising from the development to the expected Long Term Average value. Should the yield from the development be larger than that from the LTA then the development yield value is returned. If the Long Term Average value is higher than the calculated development yield then the LTA is returned. The single year of age LTA values are as shown at the bottom of the matrix and are derived from the All Households single year of age yield for the development proportional bed size mix. These yield values are then multiplied by the total number of dwellings built in the development divided by 100 (the yield rates are per 100 dwellings) to derive the long term average number of children expected for each year of age. It is important to emphasise that the functional statement is not an artificial raising of the child yield post development but

rather an algorithm to smooth the transition from peak value to the expected long term average.

The final point to make is with regards to the calculation of total population especially with consideration of the cohort age 75+. As a development progresses then the oldest cohorts will age and, in real life, would be subject to higher mortality rates than the general population. The age 75+ cohort would include persons significantly older than this whom would not be expected to survive over a thirty year projection horizon and as such they must be removed. This would prevent artificial inflation of the total cohort number arising from the proposed development which would otherwise impact on the financial contributions sought for library, waste and other sectors. Whilst various methods were trialled to reduce the cohort size the simplest method was determined by applying a 0.8 multiplier to the group. This reduces the percentage representation of the initial Age 75+ cohort following year 1 of development inception, and as it ages over time, by that shown in Figure 3. It can be observed that the initial cohort is represented at 100% in Year 1, reducing to only 10% surviving by Year 10 and 1% by Year 20.

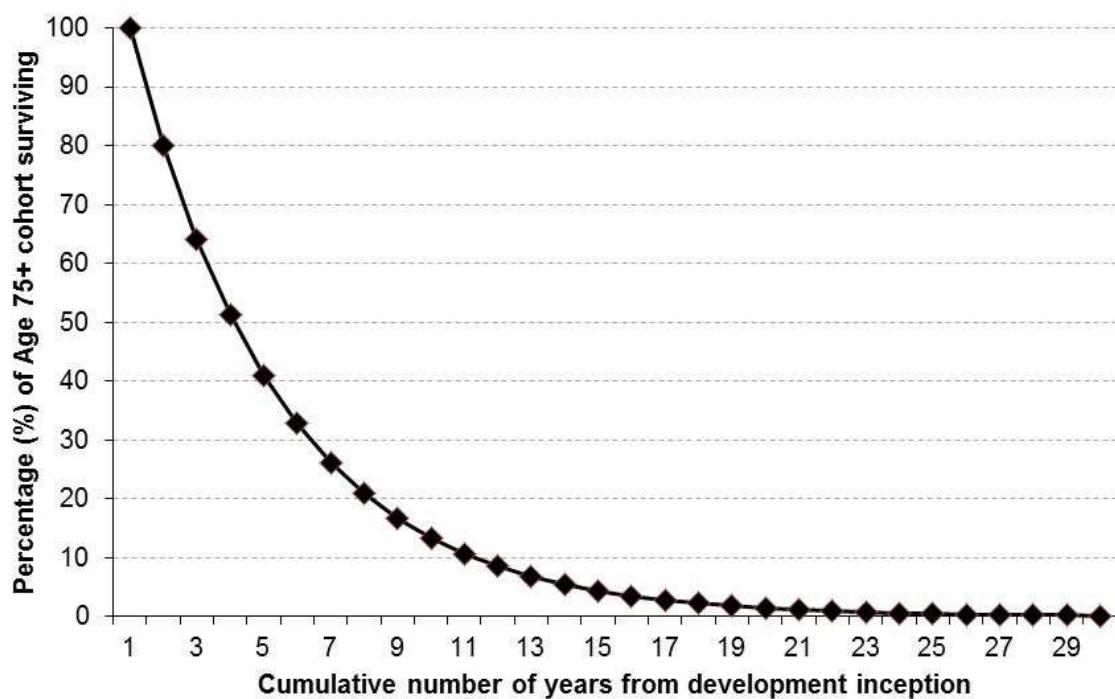


Figure 3. The percentage (%) survival rate, over a thirty year projection period, of the initial Age 75+ cohort arising from a proposed development.

1.4 THE SUMMARY POPULATION YIELDED FROM THE PROPOSED DEVELOPMENT

The final table within the model worksheets is an aggregation of age groups to those specified by, and required for, service delivery (Figure 4). The summary table displays the year on year variation in sector yield resulting from the proposed development as the trajectory progresses. Pre-school age children are determined from the sum of those aged 0 to <4, Primary are those aged 4 to <11, secondary those aged 11 to <18 years and so forth for the requested population age groups. The secondary yield takes account of the Post-16 stay on rate entered to the Illustrative Mix. Conditional formatting has been set within the summary numbers table to highlight in the cell background where the sector peak values occur. The peak values are determined within a separate table beneath the summary numbers table and are derived using a simple “Max” formula related to the summary table array.

Number of Persons Yielded from the Development															
Nursery/Child Care					0 to <4 years	5 to <14 years	13 to 19 years	Primary (4 to <11 years)	11 to 17 Years	First (4 to <9 Years)	Middle (9 to <13 Years)	to 17 years)	Age 55+	Age 65+	Total Population*
0 Years	1Year	2Year	3Year	4Year											
12	11	7	5	4	36	19	14	18	10	15	7	7	43	23	345
24	23	18	12	9	77	40	25	40	20	33	14	13	87	46	700
35	35	30	23	17	123	66	36	67	31	55	22	20	131	68	1063
45	46	42	36	27	168	96	46	103	42	86	31	28	177	91	1435
54	56	53	47	40	209	136	57	149	54	126	42	35	223	115	1814
62	65	63	58	51	248	186	69	204	68	173	54	44	272	139	2201
70	73	72	68	62	283	246	81	266	83	226	70	53	323	163	2593
77	81	80	77	72	316	315	95	334	101	281	90	63	375	189	2991
84	88	88	86	81	346	390	111	406	122	335	117	75	431	215	3394
91	95	95	93	90	374	471	129	473	149	385	153	89	489	243	3803
86	91	95	95	93	367	538	138	531	174	417	188	100	507	248	3871
81	86	91	95	95	353	605	153	574	209	442	226	115	528	255	3936
77	81	86	91	95	335	668	173	607	252	458	263	138	552	263	3997
74	77	81	86	91	318	721	214	627	301	464	296	163	579	273	4056
72	74	77	81	86	304	760	258	635	356	460	324	207	609	284	4111
70	72	74	77	81	293	784	308	631	411	448	346	248	642	296	4166
70	70	72	74	77	286	794	364	618	466	430	363	231	678	310	4219
70	70	70	72	74	281	793	422	599	515	409	373	332	717	325	4271
70	61	70	70	72	270	782	479	576	555	390	374	367	758	341	4314
70	61	61	70	70	261	764	531	551	586	375	367	396	801	359	4357
70	61	53	61	70	244	741	574	530	605	363	353	419	846	378	4390
70	61	53	53	61	235	716	607	505	610	347	335	434	893	399	4423
70	61	53	46	53	229	682	627	476	605	325	318	439	941	421	4448
70	61	53	46	46	229	643	635	445	592	299	304	434	990	445	4473
70	61	53	46	40	229	604	631	411	572	269	293	421	1039	470	4490
70	61	53	46	40	229	562	618	379	550	239	266	404	1088	497	4505
70	61	53	46	40	229	519	599	343	526	213	273	384	1136	525	4514
70	61	53	46	40	229	479	576	308	506	194	253	367	1183	554	4522
70	61	53	46	40	229	437	551	276	483	178	229	352	1228	583	4523
70	61	53	46	40	229	396	530	253	455	167	199	342	1270	613	4523
70	61	53	46	40	229	352	505	233	425	159	173	326	1310	643	4517
70	61	53	46	40	229	213	136	196	126	151	83	87	1000	662	3553

Figure 4. The summary population age group table as specified for service delivery.

Often the primary peak yield arising from a proposed development will occur four years after the pre-school peak as the highest Age 0 yield transitions into primary

stage. It follows that the secondary peak will be seven years after the primary peak as these children transition into the secondary sector. Long term average(LTA) numbers are calculated to determine the likely number of children by sector which will be yielded from the proposed development once it transitions to All Households.

1.5 POPULATION YIELD GRAPHS AND PRINTOUT WORKSHEET.

The “Yield Graphs” worksheet is populated with an aggregation of the output data arising from all of the model worksheets, it is a table and graphical output of the calculation processes undertaken to derive a development yield over time within the age band sectors. For example the “Units and Type & Tenure” output is the summation of the four model sheets which calculate a development yield wherein a distinction by bed size is made for Houses and Flats by Tenure. The only selectable field within this worksheet relates to the whether the user wishes to display Numbers of Persons or relevant calculated Forms of Entry data. Clicking in the green cell presents a pick list from which a user can select the relevant data item (Figure 5).

Year	Select Yield Age Range			Unit No:s and Type & Tenure
	3 Year	4 Year	0 to <4 Years	
2016				32
2017				68
2018			Primary (4 to <11 Years)	109
2019			Secondary 11 to 17 Years	156
2020			First (4 to <9 Years)	211
2021	274	273		272
2022	329	328		328
2023	363	363		362
2024	393	393		393
2025	416	416		416
2026	426	427		427
2027	423	425		424
2028	409	412		411
2029	386	391		389
2030	359	364		362
2031	329	335		333
2032	300	306		305
2033	276	283		281
2034	256	263		261
2035	240	247		244
2036	227	233		229
2037	215	221		217

Figure 5. The “Units Only”, “Units and Type” and “Units and Type & Tenure” populace yielded over the trajectory period.

Hertfordshire County Council Appendix F

Hertfordshire County Council

Pupil Yield Survey



Methodology for a census of resident mainstream pupil yields from new build housing developments within the boundary of Hertfordshire.

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COMMON ABBREVIATIONS

AMR	Annual Monitoring Report
AP	Alternative Provision (Education)
AR	Affordable Rented (dwelling tenure)
ASC	Annual Schools Census
BLPU	Basic Land and Property Unit
CI	Confidence Interval
CIDS	Community Intelligence & Data Science team
CIL	Community Infrastructure levy
COU	Change Of Use
DfE	Department for Education
DAA	Data Access Agreement
DPA	Delivery Point Address
DSA	Data Sharing Agreement
EPA	Education Planning Area
ESC	Education Support Centre
FE	Form of Entry
FoI	Freedom of Information
GDPR	General Data Protection Regulations (2018)
GIS	Geographical Information System
HCC	Hertfordshire County Council
HELAA	Housing & Economic Land Area Availability
ICO	Information Commissioners Office
IDP	Infrastructure Development Plans
LA	Local Authority
LAD	Local Authority District
LEA	Local Education Authority
LLPG	Local Land and Property Gazetteer
LP	Local Plan
LPA	Local Planning Authority
LTA	Long Term Average
MoE	Margin of Error
NCYG	National Curriculum Year Group
NHBC	National House Building Council
NLPG	National Land and Property Gazetteer
NPD	National Pupil Database
NPPF	National Planning Policy Framework
NSA	National Statistics Authority
NSPL	National Statistics Postcode Lookup (ONS)
OM	Open Market (dwelling tenure)
ONS	Office for National Statistics
OS	Ordnance Survey
PAF	Postcode Address File
PAO	Primary Addressable Object
PD	Postcode Directory (ONS)
PE	Point Estimate
PLASC	Pupil Level Annual Schools Census
PRU	Pupil Referral Unit (Education)
PPG	Planning Practice Guidance

PWC	Population Weighted Centroid (of postcode or Output Area)
RM	Royal Mail
RUC	Rural Urban Classification (ONS)
SAO	Secondary Addressable Object
SD	Standard Deviation
SDC	Statistical Disclosure Control
SE	Standard Error
SEN	Special Educational Need
SEND	Special Education Need & Disability
SHLAA	Strategic Housing Land Availability Assessment
SIMS	School Information Management System
SLASC	School Level Annual Schools Census
SMART	Spatial Planning Monitoring, Analysis and Reporting
SNPP	Sub-National Population Projections (ONS)
SR	Social Rented (dwelling tenure)
TCPA	Town and Country Planning Act
PRU	Pupil Referral Unit
UPN	Unique Pupil Number
UPRN	Unique Property Reference Number

1.0 Overview

Hertfordshire County Council (HCC) is responsible for ensuring the provision of a range of services to its resident population and seeks contributions from developments which would have an additional impact on service provision. The process through which contributions, financial or in kind, are generally sought is by the establishment of planning obligations which are intended to make acceptable developments which would otherwise be unacceptable in planning terms.

Historically estimates of early years, primary and secondary pupil yields arising from new housing developments have a varied approach between authorities and developers and data to support these negotiations has often been limited. A more consistent, robust and defensible basis is achieved through informed up-to-date evidence of actual mainstream pupil yields from development, at both the plan preparation and application stages. In 2019 the Department for Education (DfE) published preliminary guidance which specifically addressed the issue of developer contributions towards education requirements, including information about the necessary supporting evidence.

It can be provisionally indicated that the council Pupil Yield Study will include 1,076 developments containing 51,479 dwellings constructed within the boundary of the authority across 19 annual cohorts in the period 2002 to 2020. This assessment will far exceed the number of developments, and dwellings, reviewed in other authorities. The methodology applied by Hertfordshire County Council is presented herein although it is recognised that it is a “live process” and subject to continuous refinement and progression.

In summary and as a result of the emerging Pupil Yield Survey evidence, HCC has reviewed the strategic approach to plan-making to adopt a three tier approach to plan making and has adjusted the Hertfordshire Demographic Model to ensure outputs are supplemented with observed survey data to support the decision-making process. Information about plan making can be found in the Local Plan Engagement Document, while the adjustments to the Hertfordshire Model are detailed in the Guide to the Demographic Model.

2.0 Introduction

Hertfordshire County Council (HCC) is responsible for ensuring the provision of a range of services to its resident population and seeks contributions from developments which would have an additional impact on service provision. Local authorities differ according to the amount of space they have for developments, if they have shrinking or growing populations, whether they are an area of housing growth, the types of development being implemented and where the new builds are taking place.

The process through which contributions, financial or in kind, are generally sought is by the establishment of planning obligations which are intended to make acceptable developments which would otherwise be unacceptable in planning

terms. The HCC approach to seeking obligations is set out in the Guide to Developer Infrastructure Contributions 2021.

Information relating to population yield is necessary for assessing complex infrastructure requirements for the future which in turn can impact on an area's demography. It is broadly acknowledged that estimating the number of children expected to live in a new housing development can be difficult to estimate due to the wide range of factors that affect the outcome (Rockwell et al. 2005).

However, information relating to pupil yield, across all school age stages, from new build housing is necessary for assessing school's capacity, the potential development of new schools and, can result in less land being available for residential developments. There is a significant body of evidence that a high-quality built environment of schools and other settings can also have a direct and positive impact on the quality of learning (Reading Borough Council 2004).

Generally new housing developments place additional pressures on school places through inward migration into an authority and by the redistribution of the existing population into areas where existing schools are at capacity or do not exist within a reasonable distance (Cumbria County Council 2011). Schools need to be located as centrally as possible to serve their catchments and generally also provide a focus for the provision of other community facilities (Cambridgeshire County Council 2009).

Hertfordshire County Council (HCC) is the authority with statutory responsibility for the provision of education services including the provision of sufficient school places for nursery, primary, secondary and sixth form age pupils. Provision must also be made available for children with special needs and childcare spaces in the early year's sector.

In January 2019 HCC undertook a research project into mainstream pupil yields arising from new Hertfordshire residential housing developments. This work has been in development since 2019 and it is intended that the work will continue to be supplemented with up to date information as it becomes available.

The following sections explain the approach taken and describe the methodology in detail. Further enquiries or questions regarding this report should be directed to the following email address: growth@hertfordshire.gov.uk

2.1 Purpose of the Pupil Yield Survey

Local Planning Authorities (LPAs) and developers plan around the strategic overview in their processes such as allocation of land parcels and financial resourcing and increases to modelled mainstream pupil yields raises their risks as well as those of HCC. The high-level approach to plan-making is intended to minimise the chances of underestimating the impact of new development and so should reduce the potential risk of children being without a school place. Equally, having regard to planning legislation, it is important to avoid over-estimating the child yield so as not to seek planning obligations which exceed the impact of a

development. Pupil yield rates from new developments can change over time, dependent in part upon transitional demographic and household characteristics.

In 2019 the Department for Education (DfE) published guidance¹ which specifically addressed the issue of developer contributions towards education requirements, including information about the necessary supporting evidence. The guidance includes several high-level principles, including that pupil yield factors should be based on up-to-date evidence from recent housing developments.

2.2 Emerging Pupil Yield Methodology from the Department of Education

In April and November 2019, the Department for Education (DfE) issued non-statutory guidance on the determination of pupil yield factors from recently completed housing developments. Whilst the DfE have yet to produce a detailed recommended methodology HCC has been in close communication with central government senior project managers, and analysts, associated with the project. HCC has been able to ascertain that, at high level, the methodologies are very similar between the two independent studies.

The DfE continues to indicate that locally held evidence to support any pupil yield method should be used where available. It is incumbent on the county council to assess emerging proposals against evolving methodology and locally held data now. It is acknowledged that this data will develop and become even more robust over time. Prior to presenting the HCC methodology applied it is important to both understand when education contributions are sought by the authority and what factors affect the likely level of contribution. The latter effects the design of any study into Pupil Yield from new housing developments.

3.0 When are education contributions generally sought?

Contributions for education places are commonly sought where schools are already oversubscribed or have been projected to become so. Literature suggests that consideration should be given to projections of pupil growth based on local demography to ensure enough capacity for the existing resident population. This holistic approach, to consider the total proposed developments within an area, is used by some authorities to prevent developers from avoiding contributions through dealing with a site via more than one planning application.

Overall, factors that influence when a contribution is sought include:

- Development size (total number of dwellings).
- Development location.
- School capacity in the area (for primary and secondary aged pupils), allowing for known and projected growth.
- Early years (childcare and pre-school) capacity in the area.
- Development composition, published literature indicates that sometimes the following are excluded from providing an education contribution:

¹ Securing Developer Contributions for Education, DfE, April 2019.

- Bed Sits, Studio and one-bedroom properties.
- Sheltered accommodation.
- Hostels.
- Student accommodation.
- Specialist elderly housing such as rest homes and nursing homes.
- Redevelopment or housing development schemes which do not increase the number of family houses.

Where it is identified that there are insufficient school places then a developer is often expected to provide:

- The full capital cost of providing new education buildings or extending / refurbishing / remodelling existing buildings (including ancillary facilities such as toilets, storage, hall space, additional parking and, staff facilities).
- The full cost of related fittings, furniture and equipment.
- The provision of, or full cost of acquiring, land and/or rights over land required.

Several authorities seek to provide additional places within existing schools as this maintains stability in the school system, provides places in a timely fashion and, achieves the best value for money. However, where the predicted pupil yield from a development is sufficiently large that it exceeds capacity, or where it is not feasible to expand a school, then a new school may be required to address the shortfall.

3.1 Variables affecting pupil yield calculations

General factors for increased pressures on school capacity can occur from a rise in population birth rate, greater inward migration to an authority, parental choice of one school above another and new housing developments (Lancashire County Council 2011). A number of local authority's state that the level of contribution sought from developers depends on the type of housing that is intended to be developed. For example, a development of large family dwellings would be expected to generate a higher number of primary and secondary age children than a development of one- and two-bedroom houses. However, it is not uncommon for there to be uncertainty around the size of large new developments and the mix of housing generated within them (EMIE & NfER 2006). The type of accommodation, tenure and size are broadly acknowledged to influence the child yield as will the locality of a development (Hollis 2005 and the Greater London Authority 2005).

Tenure often relates to two broad groups: social housing and market housing. Social housing is provided by a landlord based on housing need and rents are no higher than target rents set by the government for housing association and local authority rents. Market housing relates to owner-occupied and private rented housing which does not meet the affordability and access criteria for social housing or intermediate housing. EMIE and NfER (2006) reported that it is an accepted convention that pupil yield from new housing varies with the size of properties and many authorities use formulae based on the number of bedrooms. However, in some authorities there are local circumstances in which smaller properties are more densely occupied and yield higher numbers of pupils than might be expected, such as: rented (especially short-term lettings); developments including social housing; flats and; developments in areas of rising house prices.

Overall from a review of published literature common base data required for estimating mainstream pupil yield should, where possible, include the following variables:

- Dwelling Type – identifying flats and houses separately.
- The number of bedrooms in each dwelling.
- Tenure – distinction between social rented and private ownership.
- Number of children by age in each dwelling – for pre-school, primary and secondary school ages (including Post-16 where appropriate).

Some authorities apply discounts for affordable housing. However, to simply discount contributions from affordable dwellings, to reflect their lower market value, does not change the number of pupils likely to arise from the development requiring education. Such discounts would only serve to increase risk both to the provision of sufficient school places for children and to the public purse.

The open market dwellings within a new development are just as open to local private ownership/private rented residents. The presumption is that families in local open market dwellings in the locality are less likely to move into dwellings within a new build development. A discount presumes that families moving locally to new build affordable housing have in the most part reached parity such that they create little further demands on education, this is unlikely to be the case. Housing demands with many councils are significant and for many years HCC has had the lowest proportion of vacant dwellings of all Shire authorities. The significant demand for housing is indicative that backfill of properties with family units containing children will occur. Demand for local school places will not be negated through families moving into new build developments.

Affordable rented (AR) and social rented (SR) dwellings are well known to have higher mainstream yields than that of equivalent bed size open market dwellings although the proportional representation to total dwelling stock is substantially lower. The higher single dwelling yields for AR/SR tenure types results in calculated single dwelling financial contribution costs which are substantially larger than that of open market dwellings.

4.0 Administrative census versus survey and sample

There are several methods which could be used to determine mainstream pupil yields from new build developments such as postal, telephonic, electronic (online form submittals) or “on the ground” door to door. However, the precision, accuracy and confidence of outputs from many of these is dependent upon the sample/survey framework, sample/survey size, response rate, available resources (both human and financial) and type of survey. Survey type relates to random sample selection, weighted, clustered, stratified and so forth with each having their own pros and cons.

The central theme is that a survey, or sample, provides results from which inferences can be made to the population as a whole and therefore must be representative of this population with avoidance of bias at all levels. For example, an electronic survey would exclude those persons without access to the internet, door to door knocking in daytime excludes those persons out at work, voluntary responses only include those persons prepared to spend the time to submit a response and so forth. Surveys tend

to be specific to areas where new developments have occurred, and their robustness is directly proportional to the sampling methodology and response rates. Yields determined from samples or surveys tend to be more specific than demographic ratio methods and take into account factors such as accommodation type (house or flat), size (number of bedrooms) and tenure (affordable and market housing) which are accepted to influence overall child yield from a development. Due to the expense and resource intensity of conducting surveys generally only those developments with a number of dwellings larger than five or ten are often included as this limits the number of sites that have to be visited.

Whilst surveying, or sampling, is a means of providing information with respect to a "whole population" without the need to examine that population in its entirety (termed a census) data determined from a sample permits reliable inferences to be made about the population as a whole only when the Confidence Interval and Confidence Level are known. The Confidence Interval (CI), also referred to as the Margin of Error (MoE), is the plus-or-minus figure usually reported alongside survey results.

For example, if a confidence interval of 3 is applied to a survey and 58% of respondents picks a particular answer it can be "sure" that if the question had been asked of the entire relevant population then between 55% and 61% ($58\% - 3\%$ and $58\% + 3\%$) would have responded similarly. The wider the confidence interval the more certainty there is that the whole population answer would be within the specified range, however offset against this is that this widening impacts upon the possible range of the answer itself. For example, a confidence interval of 8 when applied to the 58% answer would give a range of between 50% and 66% of the entire population responding similarly.

The Confidence Level (CL) informs as to how "sure" one can be of the survey result, 58% with a range from 55% to 61% in the above example (confidence interval of 3), when applying the answer to the relevant population. The confidence level is expressed as a percentage and represents how often the true percentage of the population would pick an answer which lies within the confidence interval. The confidence level and confidence interval are expressed together such that, for example, one can state a 95% certainty that the true percentage of the population is between 55% and 61%. When a confidence level of 95% is applied then this indicates that one can be 95% certain, at the 99% confidence level one can be 99% certain. The confidence level statistic is commonly referred to as the Type 1 Error risk.

The most commonly used confidence level applied within research is the 95% confidence level. A 95% level of confidence means that 5% of the samples or surveys will be off the wall with numbers that do not make much sense. Therefore, if for example 100 surveys are conducted using the same question, then five of them will produce results that are abnormal. Normally researchers do not worry about this 5% because they do not repeat the same question over and over so the odds are that they will obtain results among the 95%.

There are three factors which determine the size of a Confidence Interval at a given Confidence Level, these are of relevance for general understanding:

- Sample size: The larger the sample size then the higher the certainty that the survey answers truly reflect that of the population itself. As such, for a given confidence level, the larger the sample size then the smaller the confidence interval. However, it should be noted that this relationship is not linear such that doubling the sample size does not halve the confidence interval.
- Percentage of responses: The accuracy depends on the percentage of a sample that selects a particular answer, for example, if 96% of the sample responded "Yes" to a particular question and 4% responded "No," then the chances of error are remote irrespective of the sample size itself. However, if these responses were 52% and 48% then the chances of possible error would be much greater, it is therefore easier to be sure of extreme answers than those that are 50:50. A 50:50 situation, whether in consideration of responses to a question "Yes/No" or the percentage of the population believed to have a particular attribute/characteristic under investigation, represents the likelihood of the largest possible errors. At the 50% level the sample sizes required, for a defined confidence level and confidence interval are much larger than where the attribute, characteristic or percentage of responses is 80%. The "worst case" 50% value is often applied where it is necessary to determine a general level of accuracy for a sample/survey already taken.
- Population size: The mathematics of probability prove that the size of the population under study is generally irrelevant unless the size of the sample exceeds a few percentage points of the total population being examined. The survey system therefore ignores the population size when it is "large" or unknown. Population size is only a factor normally considered when using a relatively small and defined group.

The application of confidence interval calculations assumes a genuine random sample of the relevant population. If a sample is not truly random then the intervals are not reliable, non-random samples usually result from some flaw or limitation in the sampling procedure. Authorities which apply a sample to determine pupil yield from new build developments tend to focus on known completed developments which introduces bias into the assessment. Whilst it is less resource intensive to focus on a specific large development there may be specific characteristics associated with the development, such as typology, which produce yields that are not representative of the "whole" population of new build which occurred over a defined period. Such results would be "indicative" rather than statistically robust measures of the actual mainstream yield arising from the whole population of new build dwellings over time. Application of such estimates should be applied with caution to proposals which do not meet the observed attributes of the surveyed development. Results from randomised new build dwelling surveys should always be published with the CI/CL. For example, a randomised survey determines a yield of 35 primary mainstream pupils per 100 dwellings, the CI is $\pm 5\%$ and CL 95% (industry standard). The true population yield from new build dwellings can therefore be determined to lie between 30 and 40 per 100 dwellings. In a development of 1,000 dwellings the yield would therefore be between 300 and 400 mainstream primary pupils which is a substantial range.

HCC has applied an administrative census which removes the error element associated with many of the aspects of surveys and samples, it is a study of all dwellings which satisfy the population inclusion criteria. Where the entirety of a

defined population is surveyed then this is not a sample and no Margin of Error is obtained, the result is specific to the whole population as all individuals within the population have been surveyed for a response. HCC considers the population under consideration to be defined as the number of completed dwellings of specified residential classifications arising from developments solely within the boundary of Hertfordshire County Council. All dwellings included in the population were lawfully erected through the Town and Country Planning system as evidenced by planning permission consent being granted by the relevant Local Planning Authority. Each dwelling included within the population was determined to have a development construction start and completion date. Whilst larger phased developments may not be completed in entirety during the inclusion year, the dwellings included within the population in each study year from such developments were identified as occurring either in entirety, or in a phase, which was associated with the commence of producing residential completions in the period. This inclusion criteria permitted the collation of phased developments starting in the same year, but completing in different years, to the same annual cohort.

The application of an administrative census aligns with the work and methodology currently being applied by the Department for Education; it is therefore a homogenous approach. As such the HCC Pupil Yield Study is a census of the whole population of new build dwellings although this is on condition that the necessary data is required and available on a statutory basis. In this context it is a legal requirement for the information to be collected/provided and therefore the whole population is subject to these conditions such that no bias can be introduced. Consideration of databases held internally within HCC determined that statutory planning/dwellings information could be sourced via SMART Herts whilst mainstream pupils could be determined from the Schools Census return.

4.1 Principle data sources

Three principle sources were identified for the data required in the Pupil Yield Study.

4.1.1 SMART Herts

HCC utilises a monitoring system termed the SMART (Spatial planning, Monitoring, Analysis and Reporting) system which records amongst various factors planning permission applications and dwelling completions. The system is jointly used by HCC, and all the districts, and is a web-based data repository for legally required planning and building related information entered by the districts, building control and, annually provided National House Building Council (NHBC) updates, which enables centralised reporting. SMART Herts therefore provides a centralised repository of data relating to both residential and commercial planning applications and completions within the authority area.

SMART Herts picks up all dwelling gains and losses through the Town and Country Planning system. A new dwelling cannot be constructed outside of the system aside from within Permitted Development rights. However, information on the latter is also collated under Prior Approval applications within the same regime and added to the database. Conversions, such as from an office to a block of flats, are also included within the system. Any enforcement appeals would also be included as HCC applies

a system which checks the Planning Inspectorate website. Any dwelling construction not picked up would therefore result from either human error (generally unlikely as both HCC and the Districts validate the data) or be illegal development. The authority collates completions and permissions data in conjunction with, and primarily on behalf of, the Districts as an evidence base for their Local Plans and statutory returns to Government. The data set provided is therefore considered to represent the whole population of completed developments. Within the authority SMART Herts access is generally via the Environment & Infrastructure Directorate, Planning Infrastructure & Economy, Strategic Land Use team.

4.1.2 THE SCHOOLS CENSUS.

The 1996 Education Act (section 537A) provided a statutory requirement for each school in England and Wales to return a pupil census to the then named Department for Education and Skills (DfES). This was originally known as the Form 7 return and mainly dealt with total pupil numbers although, by 2002 schools were asked for the first time to supply detailed information about each pupil including names and address postcode (January each year). Termed the Pupil Level Annual Schools Census (PLASC) this was replaced in 2007 with the Schools Census which is now the Department for Education's (DfE) largest and most complex data collection exercise. Data is provided to the Department for Education for all pupils on a school's admission register on a termly basis. Data is provided to the Department for Education for all pupils on a school's admission register in accordance with:

- Regulation 5 of the Education (Pupil Registration) (England) Regulations 2006
- The Education Act 1996 - section 434 (1), (3), (4) & (6) and section 458 (4) & (5)
- The Education (Pupil Registration) (England) Regulations 2006
- The Education (Pupil Registration) (England) (Amendment) Regulations 2010
- The Education (Pupil Registration) (England) (Amendment) Regulations 2011
- The Education (Pupil Registration) (England) (Amendment) Regulations 2013

The School Census is a statutory data collection for all maintained nursery, primary, secondary, middle-deemed primary, middle-deemed secondary, local authority maintained special and non-maintained special schools, academies including free schools, studio schools, university technical colleges and city technology colleges in England. Pupil Referral Unit/Alternative Provision (PRU/AP) establishments are legally defined as schools and are also included (comprising pupil referral units, 'AP' academies and 'AP' free schools). Collected data is core to the National Pupil Database (NPD) and accuracy is therefore highly important with zero errors expected by the DfE. HCC as the education authority collates the School Census data on behalf of its schools for submittal to the DfE.

Within Hertfordshire alone the School Census provides over 190,000 individual pupil records of school age children, this excludes the approximately 8,000 pre-school children aged three-and-four years reported in the Private, Voluntary and Independent (PVI) sectors from the Early Years Census return. All records are subject to extensive data validation during the submittal process and local authorities, on behalf of the DfE, actively pursue amendments where validation errors occur and as such finalised data sets are as accurate as possible. Within the authority the finalised schools census data sets are held within the Resources

Directorate, Information and Technology, Intelligence Services, Data Collection Team.

4.1.3 Births data and GP registrations

The Population (Statistics) Act 1938 gave the Registrar General power to collate any information obtained by registrars in the process of birth and death registration which is needed for statistical purposes (some amendments made by the Population [Statistics] Act 1960). The information includes confidential items regarding a birth or death which do not appear in the public register and may be used 'only for the preparation and supply of statistical information'. The Statistics and Registration Service Act 2007 (SRSA) came into force on 1st April 2008. Section 39 of the SRSA governs the confidentiality of personal information held by the United Kingdom Statistics Authority and its executive office (the Office for National Statistics).

All information held by ONS and which relates directly or indirectly to a person (whether living or dead) is protected by section 39 of the 2007 Act. Disclosure of identifying information is an offence, unless an exemption to that offence applies. Section 42 of the SRSA created a new legal gateway between the Registrar General and ONS, enabling the Registrar General to provide ONS with any information entered in any births and deaths register, as well as any other information received by the Registrar General in relation to any birth or death. This includes all categories of information collected as part of the birth and death registration process.

Section 42(4) of the SRSA (as amended by the Health and Social Care Act 2012) includes provision for the ONS to supply information on individual births and deaths for the purpose of assisting the Secretary of State or the Welsh Ministers, or any one of a list of health-related organisations to enable them to produce statistics or carry out statistical analysis. This means that disclosive personal information of the specified type can be passed by ONS to the NHS or other health bodies, including local authorities when acting in their health role only, provided the information is used only for the purpose of producing and analysing statistics.

However, onward disclosures by those bodies of this information to non-listed bodies are not authorised by the SRSA. A full risk assessment must be carried out before making the decision to release identifying data. Within HCC it was identified that Public Health colleagues have a Data Sharing Agreement and Data Access Agreement with NHSDigital/ONS for provision of individual record deaths data from 2006 to present and individual record births data from 2008 to present. It is the sole route by which access could be granted to identifying births information and was considered important for inclusion in the wider study to determine birth prevalence by dwelling type, bed size and tenure.

The authority produces a School Place Planning Forecast, part of the data which underpins the DfE required forecast is GP registrations data for children aged 0 to 7 years by anonymised counts to postcode area. The Pupil Yield Study will cross match postcode sector counts of children aged <5 years to development co-terminus postcodes to produce an annual county wide sample-based assessment of yields in the early years from new build developments. The use of postcode small area

geographies permits the determination of early years yields by new build dwelling type although, to date, much of this work has been suspended with prioritisation of the mainstream yields study. Further work is required to determine whether bed size and tenure distinctions can be determined. These assessments will be essential in the longer term for the accurate location of localised early years services and childcare provision.

4.1.4 GEO & SOCIO-DEMOGRAPHIC PROFILING.

Profiling is based on socio-demographic segmentation tools used by both commercial and non-commercial organisations to better understand their customers/clients. Some tools are Public Sector created specifically for use by authorities to classify their citizens into one of several Groups and detailed Types, and each has its own likely characteristics such as demographics, location, lifestyles, motivations and behaviours. Generally, such analysis is based on household level, not individuals, and can utilise more than 450 data variables sourced from a combination of proprietary, public and, trusted third party sources. Such information is not actual household data; rather it is modelled analysis of expected household characteristics.

Although classifications discriminate between households, it does not mean that the authority has data on individuals residing in households but rather indicates expected characteristics from similar households around the UK. As new properties are built, or converted and inhabited, they are automatically placed into a group which reflects this type (occupants of brand-new homes who are often younger singles or couples with children). As the data footprint of the family increases and improves over time their segment classification will change to better suit their specific lifestyle. This can provide information on the likely characteristics of residents whom occupy new build developments. There are two types of profiling that the authority can apply: socio-demographic and geo-demographic.

There are two key resources applied in profiling; Household and Postcode level data. This data is normally contained in a spreadsheet with a record for every household in Hertfordshire (approximately 500,000) detailing the full address, AddressBase Unique Property Reference Number (UPRN), Ordnance Survey Grid References, and the corresponding Group & Type classification assigned to that household.

The most common way in which geo-socio-demographic data is used in the authority is by taking local data which contains record level information by home address and matching to Group and/or Type in order to determine their characteristics. Due to contractual obligations much of the data at household, or postcode level, cannot be shared outside of HCC although aggregates such as characteristics of people in identified completed new build developments can be released at county level.

4.2 Annual study periods and development size thresholds

In the PYS trial the time period was defined as the annual financial years 1st April 2012 to 31st March 2013 and, 1st April 2013 to the 31st March 2014. Since successful completion of the trial study annual financial period cohort extracts from 1st April to 31st March for each year 2002 through to 2020 have been implemented from SMART

Herts². This permits the longitudinal examination of mainstream pupil yields from unique annual development cohorts across a 19-year period. The PYS annual new build development completions 2002_03 to current financial period, and inclusion of large developments within the 1990's, once complete will far exceed the number of developments reviewed, either by the DfE (within a single local authority area) or any other local authority.

In the PYS trial only developments ≥ 30 dwellings in size were initially included in the study. This occurred due to observed difficulties with successfully geolocating poor quality School Census address records to small area development polygons. However, refinement of the method, to that presented herein, has enabled the inclusion of developments ≥ 10 to < 30 dwellings in size within each annual cohort. Developments < 10 dwellings in size are excluded based on being deemed "windfall housing". Such dwelling completions are not planned by districts, but they generally help the achievement of district housing trajectories. Windfall housing is commonly disregarded in population projections due to its uncertain nature over the longer term. The inclusion of only those developments ≥ 10 dwellings aligns the Hertfordshire PYS with threshold sizes based on emerging DfE guidance.

Whilst the principle data sources and time periods for study were established consideration was first given to Information Governance and recording the flow of data streams within the county council Information Asset Register prior to further work commencing.

5.0 Information governance and the General Data Protection Regulations (GDPR May 2018)

HCC processes personal information to enable the authority to provide a range of government services to local people and businesses and as such is registered as a Data Controller with the Information Commissioners Office (ICO) under Registration Number Z6406154³. A substantial amount of information is provided within this section to ensure that HCC analysts are fully informed as to requirements and how they relate to the PYS. An indicative range of government services which the authority provides, the types of information relevant to these services, sensitive classes of information and, examples of the types of persons that HCC processes data about is given in Appendix 1.

It is also displayed within the privacy statement of the authority's website that HCC analyses existing service data to ensure that the authority can provide the services needed in the future. On occasion this data is compared or combined with population data from other sources, official data from the Office for National Statistics, NHS Digital or, commercial sources. The information is not used to identify individuals, but rather non-identifying aggregates are used to forecast future demand such as for school places, social care and, health trends. There is also public interest in authority finances being appropriately reimbursed by private developers for services that HCC will be required to provide for the future both in support of such developments, and in

² Prior to 2011 planning permission applications were recorded in a different system called "DEMONS", data was transferred to SMART Herts following implementation of the latter replacement system in 2011.

³ <https://ico.org.uk/ESDWebPages/Entry/Z6406154>

ensuring that the LA can meet its statutory duty to provide sufficient education/child care places.

HCC indicates that dwelling completions datasets for the period 1st January 2012 to 31st December 2013 sourced from SMART Herts are not considered as personal data beyond contact details for land agents, developers and descriptors regarding a development type, bed size and proposed tenure. This information is already within the public domain. However, the project requires the geolocating of anonymised schools census and births information to development polygons to determine aggregate cohort counts. The application of potentially identifying personal information therefore requires appropriate consideration of the General Data Protection Regulations (2018).

5.1 The Information Asset Register (IAR)

In order to be compliant under new Data Protection legislation, HCC needs to maintain an Information Asset Register (IAR) holding "key elements", these are:

- Data items – what personal information are held - such as name, address, email etc and other sensitive data such as health data, criminal records.
- Format of the stored data – for example is this hardcopy, electronically on a purpose-built system, or standard office software such as an Excel spreadsheet.
- How the data is received and transferred – for example: is it collected electronically, paper through the post etc.
- Location – such as, is the data stored on the Shared Drive, internal, or external system or paper.
- Accountability – the person accountable for the service which uses this personal data.
- Access – who can access this data and what restrictions are in place

In order to map the data that HCC holds it is necessary to both understand, and be able to describe, the information or data flow from one location or system to another. For each function, or activity, that involves personal data HCC collects details to identify what happens to it and by which team, department or even third party. The Information Asset Register is a catalogue of the personal data/information HCC holds and processes, where it is stored, how the data/information moves and who the authority shares it with. A form is completed for each function or activity undertaken with the data and it is important that if the data is transferred to another team or department within HCC that this is clearly identified.

The IAR is therefore a table of information relating, initially, to personal and sensitive data collected or held within HCC. It contains the "Key Elements" and the legal basis for collecting and processing the data, together with other useful information. The IAR is updated and permits the consideration of the following aspects:

- Retention periods – ensure that data is being held for the correct time rather than 'forever'.
- Duplication – does the data need to be held on more than one format
- Legal Basis – there are 6 lawful bases for processing and the relevant one should be identified before processing starts, e.g. to meet a statutory duty of

HCC; to fulfil a contract with the person (data subject); consent of the data subject etc.

- Data Protection Impact Assessment (DPIA) – Needed when there is risk of harm, significant loss of privacy to the individual e.g. social care or health, cloud-based systems changed or implemented from May 2018 etc.
- Privacy Notice (PN) – This should be in place wherever HCC is collecting data direct from individuals. It should state clearly what we will do with the data collected, how long it is kept for and whether it is shared, it should also identify the lawful basis for processing personal data.

In compiling the Information Asset Register it is necessary to:

- Walk through the information lifecycle to identify unforeseen or unintended uses of data. This also helps to minimise what data is collected and how long it is held.
- Make sure the people who will be using the information are consulted on the practical implications.
- Consider the potential future uses of the information collected, even if it is not immediately necessary.

The basis of the information entered into the IAR comes from a Personal Data Information (PDI) form and should not be confused with the requirements of a Data Protection Impact Assessment (DPIA).

5.2 Data Protection Impact Assessment (DPIA) & Personal Data Information (PDI) Form

When HCC implements a new service or technical solution which changes the way the authority collects, stores or uses personal data it is necessary to check whether a Data Protection Impact Assessment is needed. The DPIA is a legal requirement where the following activities are undertaken:

- Processing personal data for a new service.
- Where a data sharing agreement is commenced or amended.
- If any significant change is made to the technology used within an existing service including upgrades or cloud storage.
- When undertaking profiling for service planning or other purposes.

One of the key principles of General Data Protection Regulation (GDPR) is Privacy by Design, that is planning and designing systems and processes to ensure personal data privacy. This includes implementing role-based access, appropriate security and only collecting the data that HCC needs. The quick guide tool indicated that for the Pupil Yield project, which incorporates schools census and births data, a DPIA was required. A DPIA and PDI were completed prior to commencement of the project and recorded the data that would be processed and the benefits/potential risks to both the individuals whose data was affected and to HCC as an organisation.

The completed DPIA further identified the timespan that the collected data was required for, staff access to the information and, technical security and processes required to ensure the data safety. The DPIA and PDI forms were assessed against the Information Commissioners Office (ICO) guidance by the HCC Data Protection

Team, this ensured that the appropriate measures were in place to mitigate identified risks. Further information regarding the DPIA and PDI can be requested from:

- DPIA data.protection@hertfordshire.gov.uk
- PDI information.governance@hertfordshire.gov.uk.

5.3 The Privacy Notice (PN).

The purpose of the Pupil Yield project was to undertake an administrative assessment of child yield per 100 dwellings (primary, secondary and births) arising from new build developments within the boundary of Hertfordshire. No data or information was collected directly from individuals for purposes of the survey. Data utilised in the examination was embedded within the statutory framework for which the authority is required to collect, and expected to project, future service demands. As such it was not necessary to produce a Privacy Notice.

5.4 Births information – Data Sharing Agreement (DSA) and Data Access Agreement (DAA)

NHS Digital is a corporate body established pursuant to section 252 of the Health and Social Care Act 2012 and is the national information and technology partner to the health and social care system⁴. NHS Digital collect and store some information from everyone's health and care records so that it can be used to run the health service, manage epidemics, plan, and research health conditions, diseases and treatments. They process and publish data and information from across the health and social care system in England. Civil Registration data via NHS Digital is replacing Office for National Statistics data supplies which removes the need for ONS Terms & Conditions and named users. This takes place under the legal basis of Section 42(4) of the Statistics and Registration Service Act (2007) as amended by section 287 of the Health and Social Care Act 2012 and Regulation 3 of the Health Service (Control of Patient Information) Regulations 2002.

Since April 2013 the Health and Social Care Act has provided local authorities with the power to perform public health functions. To deliver public health, local authorities need to use available health data sources to get relevant health and social care information. In order to access this information local authority's, require a Data Sharing Agreement (DSA) and a Data Access Agreement (DAA) with NHS Digital, these documents establish the framework within which data can be accessed and analysed amongst other statutory requirements. The births data for each defined local authority is securely distributed to the LA each quarter by NHS Digital together with an annual refresh of the births data containing any required updates.

The Director of Public Health is the Information Asset Owner for the births and deaths data and is responsible on behalf of the Local Authority to NHS Digital for ensuring that the data supplied is only used in fulfilment of the approved public health purposes as set out in the DSA. HCC has both a DSA and a DAA in place with NHS Digital (reference DARS-NIC-35699-L3K3Q-v2.4) and use of provided data is specifically covered within Section 5 (the Purpose). Within the DSA the authority as Data Recipient is recognised as the Sole Data Controller. NHS Digital retains

⁴ <http://www.isb.nhs.uk/library/standard/128>

copyright of the Data, application of births information as applied within this project is therefore acknowledged as: © Copyright 2020, re-used with the permission of NHS Digital (All rights reserved). The authority has a responsibility to ensure that any publication derived from the Data by any party complies with Anonymisation Standard for Publishing Health and Social Care Data guidance and Anonymisation: managing data protection risk code of practice. HCC has undertaken an organisational risk assessment exercise to ensure compliance with these guidelines and a Data Protection Impact Assessment (DPA Registration Number: Z6406154).

An overview of the project and the requirement for access to individual birth address information for the identified and finalised development polygons was submitted to NHS Digital via public health intelligence. At the request of NHS Digital amendments were made to both the Data Sharing Agreement and the Data Access Agreement. These documents which both grant access to the individual births information, and establish the framework within which the information can be used, are held by HCC.

6.0 Pupil Yield Study Overview

Figure 1 displays the overall processes associated with the principle data sets: SMART Herts, School Census and Births/GP Registrations. The initial step was the identification of developments which should be included within each annual cohort 2002_2003 through to 2019_2020.

Once developments satisfying the population inclusion criteria were identified SMART Herts data files relating to each development in each annual cohort were aggregated. Specific development polygons extracted from SMART Herts were used by the HCC GIS team to obtain *AddressBase_Premium* dwelling addresses by specific residential dwelling characteristics. Dwelling counts by type were compared to SMART Herts data sets to ensure totals matched in relation to total number of dwellings and counts by type specific to each permission. Master address files were created for each development and in aggregate for each annual study cohort.

The postcodes arising from the master address files were used to extract specific individual anonymised school census records from the January School Census return 2007 to 2020. For early cohorts between 2002 and 2006 January School Census records were extracted based on co-terminus postcode data. School Census records were address cleansed and Unique Property Reference Number (UPRN) identified. Linking the two data sets based on UPRN established mainstream sector counts by specific dwelling UPRN in new build dwellings over time. Longitudinal mainstream counts in aggregate for each development were determined and the arithmetic mean taken each year to determine the variance of average development yield over time within each study year. This was repeated for dwelling type in addition to dwelling units overall. Development typology was determined, and the analysis repeated to calculate mainstream sector yields for each development characteristic Tier.

The latter parts of the project: ACORN Household, FOI (HMRC & ONS) and SMART Herts Individual Dwelling relates to further work that needs undertaking once all annual cohorts are completed. ACORN is specific to geodemographic and socio-economic profiling of new build development populations. SMART Herts individual

dwelling involves the inclusion of bed size and tenure data for each dwelling completion recorded in the system 2020_2021 onwards. The Freedom of Information Act process relates to the obtaining of UPRN specific bed size and tenure data from HMRC/ONS for those dwellings to which HCC has been unable to assign this information. Each of these elements is discussed in greater depth in the proceeding sections.

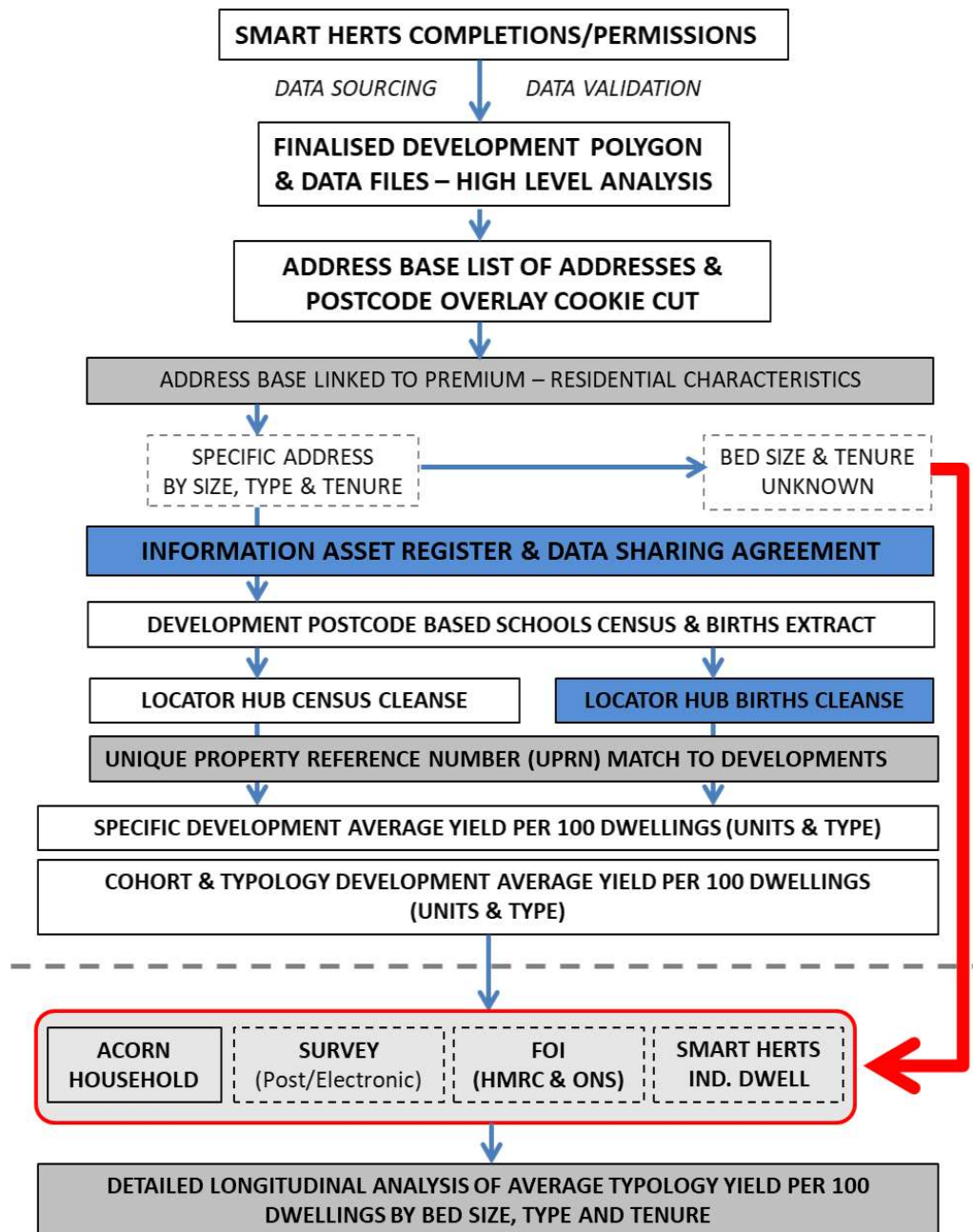


Figure 1. The high-level overall components to the Pupil Yield Study.

7.0 SMART Herts data sets processing

Within the authority SMART Herts access is via the Environment & Infrastructure Directorate, Planning Infrastructure & Economy, Strategic Land Use team whom ran

the relevant extract reports from the system. There were three principal data files extracted for each district for each financial year 2002 through to 2020:

- (1) Overall Permissions.
- (2) Residential Completions.
- (3) Size_Type Completions.

This generated 30 data files for all ten districts within each financial year with a total extract of 570 files for the whole study period 2002 through to 2020. Additional extract routines were run to obtain specific development polygons per annum for GIS analysis.

7.1 Overall permissions data files

The initial step undertaken was to establish the population of developments in the boundaries of Hertfordshire, for each annual cohort, which should be included within that specific year's assessment. The overall permissions data files relate to planning permissions indicated as current within the annual financial period under investigation. Developments were included in a specific annual cohort on the basis that residential completions began to be produced in the inclusion year (>0), but not prior to the inclusion year, and where the total gross permitted dwellings was ≥ 10 in count (this excludes developments which had dwellings under construction [UC code] but no completions in the financial period).

This enabled the determination of the annual development cohort ≥ 10 dwellings in size, the total gross proposed gains associated with these developments and, the count of residential completions in the first year of construction. No indication of C2/C4 (older persons, sheltered accommodation, Houses of Multiple Occupation etc) developments is available within these data files and as such all developments meeting inclusion criteria are considered at this point. Defined fields included within the determined annual cohort data table for each financial year were:

- LAD - Local Authority District Name
- LAD CD - Local Authority District Code (Office for National Statistics)
- PPREF – Unique Planning Permission Reference
- Unique Site Ref – The PPREF prefixed with the LAD CD
- Address – the site address as recorded in the system capped at 250 characters
- PDL – Previously Developed Land flag (Yes/No)
- Permission Granted – Date planning permission was granted for the PPREF
- Permission Lapses – Date planning permission for the PPREF lapses
- Permission Started – Date that construction started
- Permission Completed – Date that all works associated with the PPREF were completed.
- Total Proposed Gain – Total number of dwellings proposed within the PPREF
- Total Proposed Loss – Total number of dwellings proposed to be lost (demolition of existing dwelling stock on site)
- Total Proposed Net Gain – Calculated as Total Proposed Gain minus Total Proposed Loss
- Total Proposed Gain ≥ 10 Dwellings – Calculated flag of Yes/No based on Total Proposed Gain

- Completed to Date Gross Completions – the number of dwellings completed to date within the PPREF
- Completed to Date Net Completions – the number of net dwellings completed to date within the PPREF
- Gross Completions in PYS Financial Year – the number of gross completions in the PYS annual extract year
- Net Completions in PYS Financial Year – the number of net completions in the PYS annual extract year
- Gross Outstanding Commitments in PYS Financial Year – the gross number of dwellings which remain outstanding after the PYS financial year. Calculated as Total Proposed Gain minus Completed to Date Gross Completions
- Outstanding Commitments in PYS Financial Year U/C – the gross number of dwellings which are Under Construction but not completed in that year
- Outstanding Commitment in PYS Financial Year N/S - the gross number of dwellings which remain to be constructed following the current financial year
- Net Outstanding Commitments – the net number of dwellings which remain to be constructed following the financial year
- Application Type – Planning Application Type for example, Full or Reserved Matters
- Completions Started Prior to Current Year – calculated flag (Yes/No) as to whether gross residential completions had been produced prior to the current financial year (all rows to be “No” for inclusion in current annual cohort)
- In PYS Annual Cohort – calculated flag (Yes/No) as to whether the unique PPREF is included within that year’s annual cohort. If “Completions Started Prior to Current Year” = No and “Completed to Date Gross Completions” is >0 then flag = Yes
- Outstanding Commitments Check – Yes/No flag to indicate whether the system reported completions in year plus the outstanding commitments equals total gross proposed gain. Where Flag = No data returned to spatial planning for the PPREF for resolution.
- Inclusion Year – The financial year to which the development is allocated e.g. 2011/2012, 2015/2017, 2004/2005 etc

Developments ≥ 30 dwellings and ≥ 10 and < 30 dwellings were processed as separate annual cohorts. The final annual overall permissions files formed the basic table to which residential completions, GIS determined addresses and, size_type files were matched using the unique permission reference for each site (PPREF code).

The Overall Permissions files were also used to determine the total number of residential completions associated with all residential developments in the financial year under investigation. All developments were included in a specific annual cohort on the basis that residential completions began to be produced in the inclusion year (>0), but not prior to the inclusion year, irrespective of development total gross proposed gain. Effectively this included “Windfall” housing developments of < 10 dwellings in size such that the percentage of dwellings included in those developments ≥ 10 dwellings relative to the total dwellings relating to the specific financial period could be calculated.

Although the PYS is a census of all developments ≥ 10 dwellings in each financial year, and not a representative sample from which inferences within known statistical boundaries are made to the population as a whole, there is merit in determining the percentage of all dwellings built in the population of interest relative to the total for that year. For example, if a particular financial year had 1,000 dwellings included in the PYS from developments ≥ 10 dwellings in size then, despite being a census including all dwellings which meet the population of interest criteria, criticism could be levelled at the cohort size. If the total dwelling count constructed in that year was 1,200 dwellings, i.e. 200 dwellings occurred from windfall, then it can be observed that the census included cohort was 83.3% ($1,000 / 1,200 = 0.833$) of all dwellings constructed in the annual period. Despite being diminutive in size the census included 1,000 dwellings cohort would be in excess of 80% of all dwellings constructed in the period which would be greater than the proportions included within randomised samples based on the included population size. This approach increases the evidenced robustness of the overall Pupil Yield Study.

7.2 Residential completions data files

Individual District residential completions data files were aggregated to create singular annual financial year tables, the process undertaken is provided in Appendix 2. As with the overall permissions files fields were of consistent name and format between extract periods and descriptive text data limited to < 250 characters in length as required for import to ArcGIS. The consistency of format assisted in the replication of ArcGIS projects for annual survey periods with the replacement of underlying data files and polygons whilst, automated processes could remain consistent for efficiency. The principle data fields were:

- Report Year – the year to which the extract file related
- LAD – Local Authority District Name
- LAD CD - Local Authority District Code (Office for National Statistics)
- PPREF – Unique Planning Permission Reference
- Unique Site Ref – The PPREF prefixed with the LAD CD
- Address – the site address as recorded in the system capped at 250 characters
- Description – a description of the site as recorded in the system capped at 250 characters
- PDL – Previously Developed Land flag (Yes/No)
- Gross Comp in Period – the number of gross dwelling completions in the report year
- Loss in Year – the number of dwelling losses in the report year
- Net Comp in Period – the number of net dwelling completions in the report year
- Wislistperm – A unique identifier which relates the residential completions data to a polygon identifier.

These are “developments” which have involved the conversion or loss of residential dwellings with no replacements occurring. The unique identifier field PPREF was applied in looking up annual completions data to the developments included within the annual cohorts resulting from the overall permissions files. Values added to the

overall permissions files reflect the field names listed above. Additional fields relating to the overall permissions and residential completions data sets were added for:

- Total Proposed Gain Check – a formula to check the number of gross dwellings permitted in the overall permissions files versus the sum of the residential completions associated across one or more years for the development.
- Total Gross Completions – the sum of the gross residential completions observed for each specific development across one or more years specific to the PPREF.
- Match – Yes/No error function to determine whether the total proposed gain check equals the total gross residential completions data.

Where the checks returned divergent values then a mismatch between the overall permissions and residential completions data files occurred. Permissions where this occurred were investigated further, the most common reason for differences were partially superseded permissions or PPREFs which were sub-permissions of a larger development that came forward in parts. In such instances “Estate” files were requested from spatial planning which listed permissions by PPREF associated with complex sites.

Subsequent to the resolution of non-matches for all developments within an annual cohort the permission reference was cross referenced to a C2/C4 report from SMART Herts. Developments of C2 (older persons/residential care homes) and C4 (Houses of Multiple Occupation) do not represent the majority of dwelling stock within the authority from which mainstream school age pupils could arise and are excluded from the Pupil Yield Study. It was noted that C2/C4 development specific data files have not been used until more recently within the authority (2012/13). An additional check was therefore implemented such that the description field for each development was reviewed. Six additional fields were included within the data file for each annual cohort, these were:

- C2 Development from SMART Herts Report – Yes/No flag as to whether a development was identified as C2 from the specific SMART Herts report.
- C4 Development from SMART Herts Report – Yes/No flag as to whether a development was identified as C4 from the specific SMART Herts report.
- C2 Development from Description – Yes/No flag as to whether a development was identified as C2 from the site-specific description field.
- C4 Development from Description – Yes/No flag as to whether a development was identified as C4 from the site-specific description field.
- Include/Exclude in cohort – Include/Exclude Flag wherein developments indicated as C2/C4 were excluded.
- Reason Exclude – Notes field detailing the reason a site has been excluded for future reference.

Other than C2/C4 flagged exclusions the only other accepted reasons for not included a development within an annual cohort was: All addresses in the development Polygon do not have an AddressBase Premium dwelling classification Type which matches the criteria applied for inclusion within the cohort [Section 7]; Development Polygon does not reside wholly within the authority boundary. It is important to note that Residential Completions files also contain completions data for those developments which are specific residential losses only such that there will be

some non-matches between the unique identifier PPREF of the completions data to the Size_Type permissions files. The two data streams, although related, include disparate information and should be treated separately.

7.3 Permissions size_type data files

Individual District permissions size_type data files were aggregated to create singular annual financial year tables, the process undertaken is provided in Appendix 3. As with the overall permissions and residential completions files fields were of consistent name and format between extract periods and descriptive text data limited to <250 characters in length as required for import to ArcGIS. The consistency of format assisted in the replication of ArcGIS projects for annual survey periods with the replacement of underlying data files and polygons whilst, automated processes could remain consistent for efficiency.

Developments built out over more than 1 year and/or where there are multiple providers, dwelling types and/or tenure have multiple rows of data. Figure 2 displays an example size_type processed extract for a singular PPREF wherein there are multiple providers, dwelling types and tenures associated with the development and, the development took more than 1 year to complete.

Figure 2. A development of 68 dwellings wherein there results multiple rows of size_type data due to different providers, dwelling types and tenures.

PP Ref	ResLine Provider	ResLine Tenure Type	Dwelling Type	Number of completions	1 Bed Units	2 Bed Units	3 Bed Units	4+ Bed Units
07/14/0076/F	Housing Association	Social Rented	Flat, Apartment or Maisonette	12	0	12	0	0
07/14/0076/F	Housing Association	Social Rented	House	9	0	0	9	0
07/14/0076/F	Private	Market	House	47	0	0	20	27

The overall permissions and residential completions data sets collated to this point are singular rows of data per unique permission. The initial step undertaken in processing the size-type files was therefore to collate the multiple row data into a singular row for cross referencing to the annual cohort master files. For example, multiple providers were combined to “Private & Housing Association”, multiple tenures to “Open Market & Social Rented”, multiple dwelling types to “Flat, Apartment or Maisonette & House or Bungalow” and so forth. The principle data fields resulting from this process were:

- LAD – Local Authority District Name
- LAD CD - Local Authority District Code (Office for National Statistics)
- PPREF – Unique Planning Permission Reference
- Unique Site Ref – The PPREF prefixed with the LAD CD
- ResLine Provider – The provider type for the development, or part of development to which the size_type data row relates. For example, Private, Housing Association, Local Authority, Unknown
- Dwelling Type – House, Bungalow, Flat/Apartment/Maisonette
- ResLine Tenure Type – Tenure of dwellings within the row of dwelling type data
- Overall Units – Number of dwelling units associated with the tenure, dwelling type and provider row of the dwellings for all/part of the relevant permission

- 1 Bed Units – Count of 1-bed dwelling units
- 2 Bed Units – Count of 2-bed dwelling units
- 3 Bed Units – Count of 3-bed dwelling units
- 4+ Bed Units – Count of 4+ bed dwelling units
- Overall Houses – Number of the overall number of houses completed
- 1 Bed Houses – Count of 1-bed Houses
- 2 Bed Houses – Count of 2-bed Houses
- 3 Bed Houses – Count of 3-bed Houses
- 4+ Bed Houses – Count of 4+ Houses
- Overall Flats – Number of the overall number of Flats completed
- 1 Bed Flats – Count of 1-bed Flats
- 2 Bed Flats – Count of 2-bed Flats
- 3 Bed Flats – Count of 3-bed Flats
- 4+ Bed Flats – Count of 4+ Flats
- CHECK – formula which checks that the number of houses and flats equates to the total number of units which in turn equates to the total number of gross dwellings permitted (overall permissions) and residential completions.

The data items were referenced to the annual master files through linkage of the unique identifier PPREF.

Where the check field indicated a mismatch between the overall permissions and residential completions data associated with a unique permission reference versus the size_type data files for overall units (both in aggregate and per specific year of completions) then further work was undertaken to resolve. This was conducted by both referring the permission to spatial planning, GIS analysis of the polygon and, further research into the overall permissions and residential completions data files for further permissions possibly associated with the overall site.

7.4 Known limitation of the permissions and completions data

The Type (House or Flat), Tenure (Affordable/Open Market) and Bed Size data associated with each specific development as presented within the data files is correct as at the time which planning permission was granted. If there are local amendments to the agreed development mix between the Planning Authority and a developer subsequent to the granting of permission, or as a development progresses, then this will not necessarily be reflected in the permissions data file. Changes to the affordable dwelling element of a development would only be determined by comparing a developments permissions file to information held by district housing authorities regarding stock location.

There is currently no Information and Data Sharing Agreement in place with Districts to access this level of information to pick up any such amendments, however experience within HCC spatial planning indicates that this is not common. Dwelling completions can sometimes be associated to the wrong financial year for various reasons such as lag in paperwork, human error etc, but within the authority, and the Districts, these are thought to be infrequent and tend to be odd dwellings rather than large developments.

The SMART Herts data enables the determination of the location and magnitude, number of dwellings constructed, of each of the permitted and subsequently completed developments. The data also enables a determination of bed size mix, type and tenure of constructed dwellings associated with each development overall.

However, the individual addresses of each of the dwellings within a development is not available as a data extract nor is there relational data for each individual dwelling with regards to bed size, type and tenure. Specific address information is required to be sourced externally via AddressBase and AddressBase Premium products which also lack the detailed relational datasets. Aggregation of the developments to county level therefore provides an overall indication of the number of units completed by bed size, type and tenure over time. Information relating to the overall tenure and bed size is still required in order to compare the overall type, tenure and bed size mix of identified developments to observed mainstream yields from the school census.

The size_type data sets and individual address residential characteristics code from AddressBase Premium could also be applied to determine overall number of houses and flats, separately, by bed size and tenure for comparative analysis. Both the bed size and tenure of individual dwellings and, the addition of multiple size-type row data to the overall permission are work streams which will be conducted once the master annual cohorts are finalised 2002 through to 2020. This is of relevance to the ≥ 30 dwelling cohorts whilst many of the small development cohorts are of singular type, tenure and bed size for which this information can be obtained immediately. However, overall the aggregate counts of dwelling type from the size-type permissions enables cross comparison to residential dwelling classification types determined from the GIS analysis of development polygons.

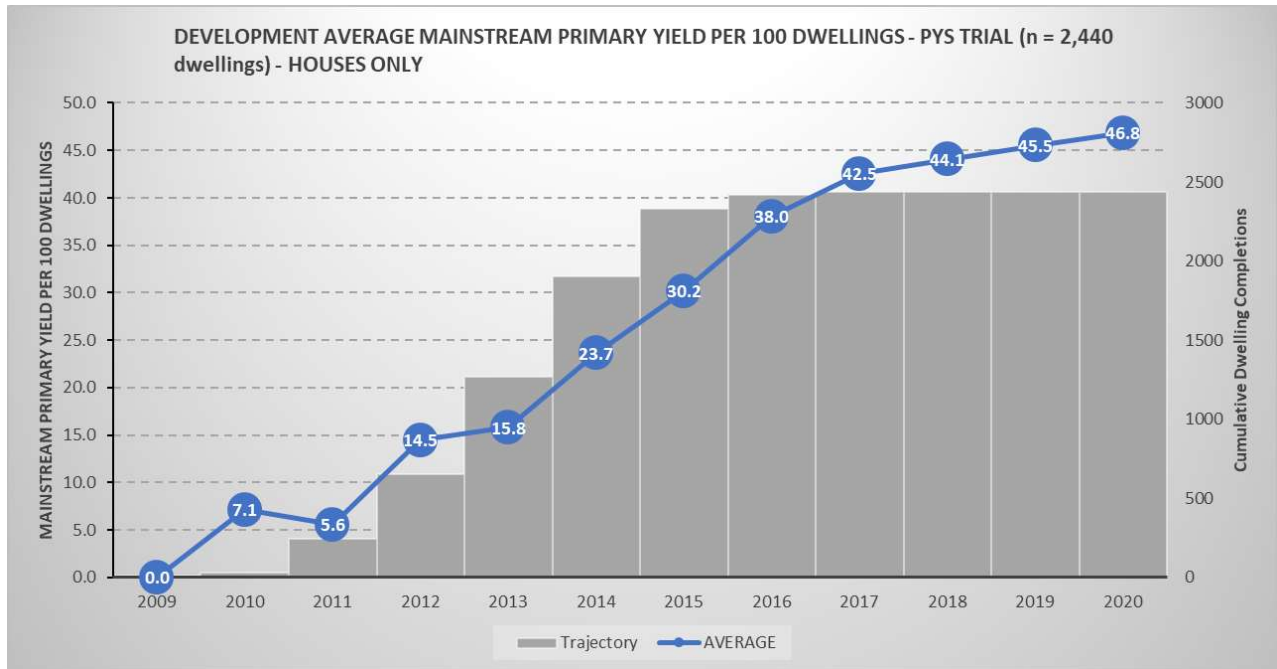
7.5 Trajectory of development completions

Unified counts of aggregate dwelling completions between the overall permissions, residential completions and size_type files permitted the creation of development trajectories specific to each permission. The residential completions files annual gross completions count per annum permits this at a Units Only level of detail whilst the size_type data allows for specific dwelling type (House or Bungalow and, Flat Apartment or Maisonette). Trajectories were constructed from the SMART Herts data sets for each permission within the annual ≥ 30 and >10 to <30 dwellings development cohorts.

The trajectory is important for calculating specific annual yield per 100 dwelling rates from the observed number of cumulative completions in a particular year versus the observed mainstream pupil counts from the school census data sets in that year. This is the case both for specific developments and the determination of development average yield for all permissions within an annual cohort. If only the total number of dwelling completions were applied, then calculated annual mainstream yields per 100 dwellings prior to development completion would be underrepresented. This occurs as the denominator (number of units, houses or flats) would be substantially larger than the actual number of completions which would have occurred at the mid-point of development construction. An example of the determined trajectory and associated mainstream primary yield per 100 dwellings displayed in Figure 3 below. The data presented results from the initial Pupil Yield

Study trial conducted by the authority and relates to 2,440 Houses Only, the principle is the same for Units Only and, Flats Only.

Figure 3. An example of the trajectory determined from SMART Herts data sets for 2,440 Houses Only, and the calculated development average mainstream primary yield per 100 houses, arising from the initial HCC Pupil Yield Study trial.



8.0 GIS analysis of SMART Herts development polygons

The annual cohort master files for each financial year based on the collation of SMART Herts overall permissions, residential completions and size_type files formed the principle PPREF list for GIS analysis. Financial, as opposed to calendar, periods were applied in the extract processes due to the origination of the development completion date. For some developments the completion date is provided by the National House Building Council, or LAD building control, upon issuance of a completion certificate or, via administrative desktop survey. However, in some cases the information is absent, and the completion date is determined via a field survey. If the survey determines a development to be completed, and a date is absent, the end of the financial year date, 31st March, is entered to the completion date field. Consequently, for a proportion of the completed developments it will be known that they were completed in the twelve-month period since the last survey, but this is not accurately transferable to calendar period.

Development polygons were extracted from SMART Herts for all developments on the system 2002 through to 2020. Whilst the polygons give the location of developments all underlying data associated with the shape files other than unique identifier (PPREF) was ignored. Only data from the provided master files was used. This was particularly relevant as the polygons include residential completions which are completions of “losses and gains” whereas the master files are gains only. The polygons associated with the developments were subject to an extensive GIS process. The Hertfordshire County Council corporate GIS solution, ArcGIS, was

used to process and analyse spatial data in support of this task. The ‘base’ address data used in the initial trial was Ordnance Survey AddressBase Premium Epoch 64 (released 17th January 2019)⁵ although updated versions were applied as they became available. GIS processing and analysis of the polygons involved several outcomes:

- Ensure all developments were within the boundary of Hertfordshire County Council.
- Establish an address master cohort for each development, and total count of dwellings, based on residential dwelling characteristics.
- Establish a coterminus and buffer postcode list for each development.
- Produce a map of each development in each annual cohort.

The annual cohort development site polygon data, recorded in the SMART Herts system, was exported as a series of datasets (in ESRI shapefile format) for each Local Authority District in Hertfordshire. These were appended to a pro-forma layer with a spatial extent set for Hertfordshire. Once compiled these polygons were used to spatially select from AddressBase Premium the Basic Land and Property Unit (BLPU) points which they contained. Through matching data from the AddressBase Premium Class Records table to the selected BLPU (Basic Land and Property Unit) using the Unique Property Reference Number (UPRN), and then from the Class Code to the AddressBase products classification scheme table, it was possible to assign a typology (Class Description) to each address contained within each development polygon. Several types were deemed to meet the project criteria in conjunction with customised ONS census defined output tables for unshared dwellings (Table 1).

Table 1. The AddressBase Class Code classification scheme for included residential dwellings.

CLASS CODE	CLASS DESCRIPTION
CR06	Public House / Bar / Nightclub
R	Residential
RB	Ancillary Building
RD	Dwelling
RD01	Caravan
RD02	Detached
RD03	Semi-Detached
RD04	Terraced
RD06	Self-Contained Flat (Includes Maisonette / Apartment)
X	Dual Use

Dual use records generally include a residential element, where this is the case, as determined by considering the individual address details and undertaking further research. For example, some dwellings were clearly businesses/residential mixed use such as a Farmhouse, Pub or, a business operating from a home. Dual use BLPU were uncommon and therefore included in the initial selection, relevant

⁵ Support and technical documentation for AddressBase Premium can be accessed here: <https://www.ordnancesurvey.co.uk/business-and-government/help-and-support/products/addressbase-premium.html>

records were rejected where it became apparent that they did not include residential quarters. A similar approach was taken with CR06 and RB classified records.

Following this a count of BLPU by development polygon was made from which it was possible to identify any development polygon which appeared to contain no residential records. These were few in number and each was investigated to determine what BLPU records were present and reassign an appropriate classification in any cases where it was clear from the details of the planning permission that a non-residential BLPU should be reclassified as a result of the development and associated Change Of Use (COU). Each AddressBase Premium record was attributed with the unique Planning Permission Reference (PPREF) of the development polygon within which it was contained and then filtered to include only those permissions in the annual cohort under consideration. At this point checks were undertaken to ensure that:

- The refined count of development polygons equalled that of the provided master files (based on unique PPREF count), such that there were no polygons absent.
- That there were no overlapping development polygons (all BLPU assigned to one permission [PPREF] only).
- That there was not a lack of BLPU meeting classification criteria within identified developments.

It was observed that some BLPU had not been re-classified since the permitted works were carried out and needed to be updated, some BLPU points 'missed' relevant development polygons and needed to be moved with notes indicating as such appended to the unit records. The subsequent step was to assign addresses to the records selected.

AddressBase is essentially the Postcode Address File (PAF) produced by Royal Mail, it is a "flat file" and simple to work with. Whilst there is no inclusive dwelling type information there are classification codes associated with each address record. The available classification codes are:

- C – Commercial (Attracts non-domestic rates and/or use is of a business nature).
- L – Land
- M – Military (Military Defence Site)
- O – Other (Ordnance Survey only)
- P – Parent shell
- R – Residential
- U – Unclassified
- X – Dual use
- Z – Object of Interest

Note that not all residential characteristics will necessarily occur within an area. Individual address records that were contained within the finalised development polygons were selected from AddressBase based on a residential classification code of "R – Residential", these specific addresses were then linked to AddressBase Premium. Data from the AddressBase Premium Class Records table were matched to the selected BLPU (Basic Land and Property Unit) cohort defined above using the

Unique Property Reference Number (UPRN), and then from the Class Code to the AddressBase products classification scheme table.

AddressBase Premium utilises multiple GIS files thereby requiring a relational database for application and is generally complicated to work with. Through the application of multiple polygons this product permits the determination of the characteristics of each address to provide information both on dwelling type and to further specify the R – Residential classification code from AddressBase. The “point-in-polygon” finalised development addresses previously identified within AddressBase were cross referenced to AddressBase Premium and only those address with the following residential sub-classification extracted:

- Residential
- Dwelling
- Detached
- Semi-Detached
- Terraced
- Self-Contained Flat (Includes Maisonette/Apartment)
- Ancillary Building

The following residential sub-classification codes were specifically excluded:

- Houseboat
- Sheltered Accommodation
- Privately owned holiday caravan/chalet
- Ancillary building
- Caravan
- Car park space
- Allocated parking
- Garage
- Lock-Up Garage/Garage Court
- House in Multiple Occupation
- HMO parent
- HMO bedsit/other non-self-contained accommodation
- HMO not further divided
- Residential institution
- Care/Nursing home
- Communal residence
- Non-Commercial lodgings
- Religious community
- Residential Education

This produced the final list of addresses associated with the validated and included development polygons, by unique site identification number. Prior to exporting finalised address cohorts, development specific buffer and coterminus postcode files were generated.

8.1 Development buffer and coterminous postcode files

Development postcode buffers contain the postcodes associated with a specific permission and those which occur in a 200m range of the boundary. In creating permission specific buffers, postcode layers were superimposed over the

development boundaries, where a postcode polygon intersected/overlay a boundary, or was within 200m, then the postcode was extracted. The relevant PPREF was assigned to each postcode for all developments in each annual cohort. Postcode buffer files were principally applied in the PYS trial study to extract school census records. Individual pupil records were cleansed and geolocated to development permissions using GIS in order to create mainstream pupil counts. These counts were compared to counts from a more specific direct address-in-polygon only school census extracts. It was observed that the more specific address-in-polygon method was as accurate as that of the buffer method and was subsequently applied to the main study.

To determine whether postcodes were wholly coterminous within development sites a combination of Codepoint Polygons and AddressBase Premium records were applied. Using both datasets a postcode was deemed coterminous with a development site if it contained residential addresses (determined using BLPU classes within AddressBase Premium) which fell within the site boundary but no residential dwellings beyond the site. Under this methodology a 'theoretical' postcode (as defined using Codepoint Polygons) which overlaps a development may go beyond the development significantly, but if there are no other residential dwellings aside from the ones within the site then it can be inferred that all addresses with such postcodes are attributable solely to that development site. There are four possible scenarios when determining coterminous postcodes using this methodology:

Scenario 1 – the development site falls completely within a single postcode polygon, and all residential BLPU's within that postcode fall within the development site. Therefore, all dwellings with such postcodes, it can be inferred, would fall within the development site (Figure 4). These development sites are accepted for analysis within the coterminus postcode cohort.

Scenario 2 – all postcodes which overlap the development site fall relatively neatly within it, and therefore all residential BLPU's with such postcodes can be attributed solely to the site. In some instances, postcode polygons may go beyond the site, however if no residential BLPU's are found within such areas then all dwellings within the postcode can still be attributed to the site (Figure 5). These development sites are accepted for analysis within the coterminus postcode cohort.

Scenario 3 – no postcode sits neatly within the development site, however there are no postcodes overlapping the site which contain residential BLPU's which fall both within and beyond the site. As such although 'theoretical' postcode polygons extend beyond the development boundary, the postcodes of all residential BLPU's within the site only belong to dwellings within the site, and therefore such postcodes can be attributed solely to the site (Figure 6). These development sites are accepted for analysis within the coterminus postcode cohort.

Scenario 4 - some postcodes which overlap the development site contain residential BLPU's which fall both within and beyond the development site. As such it is not possible to determine that dwellings within such postcodes solely fall within the development site and therefore these development sites are not accepted for coterminus postcode analysis (Figure 7).

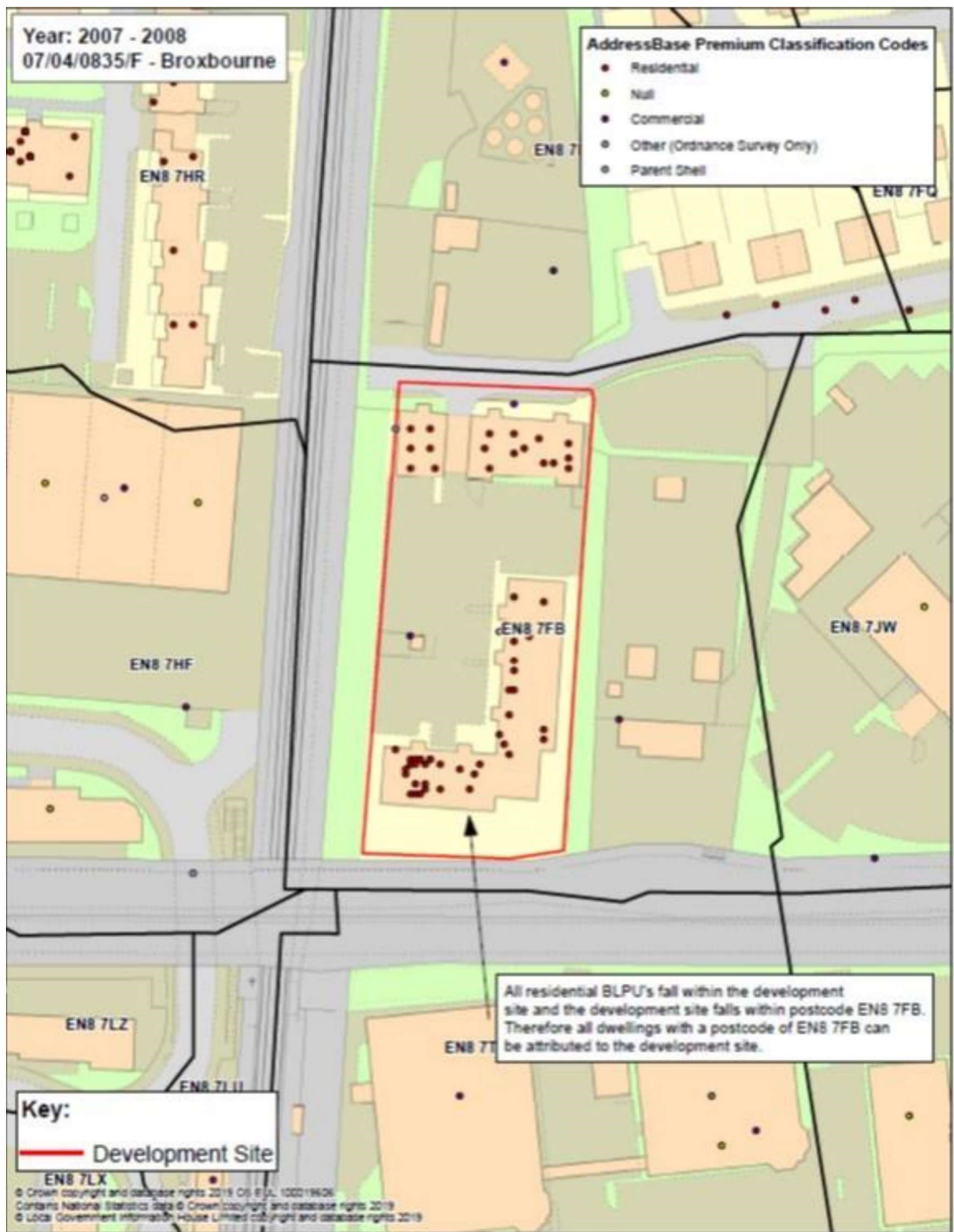


Figure 4. Scenario 1 for determining development coterminus postcodes.

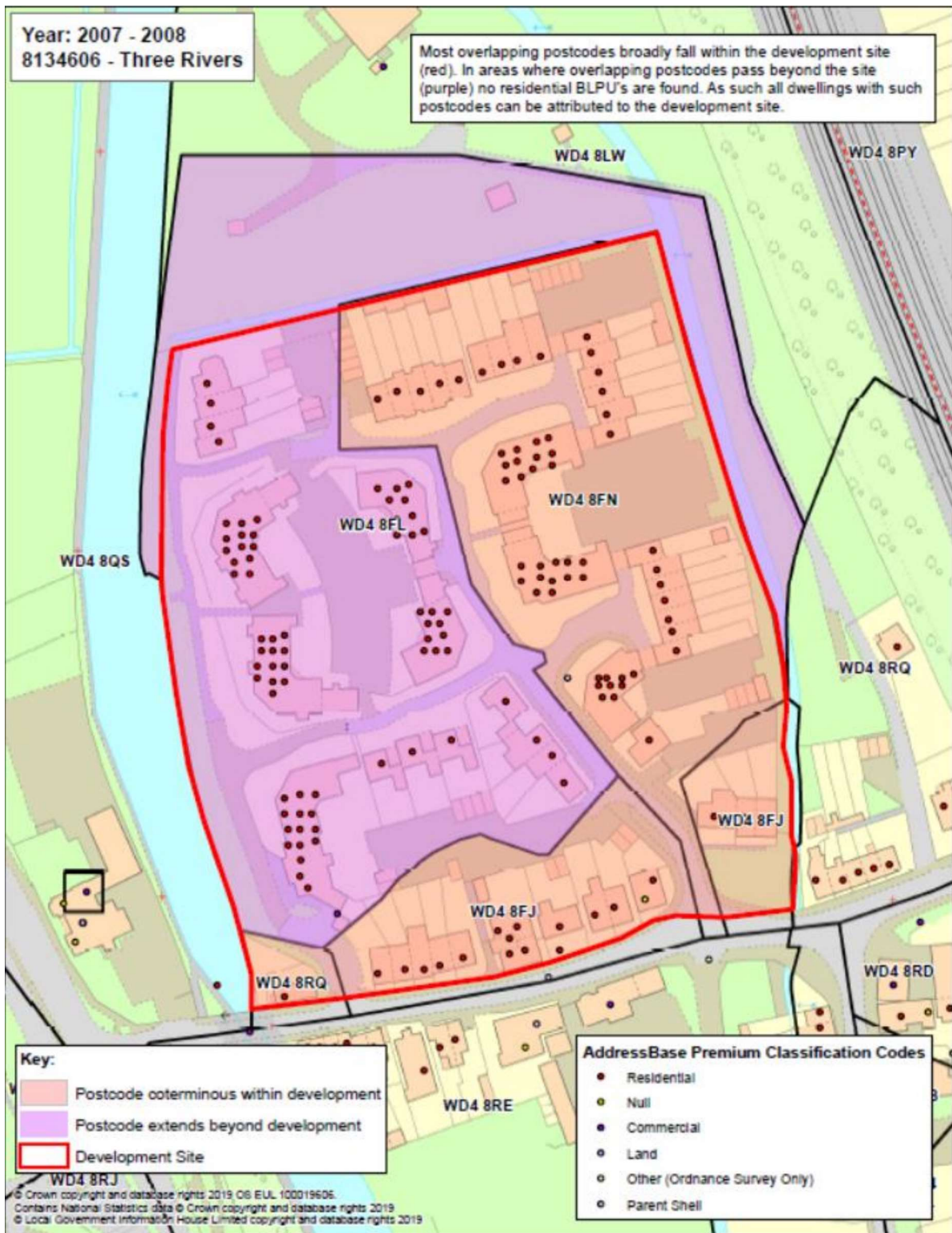


Figure 5. Scenario 2 for determining development coterminus postcodes.

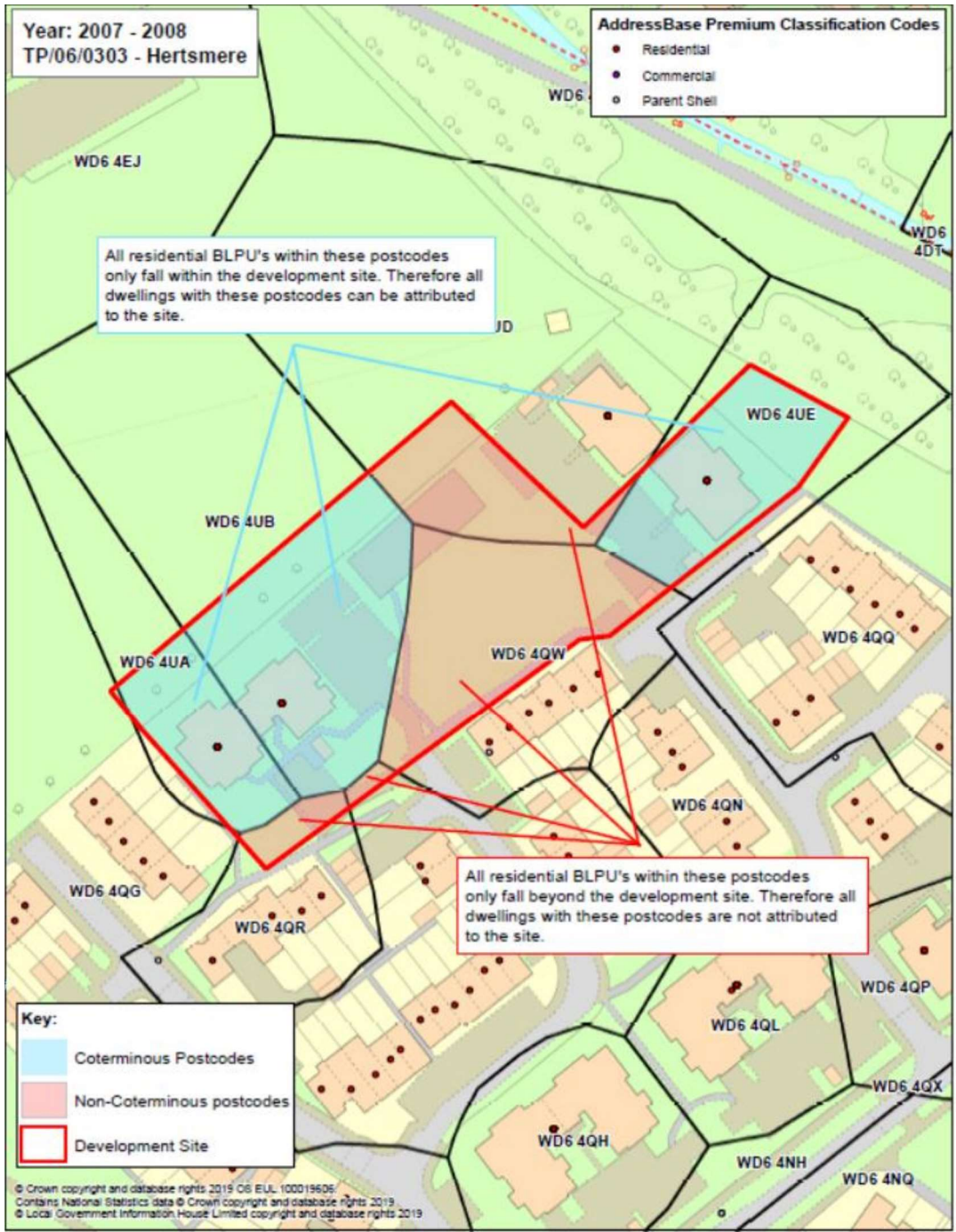


Figure 6. Scenario 3 for determining development coterminous postcodes.

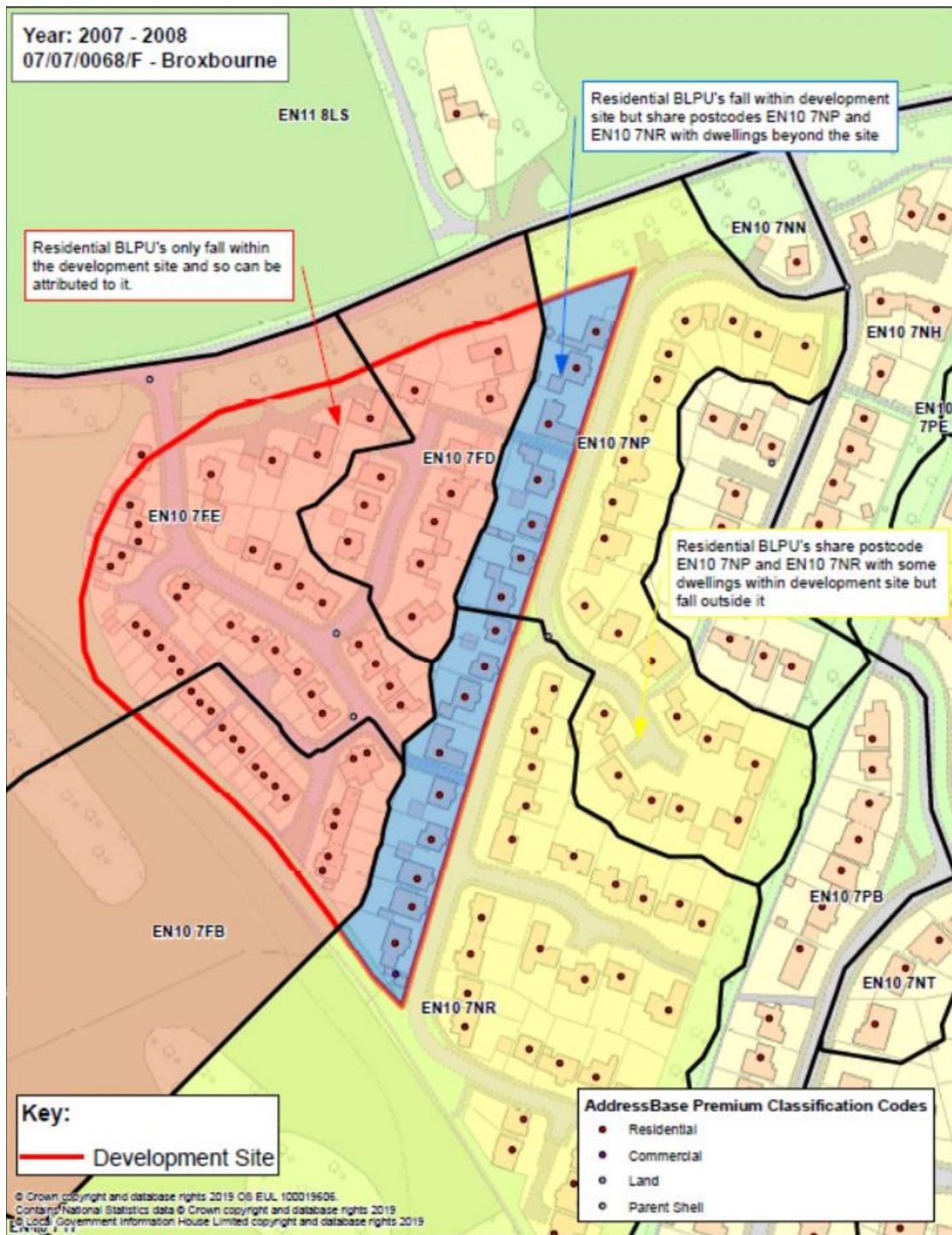


Figure 7. Scenario 4 for determining development coterminus postcodes.

The coterminus postcode files were of relevance to annual development cohorts between the periods 2002 and 2006 and, postcode level GP Registration data sets. In the former, School Census records between 2002 and 2006 required only the pupil postcode to be returned to the DfE, 2007 was the first year that individual pupil address was included as part of the return. Coterminus postcodes within developments, in conjunction with the address files, can be used to determine dwelling counts within the postcode by units only and type. School Census mainstream records associated with these postcodes can be divided by the number of dwellings to calculate yield per 100 dwellings rates. This method would be applied for coterminus postcodes within a specific development, or in aggregate for a cohort, to determine a statistically robust estimate of mainstream yield per 100 dwellings. Such “estimate” yield rates can be used to display patterns in pupil accumulation within developments, and overall annual cohorts, prior to the address specific counts associated with a whole development from 2007 onwards.

A similar premise exists for postcode-based GP registrations counts for children aged 0 to <7 years by individual year of age. Aggregation of coterminus postcodes within an annual cohort of developments permits a statistically robust sample of the included new build population for that year at County level. Individually addresses and associated residential dwelling types from AddressBase Premium allows the count of units only for calculation of rates per 100 dwellings. Where postcodes are wholly houses, or wholly flats, then this permits the estimate of yield per 100 dwellings specific to these dwelling types. Whilst this is included in the overall PYS methodology this element has yet to be progressed, in the majority, in the analytical stage (see Section 10).

8.2 Development address export files

PPREF specific address files determined by GIS processes were exported for matching to the annual cohort master files. The principle address included was usually the Delivery Point Address (DPA), this is used by Royal Mail to deliver packages. These addresses are very spatially accurate as they identify the exact location of the package destination. Until the spatiality of the DPA is concretely determined, a Geographic Address can be used, Local Authorities use these when organising addresses. Geographic Addresses use a combination of Primary Addressable Objects (PAO's) and Secondary Addressable Objects (SAO's) to provide either a preliminary address or, a description of an address. Generally, UPRN's with PAO's are more accurate than UPRN's with SAO's, the latter commonly describe plots of land, such as Plot 238. In most cases the Primary Addressable Object progresses to become the Delivery Point Address. Figure 8 is an extract of a permission in the 2018_2019 cohort which is still under construction.

There are no Delivery Point Addresses for the site, which is expected given the spatiality of the dwellings is not yet determined. However, all the UPRN's within the site have a PAO address such as, for example, No: X Thorpe Road, Bishops Stortford, Hertfordshire. The AddressBase Premium technical specification recommends using Delivery Point Addresses first and, if these are not available, gaps should be completed with the PAO/SAO. The trade-off however is that Geographic Addresses are less spatially authoritative as Delivery Point Addresses.

In most instances completed development polygons within the Pupil Yield Study were Delivery Point Addresses due to the greater level of spatial accuracy.

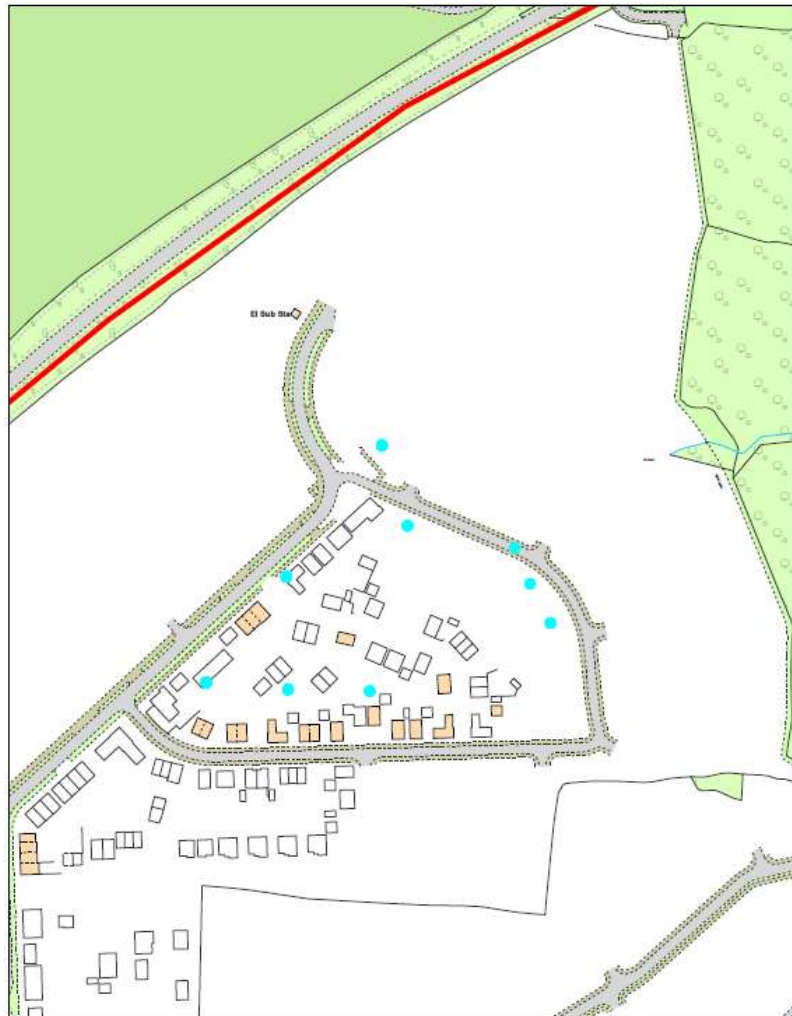


Figure 8. Example map of a development currently under construction with the level of detail in such instances displayed.

The following data fields were included in the finalised address file for each annual cohort:

- Inclusion Year – the financial year to which the PPREF relates
- LAD – Local Authority District Name
- LAD CD - Local Authority District Code (Office for National Statistics)
- PPREF – Unique Planning Permission Reference
- Unique Site Ref - The PPREF prefixed with the LAD CD
- UPRN – Unique Property Reference Number for each dwelling
- Parent UPRN – the parent UPRN for multiple dwellings such as the UPRN associated with a block of flats with each flat in the block also having its own UPRN
- Sub Building – Address data
- Building Name – Address data
- Building Number – Address data
- Thoroughfare – Address data

- Post Town – Address data
- Postcode – Address data
- Classification – RD02, RD03, RD04 & RD06 in the majority of instances
- Class Scheme - AddressBase Premium Classification Scheme
- Class Description – Detached, Semi-Detached, Terraced, Self-Contained Flat
- Primary Description - Residential
- Secondary Description - Dwelling
- Dwelling Classification Type – House_Bungalow – Detached, House_Bungalow – Semi-Detached, House_Bungalow – Terraced, Self-Contained Flat_Apartment_Maisonette.

Pivot table analysis of the address cohort classification determined dwelling counts by units only and type for each unique PPREF. These were cross referenced to the homogenous total permitted dwelling counts arising from the overall permissions, residential completions and size_type data within the cohort master file. This ensured that the GIS determined number of dwellings by type matched that of the SMART Herts data sets. Developments with variance in dwelling counts between addresses “on the ground” versus total completions were subject to further investigation. Most instances where this occurred resulted from an additional permission coming forward for a site. These additional permissions were identified through address and description field searches of the residential completions master data file 2002 through to 2020. Additional permissions were joined to the original permission and overall permission, residential completions and size_type data files merged into one record. The site unique identifier was amended to a concatenate of both permissions which served as an identifier for developments which were merged, for example, [Site 1 ID] & [Site 2 ID]. The analysis process was then repeated to ensure resulting counts tallied between GIS and SMART Herts data sets.

To the annual cohort GIS master address files, a “Concatenate Address” was produced within a single field, this was derived from completed cells within the associated address fields such as building number, thoroughfare, post town and postcode. The single field dwelling address were applied in looking up cleansed school census record addresses to return the master address file UPRN. The UPRN within both files provides a unique identifier for determining specific dwelling mainstream sector counts over time. Additional data from the GIS Address files was also cross referenced to the master data files for each annual cohort derived from the overall permissions, residential completions and size_type data files. These additional data fields were:

- ADPremium Class No: Flats – A count of flats for the unique PPREF observed within the address master file.
- ADPremium Class No: Houses - A count of houses for the unique PPREF observed within the address master file.
- ADPremium Class No: Total - A count of all dwellings (units only) for the unique PPREF observed within the address master file.
- Check ADP Total Flats to Size_Type Data – a Yes/No flag to indicate whether the GIS residential dwelling count of Flats matched the count from the size_type SMART Herts data files for the unique PPREF.

- Check ADP Total Houses to Size_Type Data – a Yes/No flag to indicate whether the GIS residential dwelling count of Houses matched the count from the size_type SMART Herts data files for the unique PPREF.
- Check ADP Total to Total Size_Type Data – a Yes/No flag to indicate whether the GIS residential dwelling count of dwelling units matched the count from the size_type SMART Herts data files for the unique PPREF.
- Development Mix – The percentage contribution of flats and houses to the overall number of units completed in the unique PPREF.
- Dominant Type – The dominant dwelling type associated with the unique PPREF. Where a percentage contribution was $\geq 60\%$ then this became the dominant type (either Houses or Flats). Where the type was within the range 40% to 60% then the dominant type was “Mixed”.

Where GIS address residential classifications matched SMART Herts size-type dwelling type counts then cross reference of the permission tenure and bed size data by type permitted, some instances the determination of individual dwelling bed size and tenure. Where this occurred the UPRN specific bed size and tenure was recorded against the master address record. This was normally the case for developments in the ≥ 10 to < 30 dwellings cohorts. For example, a development of 25 flats for which the size-type data indicates all are Open Market and 2-bed dwellings will have “2-Bed Open Market” recorded against each UPRN in the address master file. A proportion of the dwellings included within the overall Pupil Yield Study therefore already have bed size and tenure data associated with UPRNs, the remainder will be determined once all cohorts are finalised.

Finally, postcodes were extracted from the GIS annual cohort master address files and duplicates removed. The resulting list provided the annual cohort postcodes which would be applied to extract School Census records from the relevant databases since annual cohort commencement. For example, the 2007_2008 development cohort would result in individual pupil annual School Census records being extracted, based on a match between GIS master file and pupil address postcode, from 2007 through to 2020.

9.0 The schools census mainstream and special school pupil records

There are three census returns from schools each year termed the Spring, Summer and Autumn returns, the focus of the Pupil Yield Study was the January or Spring return each year 20002 to 2020. Historically this census return has been the dominant one with consideration of the Annual Schools Census and PLASC. Within state schools every pupil has an allocated Unique Pupil Number (UPN) which is retained each school year and acts as a longitudinal unique tracker across a pupils schooling, it is a mandatory field within each Schools Census return. Each Schools Census return contains pupil level data for pupils both on and off roll as at the date of the census (Nursery being the exception). Pupil Enrolment Status is however only required for those pupils whom are on roll at the school census date. A count on census day therefore includes all pupils whom are on roll as at census date and whose enrolment status is:

- ‘C’ (current - single registration at this school) [ALL schools]
- ‘M’ (current main - dual registration) [ALL schools]
- ‘S’ (current subsidiary - dual registration) [ALL schools]

- 'F' (FE college) where a pupil is registered with the PRU / AP but is taught for most of their teaching time at the FE college [For: PRU / AP only]
- 'O' (other provider) where pupil is registered with the PRU / AP but is taught for most of their teaching time by the other alternative provision provider (which is not a school) [For: PRU / AP only]

The count excludes any pupil whose enrolment status is 'G'/Guest - pupil not registered at the school but attending some sessions or lessons. It therefore follows that Pupil Date of Entry is provided for all pupils both on and off roll as at census date (on roll only for designated Nursery schools) whilst Pupil Date of Leaving will only be provided for those pupils with no enrolment status.

Anonymised child level data from all schools, with no pupil duplication from dual registration codes, as at the schools census date can therefore be extracted on the basis of the pupil UPN and a Pupil enrolment Status like 'C' or like 'M', where the Pupil Date of Leaving is 'Null'. Each annual cohort of postcodes defined in Section 7 was imported to each January school census database 2002 to 2020 to provide the reference postcode from which unique anonymised pupil data could be matched and extracted. Development postcode areas are used to refine the number of schools census records extracted for analysis, this both saves analyst time and is also in accordance with the project Information Asset Registration (IAR) entry and requirements of GDPR.

Whilst the main body of data collected via the School's Census is robust and validated with inbuilt DfE checking processes there remains a known issue with address information. A proportion of HCC schools use British Standard (BS7666) address fields within their Schools Information Management Systems (SIMS) whilst others apply free text Address field 1 through to 5. The DfE does not use address information collected via the Schools Census and therefore has no requirement for a standardised approach as to how address information is stored.

In all instances each pupil has a home address postcode however the quality of associated address field information within the remainder of each pupil's address is variable. For statistical reporting this is normally not an issue as pupil postcode is assigned to a Census Output Area (OA) based on Office for National Statistics "NSPL Postcode to OA" lookup files. These lookup files relate the centroid of a postcode area to an Output Area, OAs can then be aggregated to larger often bespoke geographies for reporting purposes and is the method recommended by the National Statistics Authority (NSA). Further information on this method is supplied in Appendix 4.

Whilst sub-postcode address quality issues have been known for several years the fact that DfE does not require this data and, the large cost of implementing a standardised address system across all schools versus other HCC priorities, suggests that this will be an ongoing issue. The query structures established within each School Census database to extract unique anonymised pupil records with their associated single row address were subsequently complex and provided in detail within Appendix 5. Resulting extract tables based on matches to annual cohort development cohort postcode records had the following formats for both mainstream and special school cohorts.

- *School Phase* – Nursery, Primary, Middle-Deemed Primary etc.
- *School No:* - The DfE allocated number for the school.
- *School Address* – The school address details including postcode.
- *NCYearActual* - The National Curriculum Year Group in which a pupil is taught for the majority of their time irrespective of their chronological age.
- *Special Educational Need* – Coded as ‘E’ (Education, Health and Care plan) or ‘K’ (SEN support) or ‘N’ (No SEN Support). The Children and Families Act 2014 replaced Statements of Educational Need (SEN statements) with ‘Education, Health and Care plans’ (EHC plans).
- *Pupil Address Type* – The pupil address is extracted based on ‘C’ or ‘Current’.
- *Home Address Postcode* - The postcode, mandatory for both BS7666 and address line format, is allocated by the post office to identify a group of postal delivery points. Note that there may be two or more current address for children with divorced/separated parents/in care, in this instance the first address is taken based on the minimum address ID.
- *BS7666 format: SAON* - The Secondary Addressable Object Name (SAON), refers to the flat, apartment name, number, or other sub-division of a dwelling.
- *BS7666 format: PAON* - The primary addressable object name (PAON), refers to the dwelling name and / or number.
- *BS7666 format: Street* - The street name / description.
- *BS7666 format: Locality* - The locality name refers to a neighbourhood, suburb, district, village, estate, settlement, or parish that may form part of a town, or stands in its own right within the context of an administrative area.
- *BS7666 format: Town* - The town name refers to: A city or town that is not an administrative area; A suburb of an administrative area that does not form part of another town or; A London district.
- *BS7666 format: Administrative area* - A geographic area that may be the highest-level local administrative area for example county or a unitary authority.
- *BS7666 format: Post town* - Assigned by the post office, based on the area sorting office.
- *Address line format: line 1* - First line of the address.
- *Address line format: line 2* - Second line of the address.
- *Address line format: line 3* - Third line of the address.
- *Address line format: line 4* - Fourth line of address.
- *Address line format: line 5* - Fifth line of the address.

With respect to Address Fields, returned information was dependent upon whether the schools Information Management System utilises BS7666 or an address line format and therefore all fields were included in order to enable geocoding. Where a child had multiple addresses, such as where a child lives with both parents at different stages of the week, the first address was extracted on the basis of the minimum Address ID. Note that where the DfE had made amendments to codes, or descriptions, since 2002 then the relevant codes were applied as current to the specific census date.

9.1 Cleansing school census address records

Data extract files from each January School Census relevant to the development annual cohort under consideration were appended to a singular data file for that cohort. Mainstream and special school data files were treated separately. A “Year” flag was added to each annual School Census data extract to relate from which census the data was obtained. For example, the 2005_2006 development cohort had a singular workbook titled “2005_2006 SC Data 2005 to 2020” within which were two worksheets “SC Mainstream Raw 2005_2006” and “SC Special Raw 2005_2006”. Within each sheet the extract table from each census was pasted with the relevant year for each census added. Following completion of the extracts for a development postcode cohort the raw data master sheets were copied to create master sheets from which address cleansing could process.

The initial step undertaken was to resolve the Address Line Format 1 through to 5 addresses into BS7666 format. This was processed through cutting the relevant Address Line fields and pasting into the relevant BS7666 fields. Generally, the number of non-BS7666 records in each annual extract is small and this process is not overly resource intensive. Following this the Address Line Format 1 through to 5 fields were deleted to reduce the number of data columns. The BS7666 Administrative Area was also deleted as all postcode extracted records were coterminus to Hertfordshire and it is therefore superfluous. At this point the master data file (for mainstream and special school pupils separately) contained the following fields:

- *School Phase* – Nursery, Primary, Middle-Deemed Primary etc.
- *School No:* - The DfE allocated number for the school.
- *School Address* – The school address details including postcode.
- *NCYearActual* - The National Curriculum Year Group in which a pupil is taught for the majority of their time irrespective of their chronological age.
- *Special Educational Need* – Coded as ‘E’ (Education, Health and Care plan) or ‘K’ (SEN support) or ‘N’ (No SEN Support). The Children and Families Act 2014 replaced Statements of Educational Need (SEN statements) with ‘Education, Health and Care plans’ (EHC plans).
- *Pupil Address Type* – The pupil address is extracted based on ‘C’ or ‘Current’.
- *Home Address Postcode* - The postcode, mandatory for both BS7666 and address line format, is allocated by the post office to identify a group of postal delivery points. Note that there may be two or more current address for children with divorced/separated parents/in care, in this instance the first address is taken based on the minimum address ID.
- *BS7666 format: SAON* - The Secondary Addressable Object Name (SAON), refers to the flat, apartment name, number, or other sub-division of a dwelling.
- *BS7666 format: PAON* - The primary addressable object name (PAON), refers to the dwelling name and / or number.
- *BS7666 format: Street* - The street name / description.
- *BS7666 format: Locality* - The locality name refers to a neighbourhood, suburb, district, village, estate, settlement, or parish that may form part of a town, or stands in its own right within the context of an administrative area.

- *BS7666 format: Town* - The town name refers to: A city or town that is not an administrative area; A suburb of an administrative area that does not form part of another town or; A London district.

Within the PYS trial school census records were extracted based on the development postcodes and a 200m buffer which were then preliminary cleansed according to the above process. These records were then sent to GIS for passing reiteratively through LocatorHub Transformation Suite, an address-matching application integrated with ArcGIS. LocatorHub cleansed the addresses and defined a Unique Property Reference Number (UPRN) for most address records. Where a specific cohort of mainstream pupils had their addresses cleansed then a combination of UPN and Postcode of a cleansed address joined to other years of records, which have a match on both the concatenate and the underlying original unclesed address, was observed to significantly speed up the address cleansing process.

Any School Census records which contained insufficient address details to geolocate was checked against any corresponding UPRN within the dataset to determine whether it is possible to harvest additional address details from other years census returns. This was required in order to achieve a sufficiently complete address to permit an address match and establish the UPRN and coordinates. Where this was not possible the pupil postcode itself was be analysed to establish if it was feasible to match either to a postcode centroid (by reference to OS Code-Point) or if the postcode is associated with a single structure, such as a block of flats, to an individual building and to a 'Parent UPRN' of that building within a development's boundary. Records that were geocoded to postcode centroid only were retained if all the delivery points were contained within a development polygon and excluded if they were not. In the latter instance it was not possible to prove a mainstream child is located within a specific development "beyond all reasonable doubt" and therefore such records should not be included. Individual pupil records which are located to a development of the basis of a building "Parent UPRN" were flagged as such although these were very small in number.

However, during the trial it was observed that there were several issues associated with this preliminary method:

- LocatorHub processing was heavily dependent on GIS resource which is finite within the organisation and substantial delays could occur.
- It was rare for an address record related to a development to occur in the 200m buffer around a permission, in such instances this related to an incorrect postcode. Removal of the buffer and associated records made no difference to observed yield rates per 100 dwellings in the development outputs nor in the calculated development average yield overall.
- A much more efficient process was not to match school census records to development addresses but rather to match exact spatially defined development addresses to school census extracts exported based on the development specific postcodes only (no buffer applied). This reduced the scale of record cleansing from the tens of thousands per cohort to thousands.

The methodology was therefore refined for development cohorts processed following the trial. The development school census data table, following removal of the

Address Line Format 1 to 5 and Administrative Area fields, was sorted according to the home postcode and Unique Pupil Number (UPN). Whilst some census returns may contain poor quality address data for a particular UPN, other years were BS7666 exact matches and could be replicated. The master address file containing the spatially exact addresses associated with the annual cohort was opened and sorted according to postcode and concatenate address. Visual cross comparison of a postcode between the school census and address master file determined the format of addresses within that area.

This format was replicated within the School Census record extracts for the specific postcode but using the relevant UPN data. For example, the master address file may list a dwelling as: Flat 5, The Dakota Complex, 4 Piggots Lane, Hemel Hempstead whilst the school census data could be: 4 Flat 5, Piggots Lane, Dakota Complex, Hemel. Effectively the School Census address extracts were cleansed to a consistent format in line with the most spatially exact DPAs within the master address files. Following this a concatenate address was produced for each school census record, this concatenate address was a unique identifier which was looked up against the cohort master address file. Where a match occurred then the Unique Property Reference Number (UPRN) from the master address file was returned against the pupil address record. Where no match occurred then the UPRN against the pupil address was labelled as “Not In Developments”. The pupil records with a returned UPRN of “Not In Developments” were visually compared to the master address records to ensure that they should be excluded.

Whilst, at face value, this process seems resource intensive it requires no training in LocatorHub, nor licence, and provides a faster turnaround in UPRN matched datasets (it is feasible to cleanse 12,000+ records a day by one person). Comparison of the applied method versus LocatorHub cleansed datasets determined no difference in the count of pupil records allocated to an example annual cohort. In some instances, the quality of address information resulting from LocatorHub cleansing was poorer than that of the method applied. This occurred as the method applied herein compares school census records to the most spatially exact and refined addresses determined from GIS analysis for the cohort of interest. A further step undertaken was to create an additional field for “Sector”. The NCYearActual text value for each pupil record was transformed to an education sector category, the values applied are shown in Table 2.

Table 2. The School Census National Curriculum Year Group Code and returned Education Sector.

<i>NC YEAR GROUP</i>	<i>EDUCATION SECTOR</i>
N1	Nursery (N1)
N2	Nursery (N2)
R	Primary
1	Primary
2	Primary
3	Primary
4	Primary
5	Primary
6	Primary

7	Secondary
8	Secondary
9	Secondary
10	Secondary
11	Secondary
12	Post-16
13	Post-16
14	Post-16
X	X

The resulting data table, for mainstream and special schools separately, provided a list of all pupils in all School Census returns since the annual development cohort under construction started producing residential completions through to 2020. However, the table includes both UPRN matched records and those which were not matched to the development cohort, it also includes singular UPNs across multiple census years. It was therefore required to create education sector counts by UPRN for each census year.

9.2 Education sector counts by development UPRN

The address cleansed and UPRN matched pupil level data table was pivoted with the following fields included:

- Year – The census year from which a group a pupil records were extracted, applied as a filter.
- UPRN – The Unique Property Reference Number, applied as a row.
- Sector – The Education Sector to which the pupil record is allocated as at the census year. This was applied as both the count and the column header.

Each year was individually selected using the filter and the resulting UPRN list with sector counts copied and pasted into a new workbook titled, for example, “2015_2016 SC Data Sector Counts 2015 to 2020”. Table 3 displays an example output for an individual census year, the specific UPRNs have been replaced however the principle is the same. Outputs were created in a standard format of N2, Primary, Secondary and, Post-16 versus UPRN. The workbook contained a separate worksheet for each school census year for which extracts were made, for example the 2015_2016 cohort had UPRN based sector counts for 2015,2016, 2017, 2018, 2019 and 2020 as separate worksheets. The process was replicated for longitudinal Special school pupil counts by sector.

Table 3. Example standard format list of UPRN versus education sector mainstream pupil counts.

UPRN	Nursery (N2)	Primary	Secondary	Post-16
A	0	1	0	0
B	0	1	0	0
C	0	1	0	1
D	0	1	0	0
E	0	2	0	0
F	2	0	0	0
G	1	1	1	0

H	0	1	0	0
I	0	1	0	0
J	0	1	1	0
K	0	1	0	1

10.0 Processing births data

The method applied herein was used within the PYS trial however it has yet to be run for the 2011 to 2018 annual development cohorts to which the births data relates. This will occur following PYS cohort finalisation and establishing the priority normalised mainstream yields associated with each annual cohort. It is included within the PYS methodology documentation to ensure that coverage is comprehensive.

Live births by financial year (2010/11, 2011/12, 2012/13, 2013/14, 2014/15, 2015/16, 2016/17 and, 2017/18) were selected using the field [DOB] Date of birth with an applied county code of usual residence of mother of child, [COUNTY_MOTHER], being Hertfordshire. The selected records had an applied “Financial Year” and “Month” identifier, for example “2012/13 April” for a live birth occurring 16th April 2012, “2017/18 Sept” for a live birth occurring 18th September 2017 and so forth. This information was used to assist in aiding the identification of completion dates for developments within the specific financial year in addition to temporal birth counts. Based on the applied selection criteria the following data fields were identified as being required for extraction, the fields were identified using the DSA between Public Health and NHS Digital:

- [ADDR_MOTHER] - Usual address of mother
- [PCODE_MOTHER] - Postcode of usual residence of mother
- [PCODE_IMP_IND] - Postcode imputation indicator
- [CNTY_DIST_MOTHER] - County district code of usual residence of mother

An aggregate count of the number of births by presence/absence of [PCODE_MOTHER] determined the percentage of births records for which postcode information was absent as a quality assurance measure for all financial years. The postcode of usual residence of mother was duplicated as an additional field and, within this duplicated field, any text spaces were removed. This field was labelled as [PCODE_MOTHER_NoSpace] and used to match to the list of development postcodes determined in Section 7. Applying the known development postcode overlays reduced the number of records which were required to be extracted from the births database. This was both in requirement of the DSA stipulation that extracts for analysis should be proportional to the scope of a project and, also informed the likely scope of this part of the project in future repeats of the process. County total numbers of live births for the financial periods were provided separately. The individual record extracts for the financial periods which were specific to the finalised development polygons included the following output fields:

- [UNIQUE ID] – A created ID which is unique for each record
- [YEAR] – Financial and either 2012 or 2013
- [MONTH] – Calendar month within which the birth occurred
- [ADDR_MOTHER] - Usual address of mother

- [PCODE_MOTHER] - Postcode of usual residence of mother
- [PCODE_IMP_IND] - Postcode imputation indicator
- [CNTY_DIST_MOTHER] - County district code of usual residence of mother

All other identifiers associated with the birth data extract were removed, data was exported to a Microsoft Excel 2010 format file, password protected and passed to the Community Intelligence & Data Science team (CIDS). The data file was both transferred and added to the restricted access project folder in accordance with protocol determined in the Data Protection Impact Assessment. The workbook password was provided separately via internal phone call. Colleagues in Public Health had informed that the births address field was a single column with no separate identifiers such as specified within BS7666 or Address Line 1-5 format, for example such as applied in the Schools Census. Addresses therefore required validation and geolocating using “Locator Hub” in order to identify the Unique Property Reference Number (UPRN) required to match to the finalised development polygon identified address UPRNs.

Following address cleansing, and addition of UPRN to the individual birth’s records, those records which were located outside of the development polygons were deleted based on linking [Unique ID] between the GIS dataset and the excel data file. Birth counts by unique development site ID were produced to examine the frequency distribution, by development size (number of dwellings) band, of aggregates for Statistical Closure Control (SDC) in accordance with the DSA. The number of births per 100 dwellings were calculated as: *The number of births in a development polygon / Total number of dwellings in a development polygon*. Frequency distributions were passed to Public Health for a determination of whether appropriate standards had been met at individual development level. The outcomes of the SDC process determined the geographical scale of the analysis of births arising from completed developments.

Following completion of the births aggregation process, and inspection by Public Health colleagues, permission was sought from the working group to delete the individual births records files both as held within GIS software and data files in the project folder. This was in accordance with procedure detailed in the DPIA.

11.0 GP Registrations data and coterminous postcodes

The method applied herein was used within the PYS trial however it has yet to be applied for the majority of the annual development cohorts 2003 to 2020. This will occur following PYS cohort finalisation and establishing the priority normalised mainstream yields associated with each annual cohort. GP Registrations data processing is included within the PYS methodology documentation to ensure that coverage is comprehensive.

The authority produces a School Place Planning Forecast, part of the data which underpins the DfE required, and accepted, forecast is GP registrations data for children aged 0 to <7 years, by individual year, by anonymised counts to postcode area. The Pupil Yield Study will cross match postcode sector counts of children aged 0 to 5 years, and individual year variants into aggregate outputs such as Age 0 to <3 years, to identified development co-terminus postcodes to produce an annual county

wide sample-based assessment of yields in the early years from new build developments. The use of this data for estimating yields from new build developments is in accordance with the entry held within the Information Asset Register.

The use of postcode small area geographies permits the determination of early years yields by new build dwelling at Units Only and Type distinction although, to date, much of this work has been suspended with prioritisation of the mainstream yields study. Further work is required to determine whether bed size and tenure distinctions can be determined dependent on the proposed DfE methodology once it is released. These assessments will be also be useful in the longer term for the accurate location of localised early years services and childcare provision. The process broadly follows that outlined below, applied to the 2002 annual development cohort.

11.1 Determination of coterminous postcodes

Development postcode buffers contain the postcodes associated with a specific permission and those which occur in a 200m range of the boundary. In creating permission specific buffers, postcode layers were superimposed over the development boundaries, where a postcode polygon intersected/overlay a boundary, or was within 200m, then the postcode was extracted. The relevant PPREF was assigned to each postcode for all developments in each annual cohort. To determine whether postcodes were wholly coterminous within development sites a combination of Codepoint Polygons and AddressBase Premium records were applied.

Using both datasets a postcode was deemed coterminous with a development site if it contained residential addresses (determined using BLPU classes within AddressBase Premium) which fell within the site boundary but no residential dwellings beyond the site. Under this methodology a 'theoretical' postcode (as defined using Codepoint Polygons) which overlaps a development may go beyond the development significantly, but if there are no other residential dwellings aside from the ones within the site then it can be inferred that all addresses with such postcodes are attributable solely to that development site. Reference should be made to Section 7.1 which outlines the four possible scenarios when determining coterminous postcodes using this methodology.

Figure 9 below displays an example development specific map for a permission within the 2002_2003 annual cohort, the buffer postcodes within a 200m radius of the site are indicated. The coterminus postcode cohort for each development is a subgroup of the buffer postcodes. The coterminus postcodes determined for each development can be aggregated to form a larger, more statistically robust, cohort for all sites included within a specific annual cohort. Coterminus postcodes were more often associated with the larger development sites ≥ 30 dwellings in size, this occurred as, on average, a postcode contains 30 households, or delivery points. Small development sites are therefore most often part of a postcode area as opposed to wholly contained within the site, the exception occurring when the development is close to 30 dwellings in size or, where a postcode area is redrawn by Royal Mail.

11.2 Example of GP and mainstream coterminous postcodes data analysis

The analysis of GP, and mainstream School Census, coterminous postcodes data sets to estimate yields per 100 dwellings, by units only and type, is as outlined within Section 12. The matching of School Census sector counts to individual dwelling permits permits the extraction of per annum sector counts by postcode. GP registrations data sets are already at postcode level and counts by year group can be cross referenced to included coterminous postcodes.

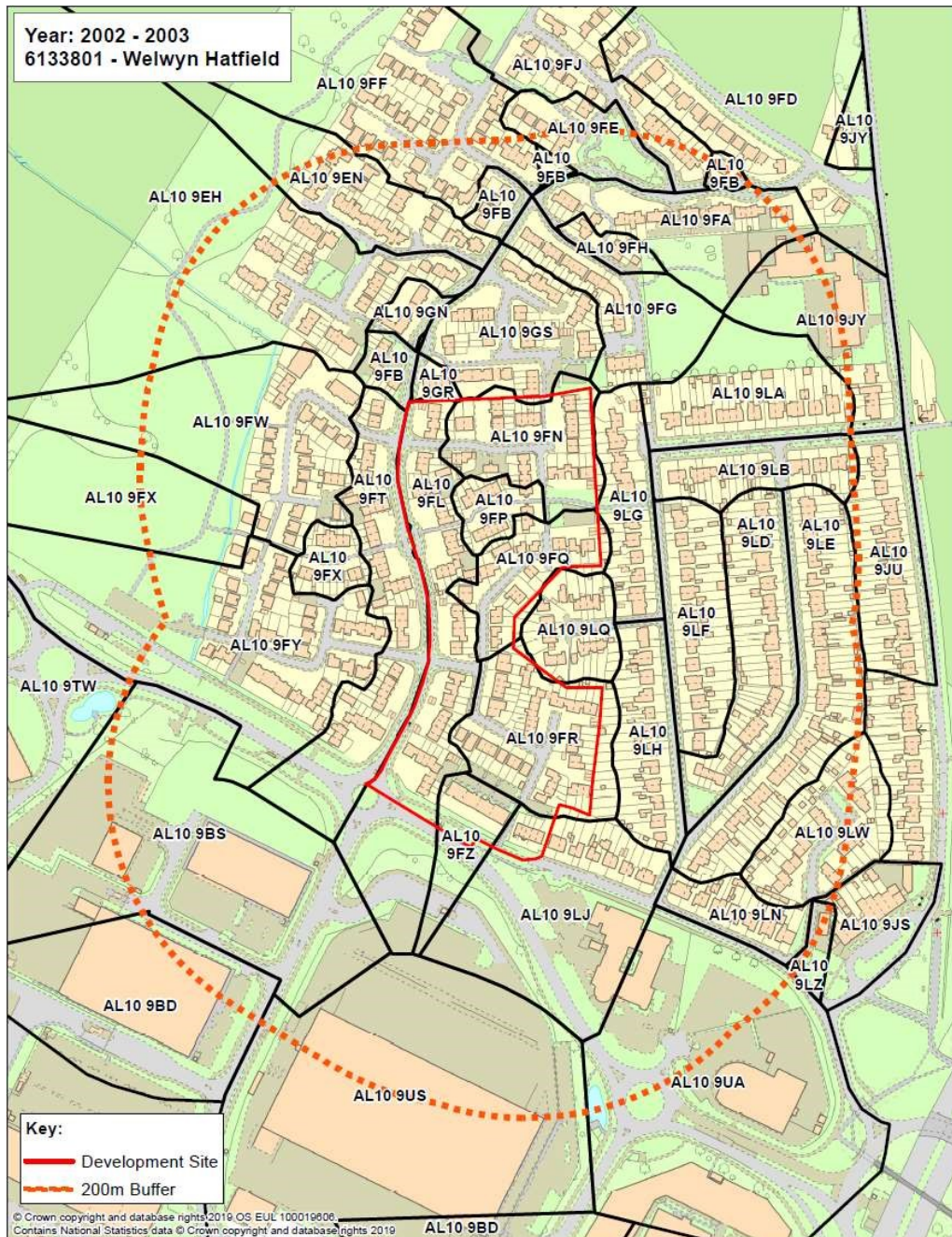


Figure 9. A development within the 2002_2003 annual cohort with the postcode overlays displayed and the 200m buffer zone shown. The coterminous postcode cohort for each development is a subgroup of the buffer postcodes.

In total 27 developments were included within the 2002_2003 annual cohort for larger sites ≥ 30 dwellings in size. These permissions contained 2,317 dwellings of which the unique addresses were contained within 83 postcode areas. Nine of the developments contained no coterminus postcodes at all whilst the remaining 18 permissions had 97.5% to 100% of their included dwellings contained in such areas. In total 16 developments had 100% of their dwellings contained within coterminus postcode areas. Overall 1,599 (69%) of the dwellings built were finally contained within 52 coterminus postcode areas in consideration of Units Only. In consideration of dwelling Type, it was observed that 456 flats were contained in 13 coterminus postcodes wherein all units were flats, this represented 50.7% of the total 915 flats included within this annual cohort. Of the 1,402 houses associated with the overall cohort 730 were included in 28 coterminus postcodes wherein the sole dwelling type was houses, this represented 52.1% of the total houses count.

The proportional representation of coterminus postcode cohorts at dwelling units and dwelling type distinction was observed, in this instance, to be robust at 69%, 50.7% and 52.1% respectively. Where coterminus postcode included dwelling count representations, relative to the overall annual cohort sizes, are high then they can be used to undertake robust assessments of:

- How the overall cohort would be expected to behave at Units Only and dwelling Type distinctions for normalised yield per 100 dwellings rates for Early Years cohorts using GP Registrations datasets;
- Provide an estimate of mainstream yields within the years 2002 to 2006 based on postcode level data as individual pupil address information was not required by the DfE, within the School Census returns, until 2007 onwards.

Figure 10 displays a comparison of normalised primary mainstream yields estimated from houses only within the 2002_2003 annual cohort coterminus postcode cohort ($n = 730$), in comparison to 2007 onwards from the whole cohort individual dwelling address ($n = 1,402$). It can be observed that the co-terminus postcode data provides a robust measure of yields which would have been observed from the overall houses cohort if individual dwelling address had been included in the School Census returns 2002 through to 2006.

However, there is likely to be a limitation to this position in that the initial years associated with coterminus postcode normalised yields per 100 dwellings rates might be an under-representation of that which occurs in the overall cohort. This results from application of different trajectory annual dwelling count applied as the denominator in calculating such rates. Whilst SMART Herts data sets permit the determination of annual completions associated with each permission, or in aggregate for an overall cohort, disaggregation to postcode level is not possible. In calculating the normalised coterminus postcode rates the overall dwelling count associated with such postcodes is applied. It is likely that not all dwellings within a postcode, and certainly not all postcodes, would have been completed in an annual period until the overall development, or annual cohort, trajectory is fully completed.

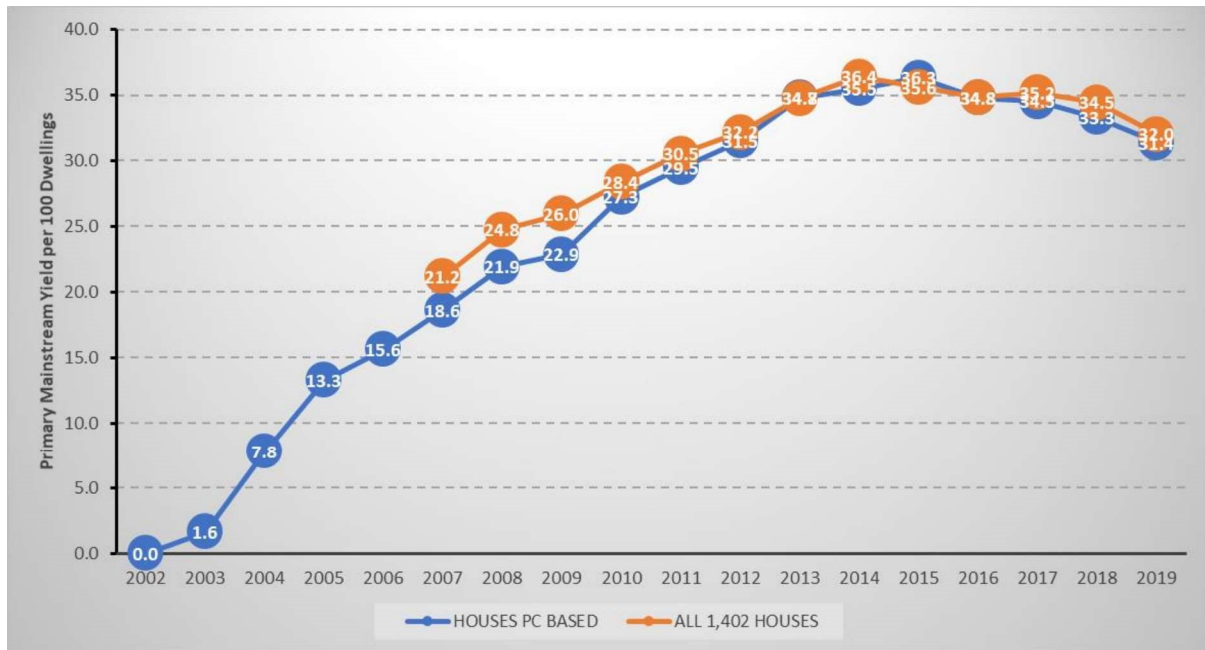


Figure 10. The mainstream primary yield per 100 dwellings for Houses Only from the 2002_2003 annual cohort based on (1) Estimates from the 730 houses within the 28 coterminus postcode areas 2002 to 2019 and, (2) All 1,402 houses from 2007 to 2019.

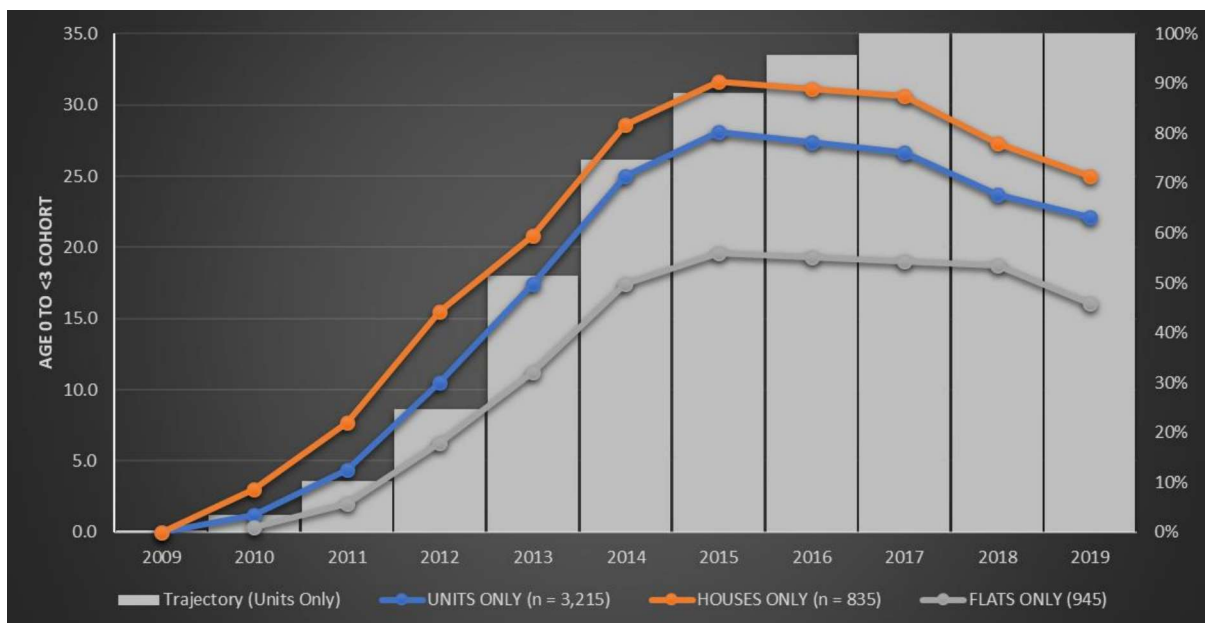
This increases the size of the denominator applied to aggregate coterminus postcode analysis resulting in smaller yield rates than would otherwise be realised if postcode level trajectory completions data were available. This will not be of relevance following the point where it is determined that the trajectory has completed, either for a single development under consideration or, for an overall annual cohort. This was investigated further using the PYS trial datasets to determine the extent of possible limitations to the method applied.

In total 4,557 dwellings were contained in the 41 developments included within the PYS trial, of these dwellings 3,215 or 70.6% were determined to be contained in coterminus postcodes. Overall 945 flats were contained in a coterminus postcode wherein this was the sole dwelling type which represented 44.6% of the trial 2,117 included flats cohort. Some 835 houses were contained in a coterminus postcode wherein this was the sole dwelling type which represented 34.2% of the trial 2,440 houses cohort. Figure 11 provides a contrast between mainstream primary Houses Only yield between the overall house's cohort and that from the coterminus postcodes only. In this consideration the 2009 start year provides individual dwelling School Census data from commencement (it being later than 2007) and permits comparison to postcode level analysis.

Figure 11. Comparison between the PYS All Houses (n = 2,440) normalised primary mainstream yield per 100 dwellings to that estimated using coterminus postcode data (houses only n = 835).



Figure 12. Age 0 to <3 years estimated yield per 100 dwellings (Units Only, Houses Only, Flats Only) using the coterminus postcode method applied to the PYS trial cohort of 41 developments.



Between 2010 and 2013 it can be observed that there are substantial differences in normalised primary yields between all houses in the cohort and those contained in only coterminus postcodes despite that latter being a large sample size. From 2014 whilst there are some differences in yields, they are broadly comparable, as is the rate of accumulation, and therefore a reliable estimate. It was determined that coterminus postcode yields generally only reflect that of the overall cohort when

approximately >85% of the total trajectory has been completed. At such a point differences in trajectory dwelling counts, applied as denominators, in coterminus postcodes versus that overall is relatively low. This was consistent with Units Only and Type distinctions level of analysis considered to date. Observed yields prior to this point should be considered indicative only.

Overall this is not of significance unless subsequent yield analysis of cohorts, particularly in the early years indicates peak yields several years prior to, or before 85%, overall trajectory completion. GP Registrations data sets were applied to the PYS trial coterminus postcode cohort to determine if this would be a limiting factor and Figure 12 displays the results at Units Only, Houses Only and, Flats Only. It can be observed that Age 0 to <3 years cohorts tend to approach peak at circa 90% of completion of the cohort trajectory (Units Only trajectory displayed in Figure 12). Values at, or around peak, were approximated for circa 3 years prior to starting the transition to LTA.

It is likely that Early Years cohort normalised yield rates at this point would be reliable estimates of the overall dwelling cohort given that most of the trajectory has completed. However, the above is without consideration of development typology and further work will be undertaken once this metric can be considered. Where it is identified that the number of dwellings, at Units Only or in Type distinctions, within coterminus postcodes is small relative to the respective total number of dwellings included in the annual cohort then estimates may not be robust. Comparison between mainstream coterminus postcode rates over the relevant period, to current time, against that derived from the overall annual cohort, will be undertaken to provide supporting evidence for closeness of match. Small population statistical sample size calculations may also be applied to determine confidence interval and confidence level associated with included coterminus postcode cohort sizes versus the overall annual cohort size. Such determinations would be applied at Units Only and Type levels of analysis.

It should be noted that the information presented herein relates to Gross Yields only with no account for local moves such as that required in order to determine net yields. Calculation of net yields will not be possible with GP Registrations aggregate postcode counts by year group as no previous and current dwelling address is provided from which this can be determined. At best, net yields within the Early Years can be estimated by applying observed local move rates from the mainstream sector as a proxy estimate.

12.0 Merging GIS/SMART Herts and school census data sets

GP Registrations and Births data sets are excluded, at current time, from compilation with the overall datasets derived from the PYS. This exclusion occurs as the former are specifically postcode area-based statistics which do not align well with UPRN based record merges and, in the latter case, this is very much an emerging position and the bulk of births data outside of the trial have yet to be sourced via Public Health. Data sets from GIS/SMART Herts and the School Census were merged to create five principle master files: (1) Master Development Cohort (2) Summary Address Outputs (3) Master Address (4) Trajectory (5) School Census UPRN Counts. These five files permitted not only the collation of development specific

information in a standard format for each annual cohort but also for all cohorts 2002 through to 2020 in entirety.

12.1 Master development cohort

This principally involved the merging of data as outlined in Section 6.2 and 6.3 using unique permission ID to create a singular row of data, in Excel, specific to developments included within the PYS or, for an annual cohort, and to which GIS permission specific dwelling counts by type were added. This singular row of planning system data per development contained the following fields:

- Report Year – the annual cohort year to which the permission related.
- LAD – Local Authority District Name.
- LAD CD - Local Authority District Code (Office for National Statistics).
- PPREF – Unique Planning Permission Reference.
- Unique Site Ref – The PPREF prefixed with the LAD CD.
- Address – the site address as recorded in the system capped at 250 characters.
- Description – a description of the site as recorded in the system capped at 250 characters.
- PDL – Previously Developed Land flag (Yes/No).
- Gross Comp in Period – the number of gross dwelling completions in the report year.
- Loss in Year – the number of dwelling losses in the report year.
- Net Comp in Period – the number of net dwelling completions in the report year.
- Total Proposed Gain Check – a formula to check the number of gross dwellings permitted in the overall permissions files versus the sum of the residential completions associated across one or more years for the development.
- Total Gross Completions – the sum of the gross residential completions observed for each specific development across one or more years specific to the PPREF.
- Match – Yes/No error function to determine whether the total proposed gain check equals the total gross residential completions data.
- C2 Development from SMART Herts Report – Yes/No flag as to whether a development was identified as C2 from the specific SMART Herts report.
- C4 Development from SMART Herts Report – Yes/No flag as to whether a development was identified as C4 from the specific SMART Herts report.
- C2 Development from Description – Yes/No flag as to whether a development was identified as C2 from the site-specific description field.
- C4 Development from Description – Yes/No flag as to whether a development was identified as C4 from the site-specific description field.
- Include/Exclude in cohort – Include/Exclude Flag wherein developments indicated as C2/C4 were excluded.
- Reason Exclude – Notes field detailing the reason a site has been excluded for future reference.
- Gross Completions in Year – The number of gross dwelling completions in the start year to which the development is assigned, and for each year onwards

until development completion. This formed the basis of the Units Only trajectory.

- Losses in Year – The number of dwellings losses in the start year to which the development is assigned, and for each year onwards until development completion.
- Net Completions in Year – The number of net dwelling completions in the start year (Gross Completions in Year – Losses in Year) to which the development is assigned, and for each year onwards until development completion.
- Actual number of dwellings – The number of dwellings associated with the specific development polygon, as per residential characteristic inclusion criteria, as determined by GIS analysis.
- Variance in Count – The difference between the Total Proposed Gain to Actual number of dwellings from GIS.
- Note on Variance – where variance in counts above is observed an indication of analysis as to why such variance may exist.
- Final Number of Dwellings – The final total number of dwellings built for the permission in consideration of the included data sets.
- ResLine Provider – The provider type for the development, or part of development to which the size_type data row relates. For example, Private, Housing Association, Local Authority, Unknown.
- Dwelling Type – House, Bungalow, Flat/Apartment/Maisonette.
- ResLine Tenure Type – Tenure of dwellings within the row of dwelling type data.
- Overall Units – Number of dwelling units associated with the tenure, dwelling type and provider row of the dwellings for all/part of the relevant permission.
 - 1 Bed Units – Count of 1-bed dwelling units.
 - 2 Bed Units – Count of 2-bed dwelling units.
 - 3 Bed Units – Count of 3-bed dwelling units.
 - 4+ Bed Units – Count of 4+ bed dwelling units.
- Overall Houses – Number of the overall number of houses completed.
 - 1 Bed Houses – Count of 1-bed Houses.
 - 2 Bed Houses – Count of 2-bed Houses.
 - 3 Bed Houses – Count of 3-bed Houses.
 - 4+ Bed Houses – Count of 4+ Houses.
- Overall Flats – Number of the overall number of Flats completed.
 - 1 Bed Flats – Count of 1-bed Flats.
 - 2 Bed Flats – Count of 2-bed Flats.
 - 3 Bed Flats – Count of 3-bed Flats.
 - 4+ Bed Flats – Count of 4+ Flats.
- ADPremium Class No: Flats – The count of residential classifications of dwelling type “Flats” as observed from AddressBase Premium for the specific polygon.
- ADPremium Class No: Houses – The count of residential classifications of dwelling type “Houses” as observed from AddressBase Premium for the specific polygon.
- ADPremium Class No: Total – The total count of residential classifications of dwelling type “Houses” and “Flats” as observed from AddressBase Premium for the specific polygon.

- Check ADP Total Flats to Permissions Completions – A flag check of whether the SMART Herts size_type permissions data for Flats type matched that of AddressBase Premium.
- Check ADP Total Houses to Permissions Completions – A flag check of whether the SMART Herts size_type permissions data for Houses type matched that of AddressBase Premium.
- Check ADP Total to Total Permissions Completions – A flag check of whether the SMART Herts size_type permissions data for Houses & Flats type matched that of AddressBase Premium.
- Development Mix – The proportional representation of Flats and Houses to the overall proposal specific mix.
- Dominant Type – The dominant dwelling type associated with the permission with the bands of $\geq 60\%$ Flats = FLATS, $\geq 40\% \leq 60\%$ Flats = MIXED, $\geq 40\% \leq 60\%$ Houses = MIXED and, $\geq 60\%$ Houses = HOUSES.

Where any flag check returned an error then further investigations were conducted to resolve discrepancies.

12.2 Summary address outputs

A single row of data per permission which summarises the information determined from GIS analysis of each development polygon using AddressBase Premium. The following fields were included:

- PPREF - Unique Planning Permission Reference.
- Total Dwellings - Based on the total number of UPRNs located to a polygon.
- Address Known – A count of dwellings for which the DPA, PAO or SAO was known – where a difference occurred to Total Dwellings then this was flagged for further investigation.
- Count Flats – A count of UPRNs wherein the residential classification was of type Flats: This data was linked into Section 11.1 above.
- Count Houses - A count of UPRNs wherein the residential classification was of type Houses sub-divided into Detached, Semi-detached, Terraced: This aggregate count was linked into Section 11.1 above.
- Other/Unknown – A count of UPRNs wherein the residential classification was RD (Residential Dwelling) but for which the specific classification for Flats/Houses was unknown.
- CHECK – A check that the count of flats and houses matched that of the total dwellings determined for the specific site polygon.
- No: Flats & No: Houses – The aggregate count of the number of flats and houses as determined from AddressBase Premium.
- Development Mix – The proportional representation of Flats and Houses to the overall polygon specific type mix: This proportion was linked into Section 11.1 above.
- Dominant Type - The dominant dwelling type associated with the permission with the bands of $\geq 60\%$ Flats = FLATS, $\geq 40\% \leq 60\%$ Flats = MIXED, $\geq 40\% \leq 60\%$ Houses = MIXED and, $\geq 60\%$ Houses = HOUSES: This was linked into Section 11.1 above.

- Status: A flag check as to whether the sub-parts of the data file equated to the total dwellings observed for a specific site polygon based on AddressBase Premium residential classification UPRN counts.

Where any flag check returned an error then further investigations were conducted to resolve discrepancies.

12.3 Master address file

This file contains the individual unit addresses by UPRN determined using GIS analysis of AddressBase Premium for each specific and unique development based on the supplied polygon, fields included were:

- Year – the annual cohort year to which the permission related.
- LAD - Local Authority District Name.
- PPREF – Unique Planning Permission Reference.
- UPRN – Unique Property Reference Number.
- Parent UPRN – The unique Parent UPRN assigned to the UPRN e.g. a block of flats would contain many unique UPRNs but all would assigned to an overall parent UPRN associated with the block.
- SubBuilding – An included AddressBase Premium address descriptor.
- BuildingName - An included AddressBase Premium address descriptor.
- BuildingNumber - An included AddressBase Premium address descriptor.
- Thoroughfare - An included AddressBase Premium address descriptor.
- PostTown - An included AddressBase Premium address descriptor.
- Postcode - An included AddressBase Premium address descriptor.
- PC_No_Space – The above postcode but with any spaces removed in order to create a specific string.
- AddressConcatenate – A concatenated address produced in standard format using the supplied AddressBase Premium address fields.
- UPRN for Matching – The UPRN associated with each unique dwelling and replicated adjacent to the AddressConcatenate field.
- Classification – The residential dwelling classification code.
- ClassScheme - AddressBase Premium Classification Scheme.
- ClassDescription – Self Contained Flat, Detached, Semi-Detached, Terraced.
- PrimaryDescription – Residential.
- SecondaryDescription – Dwelling.
- TertiaryDescription – Self Contained Flat, Detached, Semi-Detached, Terraced.
- DwellingClassificationType – “Flat: self-contained (includes maisonette apartment)”, “House_Bungalow: Detached”, “House_Bungalow: Semi-Detached”, “House_Bungalow: Terraced”.
- AggregateType – Flagged as either “FLAT” or “HOUSE”.
- NOTE – Any additional information relating to the specific unique address.

12.4 Trajectory

Trajectory at Units Only was derived from overall number of gross completions associated with each permission, over time, resulting from SMART Herts residential

completions data sets as presented in Section 11.1 above. The Units Only data was replicated into a separate, standard format, file with the following fields:

- PPREF - Unique Planning Permission Reference.
- Completions Year 1 – The year 2002.
- Completions Year 2 – The year 2003
- Completions Year X – Each subsequent year to current period.

Where a permission did not commence producing residential completions until a year after 2002 then each subsequent year, to assigned development reporting start year, had a value of N/A returned. For each subsequent year following permission completion then a value of N/A was returned. For each year which contained counts then such data related to the residential completions reported in that year only. This process was repeated for Flats Only and Houses Only as separate tables using size_type permissions files previously sourced from SMART Herts. This enabled the establishment of annual dwelling completions data sets for each permission at Units Only, House Only and, Flats Only levels of detail. Checks were made between annual aggregate Houses Only and Flats Only counts in comparison to the Units Only counts for that year to ensure unity.

Following collation of the annual completions counts for each level of detail, cumulative completions trajectories were produced in a standard format file equivalent to the above. Where a permission did not commence producing residential completions until a year after 2002 then each subsequent year, to assigned development reporting start year, had a value of N/A returned. Inclusion year completions data, i.e. year 1, replicated the values within the annual completions file. Year 2 counts were the annual completions counts plus the completions in the previous year.

For each subsequent year following development completion then the overall number of completions associated with the permission was returned to current period. This was equivalent to the value returned in the final year of the specific residential dwelling completions associated with the permission. The Units Only, Flats Only and, Houses Only cumulative completions trajectories would be applied to calculate relevant normalised yield rates per 100 dwellings over the longitudinal return of School Census record counts, matched by UPRN to new build completions, and aggregated to PPREF.

12.5 School census UPRN counts

Section 8.2 provides the method applied in determining School Census mainstream and special school pupil counts by N2, Primary, Secondary and, Post-16 to Unique Property Reference Number. The Master Address file (Section 11.3) was replicated into a separate file for N2, Primary, Secondary and, Post-16, this provided for each sector a master list of individual addresses assigned to the annual cohort included permissions. The included UPRN within the new build master address file was linked to each year of School Census cleansed addresses UPRN and per annum counts specific to each sector returned to the relevant file. This permitted the tracking of School Census pupil counts by each sector longitudinally for each specific dwelling included in the study. Pivot table analysis would permit the aggregation of counts, longitudinally, by either unique permission reference or annual cohort overall.

Associated metrics would be dwelling type, bed size and tenure either individually or in any combination thereof.

13.0 Analysing gross and net yields

The analysis of PYS based data sets was based on Units Only, Houses Only and, Flats Only as distinct entities for mainstream and special school normalised yields per 100 dwellings (N2, Primary, Secondary and Post-16) from new build developments. The current method applied relates to Gross Yields only, no discount for localised moves can be applied at this point in order to calculate Net Yields (see Section 12.2). Whilst SMART Herts datasets has enabled the determination of bed size and tenure for approximately 25% of the overall cohort, dominantly in the small development cohorts, HCC is dependent, at current point, on the future publication of the DfE methodology to ascertain such information for the remainder of the permissions.

Currently these metrics are excluded from analysis except in consideration of the overall bed size and tenure associated with both individual permissions and for annual cohorts in entirety. Normalised yields per 100 dwellings were also examined by emerging Typology classification. The two principle data sources applied in the analysis were Section 11.4 (Trajectory) and Section 11.5 (School Census UPRN Counts). The School Census UPRN Counts were subject to pivot table analysis to produce longitudinal aggregate counts by permission reference for each education sector separately, and by Units Only, Houses Only and, Flats Only (Table 4).

Table 4. An example of a Units Only listing of PPREF and the longitudinal sum of primary mainstream pupil counts observed for each permission.

<i>PPREF</i>	Primary Mainstream Pupil Counts									
	<i>201</i> <i>1</i>	<i>201</i> <i>2</i>	<i>201</i> <i>3</i>	<i>201</i> <i>4</i>	<i>201</i> <i>5</i>	<i>201</i> <i>6</i>	<i>201</i> <i>7</i>	<i>201</i> <i>8</i>	<i>201</i> <i>9</i>	<i>202</i> <i>0</i>
05/1382/FUL	0	6	23	33	42	51	50	53	46	45
07/01398/FULM	0	8	24	31	39	43	45	43	43	46
08/00485/RM	16	32	40	59	79	97	110	111	113	116
08/00746/FULM	0	0	6	12	14	16	20	20	22	23
09/00445/FULM	0	0	5	7	8	14	16	15	16	16
09/02366/1	0	0	0	5	6	12	14	13	14	14
09/0701/FUL	0	7	13	19	24	26	26	21	18	14
10/00469/FPM	0	0	0	15	19	38	52	69	61	58
10/00470/FPM	0	0	0	0	7	13	22	21	32	34
10/00472/1	0	0	0	7	9	12	13	16	16	14
10/01066/1	0	0	6	14	14	17	22	26	24	24
3/09/1061/FP	0	30	38	49	54	53	63	71	76	77

The sum of the counts, for each permission, in each year relates directly to the number of children of National Curriculum Year Group (NCYG) in that education sector as observed from that specific year's January School Census return. Counts are not cumulative additions rolled forward year on year. The total of each annual

column provides an overall sum of the number of pupils observed, in the new build dwellings included within the cohort, per annum.

The cumulative trajectory provides the count of dwellings within a permission form start date (inclusion year) to current point in time (Table 5), these are dwelling counts from which the pupil counts within Table 4 are observed to arise. Note that in examining Houses Only or Flats Only that the inclusion year (start point) may not have any dwelling counts in some permissions, this occurs where the houses, or flats, commenced construction at a point after the other dwelling type. The total of each annual column provides an overall sum of the number of cumulative completions observed, within the cohort, per annum.

Table 5. An example of the PYS trial Units Only cumulative dwelling completions over time by permission reference number (PPREF).

<i>PPREF</i>	Cumulative Dwelling Completions								
	2012	2013	2014	2015	2016	2017	2018	2019	2020
05/1382/FUL	130	130	130	130	130	130	130	130	130
07/01398/FUL	129	129	129	129	129	129	129	129	129
M									
08/00485/RM	250	254	280	370	386	386	386	386	386
08/00746/FUL	62	62	62	62	62	62	62	62	62
M									
09/00445/FUL	71	71	71	71	71	71	71	71	71
M									
09/02366/1		32	32	32	32	32	32	32	32
09/0701/FUL	51	51	51	51	51	51	51	51	51
10/00469/FPM	18	100	100	100	100	100	100	100	100
10/00470/FPM		17	86	88	88	88	88	88	88
10/00472/1	12	38	38	38	38	38	38	38	38
10/01066/1	59	59	59	59	59	59	59	59	59
13/0603/AOD		24	98	99	99	99	99	99	99
13/1117/AOD		50	95	123	126	126	126	126	126
3/09/1061/FP	119	147	147	147	147	147	147	147	147

For each permission dividing the annual count of mainstream pupils, for the relevant sector, by the cumulative number of dwelling completions (by type where relevant) and multiplying by 100 determines the normalised yield gross yield rate. For example, in 2020 the number of primary pupils residing in dwellings within PPREF 05/1382/FUL was 45 whilst the cumulative number of dwelling completions was 130. The normalised yield calculation proceeds as $(45/130) * 100 = 34.6$ mainstream primary pupils per 100 dwellings. An overall development cohort normalised gross yield is similarly calculated but replacing specific permission counts with overall annual development sums. For example, Figure 13 displays the accumulation of normalised mainstream primary pupils in the 2,440 houses included within the PYS

trial study using this method. The same principles apply when undertaking analysis of Typology data.

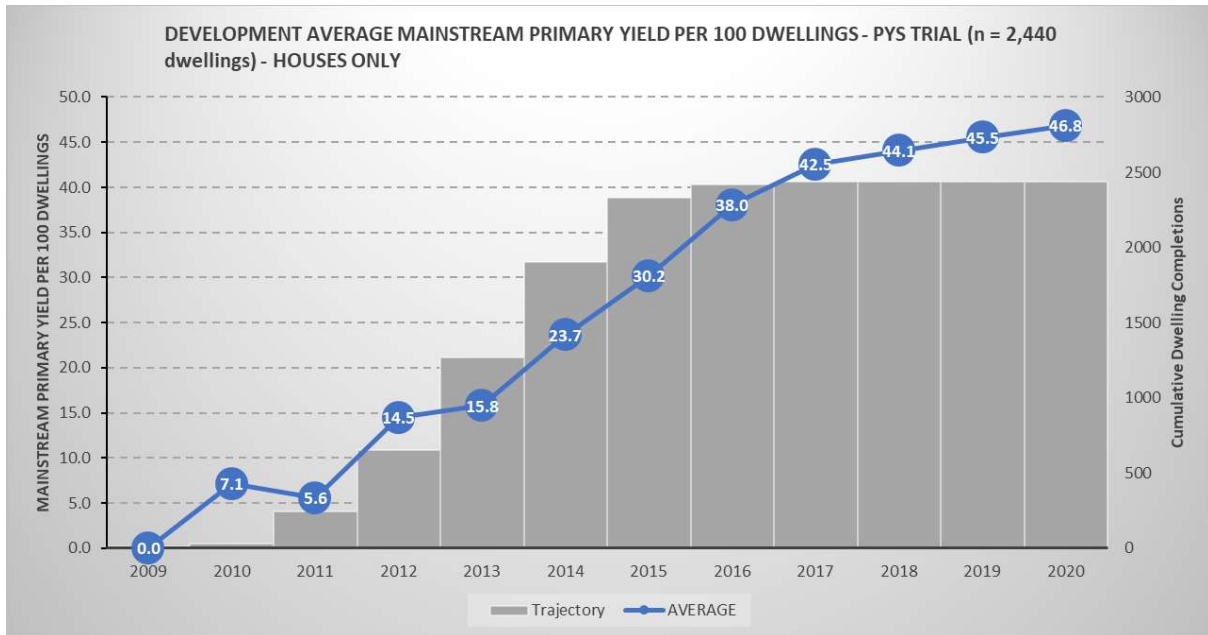


Figure 13. The accumulation of normalised mainstream pupil rates per 100 dwellings for the 2,440 houses included in the PYS trial study.

HCC has applied two calculation methods: the arithmetic mean and the weighted average.

13.1 The arithmetic means yield ad the weighted average yield

The average is a measure of central tendency, it is single value which represents the middle point in a data series such that 50% of the observations are above and 50% below. The Department for Education has indicated within its provisional documentation that summary yields across developments should be expressed as an average. However, to date no further information has been issued with respect to which average is considered the most appropriate. The following presents the two methods currently applied by HCC.

The average currently being applied by the authority is the arithmetic mean yield observed across all developments in an annual cohort, this utilises the normalised yield per 100 dwellings. It can be expressed as:

$$PY_{av_dev} = \left(\frac{\sum \left(\frac{cp_1}{dw_1} + \frac{cp_2}{dw_2} + \frac{cp_3}{dw_3} + \frac{cp_4}{dw_4} \dots \frac{cp_i}{dw_i} \right)}{N_{Dev}} \right) \cdot 100$$

Wherein PY_{av_dev} is the average development yield per 100 dwellings for all developments, cp_i is the count of pupils in development 1, 2, 3 i , dw_i is the count of dwellings in development 1, 2, 3 i and, N_{Dev} is the number of developments included in the cohort.

The following example calculation includes three developments for simplicity, developments A, B and C contain 200, 300 and 500 dwellings respectively with a current observed yield of 150, 200 and 350 primary age pupils, the average development yield (PY_{av_dev}) per 100 dwellings can be calculated as:

$$PY_{av_dev} = \left(\frac{\sum \left(\frac{cp_1}{dw_1} + \frac{cp_2}{dw_2} + \frac{cp_3}{dw_3} + \frac{cp_4}{dw_4} \dots \frac{cp_i}{dw_i} \right)}{N_{Dev}} \right) \cdot 100$$

$$PY_{av_dev} = \left(\frac{\sum \left(\frac{150}{200} + \frac{200}{300} + \frac{350}{500} \right)}{3} \right) \cdot 100$$

$$PY_{av_dev} = \left(\frac{\sum (0.75 + 0.66 + 0.70)}{3} \right) \cdot 100$$

$$PY_{av_dev} = \left(\frac{2.11}{3} \right) \cdot 100$$

$$PY_{av_dev} = (0.70333) \cdot 100$$

$$PY_{av_dev} = 70.33$$

The arithmetic mean development yield is therefore 70.3 mainstream primary pupils per 100 dwellings. In calculating the arithmetic mean yield equal weight is given to each development such that the smallest development of 200 dwellings has the same weight as the largest at 500 dwellings. In the above example the single dwelling yields from each development are reasonably close at 0.75, 0.66 and 0.70 respectively.

However, for smaller developments, the situation does exist wherein the included number of dwellings at a higher level of granularity, such as dwelling type analysis, will be small whilst the observed pupil count may be high. For example, consider development D for 20 dwellings wherein 15 are flats and 5 are houses. The development is included in the analysis as, at Units Only, the total number of dwellings is >10. Of the 15 flats 2 are Social Rented and 13 Open Market whilst for the houses 2 are Open Market and 3 Social Rented. It was observed that the flats gave rise to 6 primary mainstream pupils whilst the houses had 9 pupils. At Units Only the single dwelling yield is calculated as $15/20 = 0.75$ or 75 per 100 dwellings, the arithmetic mean yield including developments A, B and C is therefore calculated as:

$$PY_{av_dev} = \left(\frac{\sum (0.75 + 0.66 + 0.70 + 0.75)}{4} \right) \cdot 100$$

$$PY_{av_dev} = \left(\frac{2.86}{4} \right) \cdot 100$$

$$PY_{av_dev} = (0.715) \cdot 100$$

$$PY_{av_dev} = 71.5$$

The arithmetic mean yield has increased slightly to 71.5 per 100 dwellings. The following example considers Houses Only, for this dwelling type the observed single dwelling yields from developments A, B and, C are as observed previously at 0.75,

0.66 and 0.70 respectively. The single dwelling yield for development D is 9 pupils/5 dwellings = 9/5 = 1.8, the arithmetic mean is calculated as:

$$PY_{av_dev} = \left(\frac{\sum(0.75 + 0.66 + 0.70 + 1.8)}{4} \right) \cdot 100$$

$$PY_{av_dev} = \left(\frac{3.91}{4} \right) \cdot 100$$

$$PY_{av_dev} = (0.9775) \cdot 100$$

$$PY_{av_dev} = 97.8$$

The arithmetic mean across all developments has increased to 97.8 per 100 dwellings, the average has risen by 26.3 per 100 dwellings or a relative increase of 39.1% (27.5/70.3), where the houses single dwelling yield is identical to the Units Only single dwelling yield.

Development D had a small number of 5 dwellings which were houses although the single dwelling yield is high at 1.8 due to the tenure. The contribution of development D to the total 1,020 Units Only dwellings (200 + 300 + 500 + 20 = 1,020) is very small at 2.0%, if developments A, B and C were formed of 50% houses then the contribution of development D, at 5 houses, would be even smaller at <1%. However, inclusion of development D in calculating the arithmetic mean has resulted in the development average yield increasing to 97.8 per 100 dwellings, a 39.1% rise. It can be observed that the arithmetic mean is substantially affected by extreme values, this can occur to either increase or decrease the arithmetic mean of an annual cohort and it is not likely that such "extreme" values either size of the central point will balance one another.

The median is less affected by extreme or outlier values however this would only be the case where there was an equivalent number of developments ≥ 30 dwellings as those in the ≥ 10 to < 30 dwellings cohort (where extreme values tend to be observed). Observations of the extended PYS have however indicated that the latter category is at least twice the size of the former and therefore it is likely that the median will also be impacted.

An average calculation which considers each developments size relative to the total number of dwellings, commonly referred to as its *weight*, could result in a more accurate measure. This is termed the weighted average, the weight (W_i) given to any one development is the ratio of the number of dwellings (dw_i) in that development divided by the total number of dwellings in all developments (T_{dw}). This is expressed as:

$$W_i = \frac{dw_i}{T_{dw}}$$

The weights for developments A, B and C, in the above example, are therefore:

$$A) W_i = \frac{dw_i}{T_{dw}} ; W_1 = \frac{200}{1,000} ; W_1 = 0.20$$

$$B) W_i = \frac{dw_i}{T_{dw}} ; W_2 = \frac{300}{1,000} ; W_2 = 0.30$$

$$A) W_i = \frac{dw_i}{T_{dw}} ; W_3 = \frac{500}{1,000} ; W_3 = 0.50$$

As the weights are calculated relative to the total number of developments then they will sum to 1 ($0.2 + 0.3 + 0.5 = 1.0$). The weight for each development is used as a multiplier for the single dwelling yield, $\frac{cp_i}{dw_i}$, the resulting values are summed in order to determine the weighted average pupil yield (PY_w). The calculation proceeds as follows:

$$\begin{aligned}
 PY_w &= \sum \left[\left(\frac{cp_1}{dw_1} \cdot w_1 \right) + \left(\frac{cp_2}{dw_2} \cdot w_2 \right) + \left(\frac{cp_3}{dw_3} \cdot w_3 \right) \right] \\
 PY_w &= \sum \left[\left(\frac{150}{200} \cdot 0.2 \right) + \left(\frac{200}{300} \cdot 0.3 \right) + \left(\frac{350}{500} \cdot 0.5 \right) \right] \\
 PY_w &= \sum [(0.75 \cdot 0.2) + (0.66 \cdot 0.3) + (0.70 \cdot 0.5)] \\
 PY_w &= \sum [0.15 + 0.20 + 0.35] \\
 PY_w &= 0.70
 \end{aligned}$$

The mainstream primary weighted average single dwelling yield is 0.70 or 70 per 100 dwellings.

It can be proven that this equals the simpler calculation of the total number of pupils divided by the total number of dwellings, $700/1000 = 0.70$ or, 70 per 100 dwellings. In the calculations above each development pupil count is divided by the number of dwellings, the result is multiplied by the number of dwellings in that development divided by the total number of dwellings, for development A this can be expressed as:

$$\left(\frac{cp_1}{dw_1} \cdot w_1 \right) \text{ or } \left(\frac{cp_1}{dw_1} \cdot \frac{dw_1}{T_{dw}} \right)$$

This reduces to:

$$\left(\frac{cp_1 \cdot dw_1}{dw_1 \cdot T_{dw}} \right)$$

However, $dw_1/dw_1 = 1$ and can therefore be removed, for development A the residual is:

$$\frac{cp_1}{T_{dw}}$$

Repeating the process for developments B and C then:

$$PY_w = \left(\frac{cp_1}{T_{dw}} + \frac{cp_2}{T_{dw}} + \frac{cp_3}{T_{dw}} \right)$$

Wherein T_{dw} is a common denominator, such that:

$$PY_w = \left(\frac{cp_1 + cp_2 + cp_3}{T_{dw}} \right)$$

Given that the total pupil count, cp_{TOTAL} , is the sum of $cp_1 + cp_2 + cp_3$ then:

$$PY_w = \frac{cp_{TOTAL}}{T_{dw}}$$

The division of the total pupil count by the total number of dwellings is a Point Estimate (PE) of pupil yield, multiplied by 100 it is the point estimate yield per 100 dwellings. It can however be observed herein that this is the same as the weighted average yield when considering the proportional representation of each developments number of dwellings relevant to the total number of dwellings in the whole cohort. The weighted average yield of 70 per 100 dwellings in the example is marginally less than the 70.3 per 100 dwellings calculated by the arithmetic mean yield of the developments.

Incorporating development D into the calculation determines $(700 + 15) / (1,000 + 20) = 715 / 1,020 = 0.701$ or 70.1 per 100 dwellings. This can be checked using the longer form of the equation:

$$\begin{aligned} PY_w &= \sum \left[\left(\frac{cp_1}{dw_1} \cdot w_1 \right) + \left(\frac{cp_2}{dw_2} \cdot w_2 \right) + \left(\frac{cp_3}{dw_3} \cdot w_3 \right) + \left(\frac{cp_4}{dw_4} \cdot w_4 \right) \right] \\ PY_w &= \sum \left[\left(\frac{150}{200} \cdot 0.196 \right) + \left(\frac{200}{300} \cdot 0.294 \right) + \left(\frac{350}{500} \cdot 0.490 \right) + \left(\frac{15}{20} \cdot 0.020 \right) \right] \\ PY_w &= \sum [(0.75 \cdot 0.196) + (0.66 \cdot 0.294) + (0.70 \cdot 0.490) + (0.75 \cdot 0.020)] \\ PY_w &= \sum [0.14706 + 0.1961 + 0.3431 + 0.0147] \\ PY_w &= 0.700996 \\ PY_w &= 0.701 \text{ or } 70.1 \text{ per } 100 \text{ dwellings.} \end{aligned}$$

Including the fourth development, D, into the weighted average, results in a calculated value of 70.1 per 100 dwellings. Including the considerably smaller development of 20 dwellings has increased the weighted average yield by 0.1 per 100 dwellings. It can be observed that the weighted average has benefits over the arithmetic mean in determining the development average yield: it permits the inclusion of small developments wherein yield per 100 dwelling rates may be many times that observed for larger developments whilst not being excessively affected by possible outliers. It is acknowledged in literature that the arithmetic mean is the most widely understood measure of average wherein it is intuitively understood that it is the centre point of a data set.

HCC investigated whether a hybrid equation could be derived which includes elements of both the arithmetic mean and the weighted average. Such an equation would account for both the sum of the pupil counts, the contribution of each developments number of dwellings to the total dwellings included and, the number of developments included within the study. However, the hybrid approach is equally affected as that of the arithmetic mean when small developments calculated yields per 100 dwellings are disproportionately high. This occurs due to the very small ratio of the number of dwellings in developments like these relative to the total number of dwellings overall. The choice of arithmetic mean or weighted average will be dependent on DfE recommended methodology, currently HCC applies the more commonly accepted arithmetic mean.

13.2 Calculating net yields

The Study will consider whether it is appropriate to apply some form of discount to gross yields to account for localised moves which are suggested to not increase pressure on local school capacity. This will be the case for both Open Market and Affordable Rented dwellings, with a possible exception being where it can be evidenced that older dwelling stock locally vacated homes are backfilled by families with children whom go on to take up a local school place thereby exacerbating demand. The spatial extent of such areas is still under investigation and the authority cannot apply such methods to discount gross yields until further information is forthcoming.

13.3 Statistical tests for normality

Where an average value from a study is applied then it is only an accurate representation of the centre point where the distribution matches, or approximates, that of a normal distribution. The Jarque-Bera and D'Agostino are two tests, of increasing robustness, which can be applied to determine whether the observed distribution from PYS results are within bounds of the normal distribution. The former tests for skewness and kurtosis and, is generally considered as very effective. The D'Agostino tests for skewness, kurtosis and centrality and is considered more of a powerful omnibus. The Jarque-Bera is a goodness-of-fit statistical test for whether data have the skewness and kurtosis which matches that of a normal distribution. It is calculated as:

$$JB = n \left(\frac{(k_3)^2}{6} + \frac{(k_4)^2}{24} \right)$$

Wherein x is each observation, \bar{x} is the mean of all observations, n is the sample size, s is the standard deviation, k_3 is skewness and, k_4 is the kurtosis. The skewness, k_3 , is calculated as:

$$k_3 = \frac{\sum_{i=1}^n (x_i - \bar{x})^3}{ns^3}$$

The kurtosis, k_4 , is calculated as:

$$k_4 = \frac{\sum_{i=1}^n (x_i - \bar{x})^4}{ns^4} - 3$$

As this is a statistical test a hypothesis, h_o , needs to be established. In this instance the hypothesis, h_o , is that there was no statistically significant difference in the PYS distribution to that arising from a normal distribution. The reverse, or null hypothesis, h_n , is that there was a statistically significant difference in the observed distribution and that arising from a normal distribution. The calculated Jarque-Bera statistic was compared to the Chi-Squared distribution table to determine the critical value at a probability level (alpha or α) of 0.05. In this instance skewness and kurtosis were the variables of interest and therefore there were two degrees of freedom (df).

The D'Agostino test is based on the D statistic which provides an upper and lower critical value and is calculated as:

$$D = \frac{T}{\sqrt{n^3 SS}} \text{ And } T = \sum \left(i - \frac{n+1}{2} \right) X_i$$

Wherein D is the test statistic, SS is the sum of squares of the data, n is the sample size and, i is the order or rank of observation x . The degrees of freedom (df) for this test is the sample size n (thereby $df = n$). The data must be ordered from smallest to largest, or vice versa, prior to commencing the test. Within the PYS trial $\frac{n+1}{2} = \frac{41+1}{2} = \frac{42}{2} = 21$, therefore $T = \sum (i - 21) X_i$ which equated to 6021.4 and substituted in the equation. The test statistic D was therefore calculated as:

$$D = \frac{T}{\sqrt{n^3 SS}} \text{ or;}$$

$$D = \frac{6021.4}{\sqrt{n^3 SS}}$$

As this is a statistical test a hypothesis, h_o , was established. In this instance the hypothesis, h_o , is that there was no statistically significant difference in the observed PYS distribution to that arising from a normal distribution. The reverse, or null hypothesis, h_n , is that there was a statistically significant difference in the observed distribution and that arising from a normal distribution. If the calculated value of D fell within the critical range then h_o was accepted, otherwise h_o was rejected and h_n accepted.

13.4 SEND yields

The number of children whom are resident in the authority, attend an in-county special school and, have been UPRN matched to a new build dwelling is relatively small. Normalised yield rates per permission by education sector are therefore quite variable and do not lend themselves well to determination of average yield via arithmetic mean across an annual cohort. The determination of average yield normalised yields by education sector follows a slightly different approach to that of mainstream yields. In this instance the weighted average yield is determined per annum based on an entire annual cohort i.e. it utilises the overall count of pupils and the overall cumulative number of dwelling completions in that year. The arithmetic mean yield is then taken across all years since cohort trajectory completion to current year.

Following discussion with the DfE the authority has identified further work required in this area. Recent advice received is that those children whom attend SEND bases in mainstream schools should also be included within this cohort and HCC is moving to source this data from the January School Census returns and UPRN match to the new build dwellings. It is likely that such included counts will be small, and it will be more resource efficient to process this element once all annual cohorts have been joined into master lists 2002 through to 2020. However, this will be reviewed once a trial has been completed.

13.5 Public accessibility of results

It is the authority's intent, in the fullness of time, to release permission, annual cohort and typology level results (where relevant by dwelling type, bed size and tenure) from the longitudinal PYS where such results satisfy the requirements of Statistical Disclosure Controls. This ensures that methodology, results and conclusions drawn are within the public domain with relevant consideration of possible statutory restrictions on the release of such data. It is likely that the vehicle for access to such information would be via Herts Insight⁶ which is already a repository of information and statistics about Hertfordshire across a wide number of defined and bespoke service geographies. This platform would also permit the integration of PYS data sets with overlays of small area statistics already held and the possible creation of profile reports.

14.0 Calculating long term average (LTA) mainstream yields

The LTA is the overall yield that a development would be expected to attain once enough time has passed post-peak and reflects the wider housing stock yields, it is sometimes referred to as the "All Households" yield. The HDM inclusion of only 2011 census based All Household yields was suggested to not take account of inter-census period changes to overall dwelling stock numbers nor changes in the demographic profile of the authority area. HCC investigated methodologies by which these metrics could be updated, the first is based on official ONS population estimates/projections whilst the second is sample based.

14.1 Applying official population estimates to calculate the LTA

Within the consultation response reference was made to application of ONS Sub-National Population Projections (SNPP) cohort and SMART Herts sourced dwelling stock counts rolled forward from the 2011 census to current period. SNPP are counts for the population as a whole and not just mainstream pupils, a sector relevant countywide mainstream uptake rate would therefore need to be applied prior to calculating yield per 100 dwellings. The benefit of the SNPP is that an official projected primary age cohort can be applied for current point in time whereas the ONS Mid-Year Estimates are normally 12 to 18 months behind current time. An alternative approach is to use the most recent January School Census return refined for in-authority resident children counts.

14.2 Updating dwellings units only LTA values

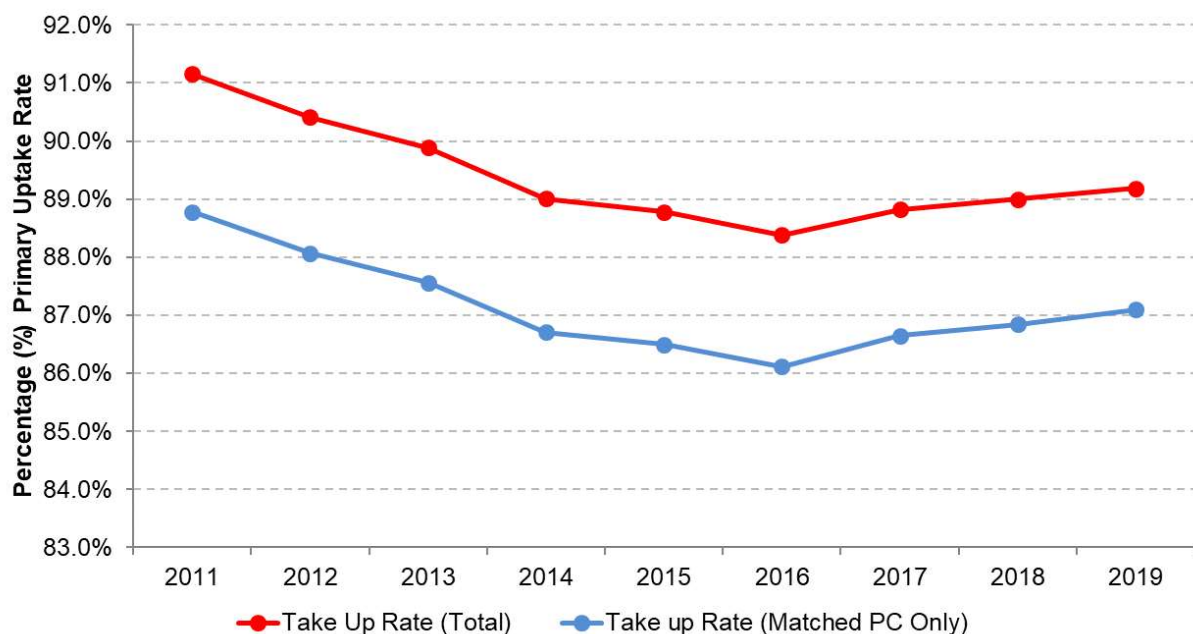
The most recent year SNPP projection for the relevant year, or ONS Mid-Year Estimate, can be used to determine an overall sector count by relevant age band. For example, the 2019 ONS MYE determines a primary age cohort within Hertfordshire of 112,190 children. Data from spatial planning estimates that as at 2019 there were 495,335 dwellings, the Units Only primary LTA value therefore becomes $112,190/495,335 = 22.6$ per 100 dwellings. However, this relates to all children of primary age and adjustment must be made to account for mainstream schools only. The current mainstream Hertfordshire resident only uptake by the

⁶ <https://www.hertfordshire.gov.uk/microsites/herts-insight/home.aspx>

primary age population was determined as 87.1%, this was the average of three methods, multiplying the yield per 100 dwelling rates by this percentage determines an updated LTA mainstream only rate. The calculation proceeds as: $22.6 * 0.871 = 19.72$ per 100 dwellings. The same principles can be applied to determine updated secondary and Post-16 rates.

The previous paragraph references “Hertfordshire resident only”, there is an important distinction between the number of primary age children whom attend an authority mainstream setting and those whom are resident in the authority itself. The January School Census return can be used to determine cohorts of mainstream children based on the same inclusion query structures as applied within the PYS. It can be observed from Figure 14 that the total take-up rate, i.e. a count of all primary age children in authority mainstream schools, is consistently 3 percentage points higher than that when considering Hertfordshire resident children only. The determination of in-authority residence can be made using the pupil home postcode in conjunction with ONS NSPL data files.

Figure 14. The percentage of Hertfordshire mainstream primary age cohorts relative to the relevant ONS Mid-Year Estimates of Primary age within the authority.



Within Figure 14 the y-axis starts at 83% as opposed to zero and trends in variance in up-take are subsequently exaggerated. Mainstream primary resident only uptake rates decreased from around 89% of the overall primary age population in 2011 to 86% in 2016. Since this point uptake has increased to 87%. In order to account for variability an average of three methods was taken: (1) most recent 3-year average weighted uptake; (2) average of percentage over period 2011 to 2019 and; (3) overall count of mainstream resident pupils 2011 to 2019 divided by the ONS MYE 2011 to 2019 aggregate mainstream primary age population. In practice little

variation exists in either method with 2019 uptake values of 86.97%, 87.15% and, 87.10% respectively.

The application of ONS MYE or ONS SNPP data sets requires use of authority School Census data sets for calculating mainstream resident specific take-up rates. It can be observed that a simpler method is to solely apply the School Census data sets to a current estimate of dwelling stock. For example, the 2019 January School Census indicates that there are 100,058 primary age pupils attending mainstream schools in Hertfordshire. Of these 2,347 were out of county, or not successfully geolocated to authority postcodes. The resulting authority resident mainstream primary age cohort was 97,711 pupils. Data from spatial planning estimates that as at 2019 there were 495,335 dwellings, the Units Only primary mainstream LTA value therefore becomes $97,711/495,335 = 19.73$ per 100 dwellings.

There is a negligible 0.01 per 100 dwelling difference to that calculated using the ONS MYE data. In both instances there is a decrease from that observed from the 2011 Census at 20.8 per 100 dwellings for overall primary cohorts. However, considering primary uptake in 2011 at 89% then the census based mainstream resident LTA would have been $20.8 * 0.89 = 18.5$ per 100 dwellings, this update effectively increases the development permanent provision costs by 1.2 pupils per 100 dwellings (19.7 – 18.5). A benefit of ONS official population estimates, such as the SNPP or Mid-Year Estimates (MYE) is that they can also be applied to update other age group LTA dwelling unit values whilst School Census data sets are relevant for ages 4 to 18 years only (excluding further education colleges at Post-16 for which the authority does not hold data).

Whilst the authority has uptake rates, over time, readily available by mainstream sector there remains a more substantial barrier to applying official population estimates. This method would be limited to dwelling units only as the SNPP does not provide population projections arising from specific dwelling types. Application of official population estimates would therefore, at face value, be an unsuitable method for LTA calculation of Houses Only and Flats Only rates. Either a divergent approach to dwelling units only versus dwelling type would need to be applied or consideration given to alternative methods of calculation which incorporates both elements.

14.3 Dwelling type LTA census output area based values

Hertfordshire County Council is segmented into 3,516 census outputs areas (OAs), it is likely that a proportion of these would consist solely of houses and some solely flats. Identification of OAs that are of a singular dwelling type permits the allocation of census-based household by bed size counts and, overall household counts. Where OAs consist wholly of unshared households then the household count is in effect the dwelling count. Extraction of current AddressBase Premium residential dwellings for these OAs, and aggregated counts of dwellings in comparison to census estimates, would determine those which have not been subject to development since 2011 and the bed size distribution is most likely as reported at that time.

Where such OAs are identified then the most recent ONS Mid-Year Estimates (MYE) to census output area could be cross referenced and aggregated, this is not

applicable to the ONS SNPP for which District is the lowest geography. This determines most recent ONS based population estimates of areas consisting of solely houses and flats for which the dwelling count and aggregate bed size are known. Multiplying the mainstream ONS MYE population count by county-wide uptake rate determines an estimate of mainstream sector yield.

Ralph (2011) indicates that where the number of aggregate OAs is ≥ 6 then the errors associated with population estimates are likely to be less than that which occurs from small area record swapping applied by the ONS under Statistical Disclosure Control (SDC) measures. Whilst OAs are relatively small in terms of households contained there is a minimum threshold of 40 households, a target of 125 households and an upper limit of 250 households (Figure 15). Where the aggregate OA count exceeds the target rate of 750 households ($6 * 125$) and 1,872 persons ($312 * 6$) then estimates are indicated by the ONS to be robust.

The population and household size target and threshold values applied to the Output Area (COA), Lower Super Output Area (LSOA) and, Middle Super Output Area (MSOA) hierarchy for 2011 (ONS November 2012).

	Population thresholds			Household thresholds		
	Lower	Target	Upper	Lower	Target	Upper
OA	100	312	626	40	125	250
LSOA	1,000	1,500	3,000	400	600	1,200
MSOA	5,000	7,500	15,000	2,000	3,000	6,000

Figure 15. The Office for National Statistics Lower, Target and Upper population and household counts by census geography (Source: Office for National Statistics).

Alternatively, as above, mainstream sector counts for the aggregate OAs can be derived from the most recent January School Census either geolocated to point in polygon or through assignment using the ONS NSPL. Division of the most recent population estimates, from either source, by the known number of dwellings by specific type in theory permits the calculation of an updated LTA yield rate related to a specific bed size mix. The match between 2011 census dwelling count and current AddressBase Premium dwelling counts ensures that no development has occurred in the OAs since the census such that new build would be excluded. The approach in detail can be observed as:

- The 3,516 total 2011 Census Output Areas were listed, and census data matched to the following fields: Total Dwellings, Total Houses, Total Flats – sub-groups required for each were counts of 1 bed, 2, bed, 3 bed and 4+ bed unshared dwellings. HMO’s and communal establishments were listed against the OAs as separate fields.
- Census table KS401EW or QS418EW provides a total count of dwellings by OA and total count of Unshared dwellings (the difference between the two

being a total count of Shared dwellings). Note that dwelling counts excludes caravans/temporary structures. Within this table are also OA aggregate counts of Household Spaces by Accommodation Type – Houses, Flats and caravans/temporary structures – no bed size data is available from these tables and these Household Space counts are for all Household Spaces and not just those with one or more usual resident. The count of Household Spaces will therefore match the OA Total Dwelling count where there are no Shared Dwellings and there are no Caravans/temporary structures.

- Census Table QS411EW (also LC4405EW) provides OA counts of “All Household Spaces With At Least One Usual Resident by Bed Size” although Accommodation Type is not an included field. These were cross referenced to the OA list.
- From this master list OAs were identified wherein the 2011 census indicates 100% Houses or 100% Flats (unshared dwellings), this cohort was further refined by excluding those OAs where counts of communal establishments or shared dwellings existed.
- The refined cohort was passed to GIS whom extracted the AddressBase Premium residential dwelling addresses and dwelling type characteristic (House or Flat) for each census area. Counts of AddressBase Premium addresses by dwelling type for each OA determined those OAs where development had occurred subsequent to the 2011 census, these were excluded from further analysis.
- The resulting OA cohort was matched to the ONS MYE 2018 most recent OA level population estimates release which enabled calculation of Units Only, Houses Only and Flats Only population sector yield per 100 dwellings for a known aggregate bed size distribution.

Applying the above criteria (Houses only in this example) there are 196 of the 3,516 Hertfordshire OAs where the Total Dwelling Count = Total Unshared Dwellings Count = Household Spaces for Accommodation Type_Houses Count. Census Table QS411EW (also LC4405EW) provides OA counts of “All Household Spaces With At Least One Usual Resident by Bed Size” although Accommodation Type is not an included field. However, the above process determined a 196 OA cohort wherein all the dwellings and unshared household spaces relate to the Accommodation Type - Houses. QS411EW provides bed size data directly applicable to the identified dwelling type of Houses. This is only true where the sum of the OA Household Spaces Bed Size data (QS411EW) matches that of the Total Household Spaces from Table KS401EW. Recall that QS411EW relates to bed size counts of Household Spaces where there are one or more usual residents only. KS401EW reports the total number of Household Spaces irrespective of whether there is a usual resident present.

At this point consideration needs to be given to the ONS MYE and what data they contain. ONS MYE are estimates of the *usually resident population* of a defined geography as at 30th June each year. The Household Spaces counts by bed size (QS411EW) relate to households with one or more usual residents. Where OA based aggregate counts between QS411EW and KS401EW differ then this occurs when either the household space is occupied by a household which does not match the inclusion criteria of usual resident or, the property is vacant. Application of OA observed aggregate counts in a yield per single dwelling calculation wherein the

population estimate is irrespective of vacant dwellings and is for the usually resident population only therefore meets criteria between both data sets. However, it could be argued that this would only be correct where it can be evidenced that the “missing” household spaces continued to be vacant or occupied by a household that did not meet the inclusion criteria for usual resident.

Overall, the above issues can be considered moot if the 196 OA cohort for Houses Only has an overall Household Spaces count (KS411EW) which is sufficiently close to the overall Household Spaces by Bed Size counts from QS411EW for the overall bed size mix to be considered representative. The Total Houses Only Household Spaces (and by inclusion criteria dwelling type of Houses Only) identified in this cohort was 24,408 (KS401EW) and there are no shared dwellings or caravans/temporary structures in any OA. QS411EW determined 23,971 Household spaces with 312 1-Bed (1.3%), 2,974 2-Bed (12.4%), 11,248 3-Bed (46.9%) and 9,437 (39.4%) 4+ Bed.

The difference in the 196 aggregated OA counts for Household Spaces – Houses Only between the data sets was 437 or 1.8% relative to the total observed in KS401EW. The converse of this is that 98.2% of the Houses Only bed size household spaces data set was included in QS411EW. The overall bed size mix can therefore be considered representative of the overall Houses Only dwellings. If it is assumed that the occurrence of household spaces not meeting the inclusion criteria for QS411EW (vacant or not a usual resident household) is equally distributed across the bed size range then estimates of the actual bed size counts can be determined by multiplying each cohort by 1.018 (101.8%). However it is more likely that the differences would be proportional to the observed bed size distributed – a count of 11,248 3-Bed household spaces in houses would experience a greater number of occurrences of non-inclusion criteria (vacant/not a usual resident household) by virtue of the size of the cohort in comparison to the overall 312 1-Bed houses. Overall there are three determinations of the Houses Only overall Bed Size mix from the census data:

- Apply the bed size mix as observed from available Household Spaces with 1 or more usual residents.
- Examine the overall percentage difference in counts between KS401EW and QS411EW for the identified OAs and assume that the percentage difference is relevant to each bed size
- Examine the count difference between KS401EW and QS411EW and proportion this difference between the bed sizes dependent on the contribution of the bed size cohort to the total overall.

In practice, the observed overall difference of 437 dwellings is sufficiently small relative to the total 24,408 cohort that even where account is taken of differences the resulting estimated percentage bed size mix matches that of the original known data. Where differences are small then the original bed size mix from QS411EW is representative of the overall cohort derived from KS401EW. Applying the criteria, that a match in count is required between KS401EW Household Spaces – Houses and QS411EW Household Spaces with at least One Usual Resident, reduces the cohort from 196 to 43 OAs.

Whilst the overall cohort sizes contained in the 43 OAs specified above is more than enough for a statistically robust sample this excludes GIS analysis to confirm that the total number of dwellings between the census date equals that of the most recently available GIS dwelling data set. Where totals equate then the census observed bed size mix is still relevant, the larger the OA cohort the smaller the errors in the estimates. Of the 43 OAs which matched between census data sets for Houses Only 16 had an exact match to total dwellings, and of residential characteristics indicating a house dwelling type only, as determined by GIS. A further 13 OAs had a match within 1 dwelling count. The exact match OAs had an ONS MYE 2019 primary count of 459 children and, the “match within 1 dwelling” a count of 351 children. The combined count of 810 primary age children equates to a yield of 22.3 per 100 houses.

Applying the Units Only take up rate of 87.1% reduces this to 19.4 per 100 houses mainstream primary yield. The validity of applying a Units Only take up rate is however questionable, there exists the strong possibility that such rates would be higher from specific house type dwellings than that from flats. A similar approach can be taken for other demographic age bands, for example the ONS MYE 2019 indicates a total population of 9,506 persons within the 29 OAs of solely house dwelling types. This equates to a yield of 2.6 persons per house from the included bed size distribution. Whilst the overall bed size mix is known in aggregate it is not possible to calculate at this point individual house bed size LTA yields.

Additional difficulty is presented when considering Flats Only as none of the 3,516 OAs within Hertfordshire are solely of this dwelling type. In considering the percentage contribution of flats to total dwelling stock there are only 19 OAs wherein the representation is $\geq 95\%$. However, as this dwelling type cannot be considered in isolation via this method then it cannot be applied to determine LTA yield values with a degree of confidence that would likely satisfy requirements of Regulation 122.

Consideration of a geography smaller than OA from which aggregate counts can be derived would likely solve this issue. The above process considers census output areas only as the ONS releases MYE to this geography. However, it is equally valid for application to smaller geographies such as postcode area data sets on condition that 2011 census exists for these areas or, it can be proven that included areas specifically exclude new build developments.

14.4 Dwelling type LTA postcode-based values

Postcode areas are specifically implemented for the delivery of post by Royal Mail, whilst they contain clusters of houses (on average 30 dwellings) the boundaries associated with them are somewhat arbitrary. Postcodes are regularly created and terminated and the ONS Geoportal provides quarterly updates via the ONSPD and ONS NSPL. It is the dwellings/households contained within a postcode area, and often its population weighted centroid, which is normally of relevance as opposed to exact spatial extent. Whilst official, or experimental, population estimates are not available for these areas proxy estimates can be created based on, for example, School Census or Electoral Register data sets.

All postcodes within the ONS NSPL which are assigned to Hertfordshire were extracted into a new CSV. AddressBase Premium was used to obtain all UPRNs within Hertfordshire which have a Classification Code which was included in the PYS. The AddressBase Premium points contain the postcode of the UPRN within

the schema. A join was made between the above AddressBase Premium points and the NSPL Hertfordshire postcodes based on the postcode fields, with those UPRNs which matched therefore attributed as belonging to Hertfordshire within the NSPL. This table was then exported for pivot table analysis and comparison of the postcode aggregate proportion of dwellings by Type made to overall Hertfordshire dwelling stock applying the same methodology. Only those postcodes wherein the residential characteristic enabled determination of dwelling type for all units within the area were included.

In total 28,057 postcodes located within the boundary of Hertfordshire were initially included, in aggregate these postcodes contained 110,861 Flats and 386,744 houses (total 497,605 dwelling units). Flats represented 22.3% of the cohort and houses 77.7%. It was observed that 19,744 postcodes were wholly populated by dwellings of House residential characteristic type and consisted of 299,341 units, this represented 77.4% of the total House type dwelling stock in the authority. In total 3,085 postcodes solely contained 62,192 dwellings of Flats residential characteristic type which represented 56.1% of the total Flat type dwelling stock in the authority. Overall 81.4% of the postcodes within Hertfordshire were included within the study at this point, the postcodes contained 72.7% of the total dwelling stock.

The refined cohort of 22,289 postcodes was cross referenced to 2011 census table LC1117EW for obtaining census-based household counts. LC1117EW is for Table 1 postcode counts of 1 or more usual resident occupied household spaces as at census date 2011 and the related total household usually resident population⁷. It excludes Table 2 postcode level occupied households with 1 or more usual resident occupied household spaces and related population counts. These postcode areas straddle OA boundaries and are subsequently split with only overall count and percentage representation data presented. Both data sets exclude postcodes with unoccupied households or where there is no usual resident. As postcodes are included by GIS process only if they wholly contain residential dwellings which meet the inclusion criteria then communal establishments are excluded.

In total 1,158 of the 22,829 postcodes had no match to LC1117EW and were either OA straddling postcodes or, postcodes with no usual residents or, occupied household spaces and/or are postcode areas created or terminated since 2011. These postcodes were excluded from further analysis. Of the remaining 21,671 postcodes a cross check between the GIS dwelling counts to that of census table LC1117EW determined those areas within which development had not occurred⁸. This resulted in a final cohort of 12,954 postcodes of which 1,040 were wholly flatted and 11,914 wholly contained houses only.

In relation to wholly flatted postcodes these areas contained 14,346 units whilst the wholly houses postcodes contained 158,368 units, total included dwelling count was 172,714 units. The number of flats included for further analysis is 12.9% of total authority flatted units dwelling stock, 40.9% of all houses and, 34.7% of total units.

⁷ LC1117EW is for total population only - no other census table appears to provide age breakdown by postcode - only postcode sectors or postcode districts.

⁸ A natural extension of this would be to cross compare refined postcode lists for inclusion at Units Only and Type analysis to those postcodes observed from the PYS master address list 2002 to 2011. Postcodes should be removed wherein a match is observed as this indicates that new build occurred in the period 2002 to 2011.

Using LC1117EW it was observed that the single dwelling total population yields as at 2011 were 1.72, 2.63 and 2.55 respectively for Flats Only, Houses Only and, Units Only. This methodology results in an included dwelling count by type of such size that sample-based confidence intervals are likely to be less than 0.2% (although possibly 0.5% when considering flats only).

However, a limitation is that whilst dwelling Type yields can be determined this is not available for either bed size or tenure distinction. Once the DfE has provided guidance on how authorities can obtain individual dwelling bed size and tenure data then a natural extension of the postcode analysis will either be to:

- Examine those postcodes of singular dwelling type and singular bed size⁹ or;
- Examine individual dwelling level data of all postcodes by bed size and tenure.

Due to resource constraints the authority has yet to proceed with postcode level analysis of mainstream sector yields from the 2020 January School Census by dwelling type.

14.5 Sample based assessment of mainstream LTA yields

The final alternative approach to the estimation of LTA mainstream pupil yields is to conduct a sample from existing dwelling stock. Figure 16 references recommended sample sizes based on the population proportion displaying the characteristic of interest. Whilst the LTA for dwelling units only indicates a percentage value of circa 20 per 100 dwellings, or 20%, the PYS has demonstrated that houses can have a primary pupil yield up to, and in excess of 50 per 100 dwellings, or 50%. The 50% demarcation in sampling is the “worst case” scenario due to the presence of a higher level of uncertainty and hence the sample size required at this mid-point is the largest. Whilst the industry standard is 95% +/- 5% it would be prudent to aim for 95% +/- 2%, based on these criteria the table below indicates a sample size of 2,401 dwellings would be required.

However, experience indicates that some poor-quality School Census addresses will be impossible to geolocate to UPRN level and it was considered prudent, to retain confidence interval, that the sample size of 2,401 be increased by 10% to a total of 2,641 dwellings. The following process was then undertaken:

- All postcodes within the ONS NSPL (2019) which are assigned to Hertfordshire were extracted into a new CSV. AddressBase Premium was used to obtain all UPRNs within Hertfordshire which had a Classification Code which was included in the PYS. The AddressBase Premium points contained the postcode of the UPRN within the schema. A join was made between the AddressBase Premium points and the NSPL Hertfordshire postcodes based on the postcode fields, with those UPRNs which matched therefore attributed as belonging to Hertfordshire within the NSPL (2018). This table was then exported for pivot table analysis¹⁰.

⁹ This would be dependent on the determination of a sufficient dwelling count by dwelling type and bed size in order to have a low sample confidence interval such that results are both meaningful and applicable in application to modelling.

¹⁰ Note: OS CodePoint-Polygon cannot be used singularly as the source to identify the UPRN postcodes as flats are more likely to be found within Vertical Streets inside the Code-Point Polygon dataset which are unlikely to

Figure 1: Sample size lookup table

Population Proportion	Precision (at the 95 per cent confidence level)							
	$\pm 12\%$	$\pm 10\%$	$\pm 8\%$	$\pm 5\%$	$\pm 4\%$	$\pm 3\%$	$\pm 2\%$	$\pm 1\%$
50%	66	96	150	384	600	1,067	2,401	9,604
45% or 55%	66	95	148	380	594	1,056	2,376	9,507
40% or 60%	64	92	144	369	576	1,024	2,305	9,220
35% or 65%	60	87	136	349	546	971	2,184	8,739
30% or 70%	56	81	126	323	504	896	2,017	8,067
25% or 75%	50	72	112	288	450	800	1,800	7,203
20% or 80%	42	61	96	246	384	683	1,536	6,147
15% or 85%	34	48	76	195	306	544	1,224	4,898
10% or 90%	24	35	54	138	216	384	864	3,457
5% or 95%	12	18	28	72	114	202	456	1,824

If you are expecting non-response or a difficulty in locating your sample selections then it is prudent to over sample to ensure that the sample size achieved provides the required level of precision.

The figures in *bold and italics* denote sample sizes of less than the recommended minimum.

Figure 16. Required sample size based on the percentage representation of the characteristic of interest, level of precision and, confidence interval (Source: National Audit Office – Statistical & Technical Team – A practical Guide to Sampling).

- Fields included within the sample extract were UPRN, AddressBase Premium Residential Characteristics for Dwelling Type and, the relevant address fields: ParentUPRN, UDPRN, SubBuilding, BuildingName, BuildingNumber, Thoroughfare, PostTown and Postcode. The provided address was based on the Delivery Point Address, which is the most spatially accurate, where the DPA was missing then the PAO/SAO was provided. Each address was flagged to indicate whether it was DPA/PAO based. Pivot table analysis of the proportion of Houses and Flats in the sample was undertaken and compared to the latest known overall dwelling stock dwelling Type data – this was to ensure that the sample was representative of all dwellings overall.
- A concatenate address for each dwelling, based on the same criteria as applied in the PYS master address files, was created. Addresses were removed where it was determined as new build via either, for example the address supplied was SAO and began with a plot reference e.g. Plot 67, Glebe Street, or cross comparison to the PYS cohort determined it as such.
- Based on the address postcodes from the sample, relevant mainstream and special school pupil records were extracted from the most recent January School Census return. The pupil cohort was included on the same selection criteria as for inclusion within the PYS. Extract fields included the UPN as a

be as accurate as the AddressBase Premium dataset. Using this method only not all the NSPL Hertfordshire postcodes would be successfully merged to the OS Codepoint Polygon layer, resulting in less postcodes being identified within Hertfordshire. Given unsuccessfully matched postcodes (which are contained within the Vertical Streets dataset) tend to contain flats, this would result in a smaller number of flats than expected. The expanded methodology applied resulted in 302 additional postcodes being included which were predominantly flatted areas.

unique identifier, National Curriculum Year Group and, all relevant address fields. An additional flag was provided to determine whether the record was “Mainstream” or “Special School”.

- Pupil address records were cleansed and matched to UPRN. The dwelling sample and pupil records were then cross referenced based on UPRN and mainstream/special school counts allocated to each dwelling where matches occurred. An aggregate Units Only, Houses Only, Flats Only yield per 100 dwellings LTA for N2, Primary, Secondary, Post-16 and Special School cohorts was calculated.

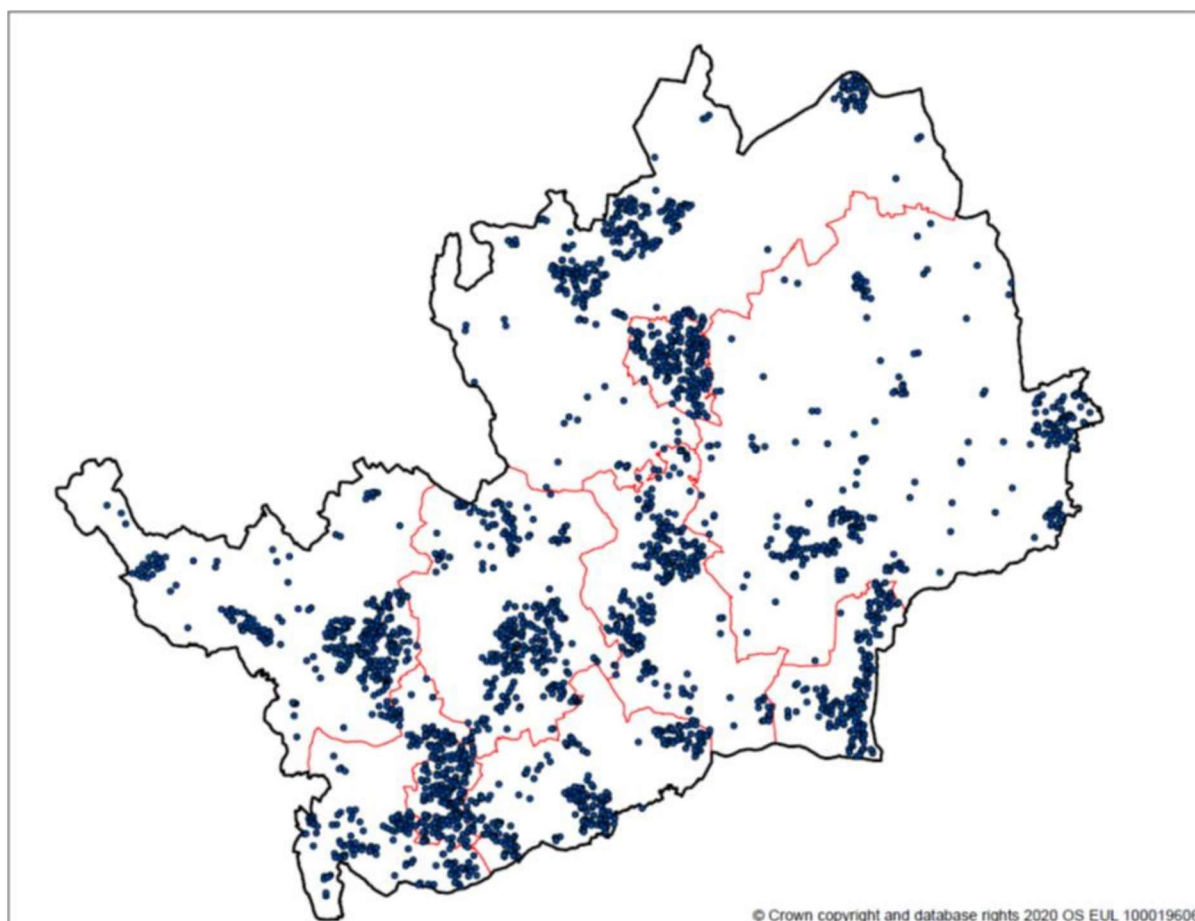


Figure 17. The location of randomly selected dwellings (n = 2,641) within the boundary of the authority based on the applied method.

Table 6. Sample derived LTA mainstream sector yields per 100 dwellings at Units Only, House Only and, Flats Only (2019).

	Dwellings	N2	PRIMARY	SECONDARY	POST-16
UNITS ONLY	2525	36	472	303	71
	Yield per 100	1.4	18.7	12.0	2.8
HOUSES	1954	30	425	286	69
	Yield per 100	1.5	21.8	14.6	3.5
FLATS	571	6	47	17	2
	Yield per 100	1.1	8.2	3.0	0.4

GIS determined that of the overall dwelling stock in the authority 77.7% were houses and 22.3% flats, the sample type mix was 77.6% houses and 22.4% flats and was considered representative of the wider population. Figure 17 displays the scatter of randomly selected dwellings within the boundary of the authority. However, of the 2,641 sample dwellings 7 were removed from the cohort as being identified as new build and a further 109 dwellings removed as the residential dwelling characteristic was "RD" and no dwelling Type distinction was available. The resulting cohort size was 2,525 dwellings. Matching to the January School Census data sets 2019 determined the LTA point estimates shown in Table 6.

As a sense check the Units Only sample observed point estimate 2019 mainstream LTA uptake was 18.7, this is 1 per 100 dwellings less than that determined using the overall authority resident mainstream primary pupil counts and the estimated total number of dwelling units. However, whilst the sample based dwelling units only yield was observed to be 18.7 per 100 dwellings the true population mean will be $\pm 2\%$ and therefore within the range 16.7 to 20.7 per 100 dwellings at primary. This encompasses the 19.7 per 100 dwellings determined previously from the overall population and is suggestive that the true population mean may lie toward the upper end of the range.

The sample determined secondary age yield per 100 dwellings (Units Only) was 12.0 (range 10 to 14), this compares to the overall population 60,688 mainstream secondary age pupils / 495,335 dwelling 2019 = 12.3 per 100 dwellings. In all mainstream sectors the LTA yield per 100 dwellings associated with Houses was higher than that for Flats although the differences were observably less for N2 cohorts. For primary, secondary and Post-16 cohorts the differences between LTA values between houses and flats were generally a factor of 3, 5 and 9.

Differences in yield are likely to have occurred due to variance in bed size mix, at Units Only between the sample and that observed applying official population estimates and overall dwelling stock numbers. Currently bed size data to specific dwelling is unknown and the authority is dependent upon DfE clarification of national approach in conjunction with the OS in order to resolve this issue. It is a further complication that this process is specific to the education sector only, there are other contributions sought from developers which require different demographic counts, such as overall population for libraries and waste disposal. Extension would therefore be required to determine availability of dwelling level data sets, such as the electoral role, which the authority can apply to robustly estimate these metrics. However, all variables resulting from sample would have a yield range within which the true population mean would lie.

Narrowing of the yield range will require a substantially larger sample size than included herein. For example, a confidence interval of 1% requires a four-fold increase in sample size from circa 2,600 to 10,000 dwellings. Further increases, or boosting, of sample sizes may be required in order to attain the confidence interval when considering specific dwelling type and bed size counts e.g. 3-bed flats which are generally low in number within the authority. It was also observed that the preliminary dwelling cohort size of 2,600 dwellings was insufficient to reliably

determine special school yields by sector. It is likely that this would be resolved through a larger dwelling cohort.

14.6 Recommended LTA methodology

The preceding examination has determined several methods by which LTA values can be annually updated, each have their strengths and weaknesses. They are all currently limited in relation to known dwelling bed size, in aggregate or individually, and for which the authority would be dependent on DfE recommendations to further resolve. Such information will be required in order to satisfy the requirements of Regulation 122. Once bed size and tenure data are available then it is apparent that the postcode method would have the greatest reliability and usefulness in updating LTA values for dwelling units and type-based analysis. In addition to having the smallest confidence intervals associated with LTA estimates the process also ties in well with the availability of postcode level GP registrations data sets for Early Years cohorts as applied within the DfE approved school place planning forecast. Further work is required on the suitability of electoral register data to create dwelling type specific adult cohort population estimates. This is likely to be a substantial piece of work and will require cross comparison to official population estimates such as the ONS MYE or SNPP to validate results within defined error bands.

15.0 Determining the typology of developments identified within the pupil yield study

Provisional DfE guidance indicates that examination of developments may determine variables which are similar such that permissions could be grouped into clusters of distinct characteristics which typify specific typologies. Distinct typologies could provide a more accurate assessment of development average yield for application to the estimation of likely mainstream yield at the Local Plan stage with consideration of Regulation 122.

Determining the typology of specific developments included within the annual cohorts of the Pupil Yield Study is an emerging methodology currently being trialed with three annual cohorts. The process is dependent upon three stages for larger proposals in the ≥ 30 dwellings cohorts. Smaller developments in the ≥ 30 dwellings cohorts, and generally all developments in the ≥ 10 to < 30 dwellings cohorts, were dependent on stages 2 and 3 only. This occurred as smaller developments were generally not included in district local plans and no relevant data would thereby be included for Stage 1 assessment.

The determination of development typology is independent of any observed pupil yield arising from a development and as such is a “blind study” based predominantly on local plan information and data as a proposal comes forward to planning application stage. Prior to conducting a typology assessment, maps specific to each development were produced by GIS and the location of the site, specific to the district within which it occurred, also identified. Whilst the method applied was to determine the typology of development retrospectively it should be noted that it could also be applied to sites in emerging Local Plans. This would provide an indication of the typology of forthcoming developments.

15.1 Stage 1: The Local Plan

The district within which larger sites, contained in an annual cohort, occurred was identified based on data already collated from the PYS master cohort data files. The annual cohort year of inclusion, for example 2009_2010, determines the year in which residential completions began to be produced by each development. This in turn provided an indication as to the Local Plan period within which each development might be found. Sites included within a Local Plan are those which have either been promoted by the District or identified within a “call for sites” and, can be included within Housing & Economic Land Area Availability (HELAA) or SHLAA documentation.

Where developments were identified as being within this documentation then District produced data relevant to these proposals was applied in determining typology. This level of analysis not only provides information relating to a specific site but also contextual data with respect to other developments within the area which may have occurred in a similar time period. Where sites are part of a wider development strategy within a local area then a more accurate assessment of typology may result due to consideration of the broader picture. Some development specific data may also be more accurate than that held elsewhere, for example the proposed dwelling density (dwellings per hectare) and the site area which, spatially, would be highly accurate.

15.2 Stage 2: Key characteristics

Key characteristics for each development are recorded without reference to pupil yield outputs, data items include:

- Number of dwelling units (note that number of dwelling units by type and bed size is unlikely to be available at this stage, this would be included in Stage 3).
- Previous land use, of which historical plans (which show the parcel of land), individual planning applications and, Google images (to 2008) can form part of the assessment. There is also a Previously Developed Land (PDL) flag within the PYS data sets.
- ONS Rural Urban Classification (RUC) determined based on assigning the development postcode areas to Census Output Areas using the ONS National Statistics Postcode Locator (NSPL), these are then looked-up against the OA based RUC.
- Housing Density based on the development number of dwelling units divided by the polygon defined site area.
- Build trajectory (provisional assessment of the likely average number of dwelling completions per annum).

This information is used to indicate a provisional typology based on objective, pre-construction stage data.

15.3 Stage 3: Post-development retrospective data

Information within Stage 3 is that derived from SMART Herts during the PYS development data gathering already undertaken prior to the typology process, the latter being the final step in the procedure. Variables determined were:

- The development bed-size mix, particularly the balance/percentage of 3+ bed size dwellings relative to 1/2-bed size dwellings.
- The dominant development dwelling type such as Houses/Flats/Mixed. Where a development is >60% Houses then the dominant type is Houses, where Flats are >60% then the dominant type is Flats, where the type mix is between 60%/40% or 40%/60% then the dominant type is Mixed.

This information may have been available from LPAs at the local plan consultation stage in more general terms. The more specific information determined as a proposal came forward for development, as included within Stage 3, was used to check whether the provisional typology from Stage 2 should be amended. Following the three-stage assessment the final determined typology was recorded against the development unique reference code (PPREF) in conjunction with all data items from each stage.

15.4 Emerging tier classifications

Initial typology classification was derived from the PYS trial cohort. This provisional assessment resulted in the methodology applied herein and the emerging classification of developments as follows:

- Tier 1, 1FE primary per 400 dwellings: *These sites are typically greenfield sites with a dominance of houses (typically 80/20), a higher proportion of 3+ bed properties, and a higher proportion of detached or semi-detached. There tends to be a housing unit density of 22 to 40 per hectare (dph).*
- Tier 2, 1FE primary per 500 dwellings: *These sites are typically PDL with a mix of houses and flats, and a higher proportion of terraced, maisonettes or flats. There is generally a 50/50 Split between smaller (1 & 2-bed) and larger (3-bed+) family homes and houses are most likely to be terraced. There tends to be a housing unit density of 40 to 60 per hectare (dph).*
- Tier 3, 1FE per 1,000 dwellings: *These sites are typically PDL with a dominance of 1-2 bed properties and are solely flatted (or at least >75% of) developments. There tends to be a housing unit density of >=60 per hectare (75 to 100 is quite common).*

The assessment of developments within the overall PYS will provide more substantive evidence to support and further refine the initial classifications and structure.

Spatial Planning do not use HELAA information but do classify permissions by their origin, where applicable, to SHLAA sites. Spatial Planning is currently in the process of collating and updating this information as an ongoing piece of work which will be completed at some point in the future. As PYS typology assessment work continues developments will be flagged if they have a SHLAA association, these records will then be cross matched to Spatial Planning datasets once their work is completed.

16.0 Limitations of the PYS methodology

There exist a few limitations in the methodology applied to determining mainstream and special school pupil yields from new build developments in the boundary of Hertfordshire County Council. The principle limitation relates to individual dwelling

bed size & tenure data whilst others relate to the transition to LTA for all sectors and data availability for Post-16 cohorts.

Whilst SMART Herts data sets have enabled the determination of overall type, bed size and tenure for each development it has not been possible to disaggregate to individual dwelling level in most instances. An exception to this was generally the smaller developments in the ≥ 10 to < 30 dwellings cohorts. Many of these smaller developments are of singular bed size and tenure and as such this could be cross referenced to the UPRN of the identified dwellings. In aggregate, it is estimated that 25% of the 50,000+ dwellings included in the study currently have specific bed size and tenure data.

The absence of individual dwelling bed size and tenure data does not prevent the determination of mainstream yield from an annual cohort of an overall known bed size and tenure mix, for either dwelling units only or by dwelling type. Such analysis is required by the DfE for determining likely average mainstream yields by development characteristics. However, it does cause substantial difficulties for modelling specific proposals, which may differ substantially to that observed from aggregate cohorts, as they come forward through the planning process.

Where proposals are substantially different to the “average” applied at Local Plan Stage then variance in yields from the norm will occur. For example, the trial PYS indicated an overall 17% contribution of Affordable Rented/Social Rented dwellings to the mix. Proposals currently coming forward within the authority may have a 40% representation of these tenures and as such yields would be anticipated to be substantially higher than “on average”. Specific site modelling based on a proposed type, bed size and tenure mix, using the Pupil Yield Study base data for a homogenous approach, is dependent on knowledge of individual bed size and tenure single dwelling average yields.

Hertfordshire County Council has approached both the ONS Census Team (for dwellings current as at the 2011 census) and HMRC to request access to individual dwelling bed size and tenure data. However, initial requests have been declined. Discussion with senior analysts in the DfE indicated that it has had similar problems in obtaining this data to individual dwelling level. The DfE implemented a project with Ordnance Survey (OS) to resolve these issues but outcomes have yet to be shared. Similarly, HCC approached GeoPlace however it became apparent that this information is not recorded within Local Land and Property Gazetteers. Review of district held council tax registers also determined that this data was not recorded against individual dwelling data by council tax band. Following discussion with the Information Commissioners Office (ICO) the authority is likely to submit a Freedom of Information (FoI) request to HMRC. Whilst it is not expected that the response will differ substantially to that initially received it is a requirement of the FoI Act that HMRC provided a detailed response as to why the data cannot be released. The ICO can then review this response, against the statutory requirements of the authority, and make a judgement as to whether access should be granted.

In relation to the transition to LTA the authority has generally observed that only those developments in the 2002 through to 2011 annual cohorts have attained peak at primary whilst, secondary peaks were only observed for developments in the 2002

to 2006 cohorts. In the latter case these developments peaked some 14 to 16 years following completion. Whilst change from peak to commencement of transition to LTA can be observed in some of the early annual cohort no singular cohort, either at primary or secondary, has been observed to attain LTA. It is likely that at least a further four years of longitudinal study will be required to observed attainment of LTA values for the earliest cohort. Consequently, LTA values applied in modelling will be of a best-estimate basis as outlined within Section 13 as opposed to “on the ground” observation from the PYS. This will also directly affect Post-16 peak and LTA values. An additional factor relating to the Post-16 cohort is that the authority can currently only include mainstream school cohorts. HCC does not have access to data returns from Further Education Colleges, these institutions return direct to the DfE.

. As a result of the current exclusion of this specific cohort then yields observed within the authority PYS at Post-16 will be less than the actual number of children resident in this age group. This will impact not only the accumulation of Post-16 cohorts to peak but also the yields at, and time at, peak in conjunction with transition to, and attainment of, LTA.

17.0 Provisional cohort sizes

In total 1,190 developments ≥ 10 dwellings in size containing 55,470 dwelling units were identified for possible inclusion in the Pupil Yield Study 2002 through to 2020. 114 developments were identified for exclusion as either being C2/C4 or, a permission reference was determined to be part of a larger permission and subsequently concatenated (Table 7).

Table 7. The combined ≥ 10 to < 30 and ≥ 30 development cohorts per annum.

<i>Annual Cohort</i>	<i>No: Devs</i>	<i>No: Dwellings</i>	<i>No: Devs Excluded</i>	<i>No: Dwellings Excluded</i>	<i>Devs in Cohort</i>	<i>Dwellings in Cohort</i>
2002_2003	70	3,138	5	148	65	2,990
2003_2004	35	1,901	4	152	31	1,749
2004_2005	75	3,969	6	247	69	3,722
2005_2006	73	3,400	8	258	65	3,142
2006_2007	76	3,288	5	317	71	2,971
2007_2008	85	2,804	2	32	83	2,772
2008_2009	75	3,258	10	171	65	3,087
2009_2010	53	3,472	2	68	51	3,404
2010_2011	44	2,075	3	33	41	2,042
2011_2012	62	3,241	6	225	56	3,016
2012_2013	50	2,024	6	262	44	1,762
2013_2014	46	1,628	6	206	40	1,422
2014_2015	57	1,904	4	171	53	1,733
2015_2016	72	3,580	6	231	66	3,349
2016_2017	77	3,065	7	174	70	2,891
2017_2018	71	3,032	8	221	63	2,811
2018_2019	90	5,868	11	632	79	5,236
2019_2020	79	3,823	15	443	64	3,380

TOTAL	1,190	55,470	114	3,991	1,076	51,479
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It can be provisionally indicated that the PYS will therefore include 1,076 developments containing 51,479 dwellings constructed within the boundary of the authority in the period 2002 to 2020. However, the most recent four annual cohorts have yet to be fully finalised either because: SMART Herts residential completions and size_type data sets 2020_2021 onwards will be required to complete the data sets or; there are complex sites for which estate files are being used to resolve. It is likely that the 2016_2017 and 2017_2018 developments will be fully resolved in forthcoming months whereas parts of the 2018_2019 and 2019_2020 may need to be reserved whilst most of their cohorts are processed.

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Hertfordshire County Council Appendix G



Department
for Education

Securing developer contributions for education

August 2023

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Summary

This publication provides non-statutory guidance from the Department for Education (DfE). Its purpose is to help local authorities secure developer contributions for education infrastructure to mitigate the impact of development. The guidance promotes good practice on evidencing these impacts, engaging with local planning authorities, and delivering expanded or new facilities with funding from housing development.

Expiry or review date

This guidance will be reviewed as necessary (for example, in response to changes in legislation or government policy).

Who is this publication for?

This guidance is for local authorities with a responsibility for providing sufficient school places under the Education Act 1996. It may also be a source of information for local planning authorities and other stakeholders involved in the delivery of schools.

Introduction

Government is committed to ensuring that there are enough good new school places to meet local needs, while also driving forward an ambitious housing agenda to increase housing delivery, home ownership and the creation of new communities. The timely provision of infrastructure with new housing is essential in meeting these objectives to secure high quality school places where and when they are needed.

DfE expects local authorities to seek developer contributions towards school places that you create to meet the need arising from housing development. You should consider the recommendations in this guidance alongside National Planning Practice Guidance on the evidence, policies and developer contributions required to support school provision.

This guidance is for local authorities with a responsibility to provide sufficient school places under the Education Act 1996. The guidance does not:

- Advise the construction/development industry on its duties and responsibilities in paying for infrastructure.
- Replace or override any aspects of other DfE publications such as guidance on the School Capacity ([SCAP](#)) survey and the [Admissions Code](#), or policy/guidance produced by other government departments.
- Make recommendations for individual schools or academy trusts on managing their capacity or published admission numbers.
- Propose new DfE policy on setting up new schools, parental preference, or the academy system.

This guidance is not intended to be an authoritative interpretation of the law: only the courts can provide that. You should obtain your own legal advice where necessary.

Purpose

As a local authority with education responsibilities, you already provide evidence of education need and demand for use by planning authorities in plan- and decision-making. This guidance draws on existing good practice and is intended to help you establish a robust and consistent evidence base, underpinned by the following principles:

- Housing development should mitigate its impact on community infrastructure, including schools and other education and childcare facilities.
- Evidence of pupil yield from housing development should be based on data from local housing developments.
- Developer contributions towards new school places should provide both funding for construction and freehold land where applicable, subject to viability assessment when strategic plans are prepared and using up-to-date cost information.
- The early delivery of new schools within strategic developments should be supported where it would not undermine the viability of the school, or of existing schools in the area.

There is great value in detailed local methodologies and guidance that explain to all stakeholders the process and reasons for the collection of developer contributions for education in that area. This guidance is not intended to replace local approaches, which often provide detail on matters including but not limited to:

- Education projects developer contributions may fund.
- The approach to seeking contributions for education from affordable housing.
- Types/sizes of homes that will be excluded from calculations of developer contributions.
- The minimum viable size of new schools.
- Minimum surplus capacity to allow for fluctuations in demand and parental choice, not counted as available when calculating developer contributions.
- Contributions 'in kind,' including direct delivery of school infrastructure (both land and construction) by a housing developer in lieu of a financial contribution.
- Requirements on size and suitability of school sites, including checklists, exemplar layouts and facility specifications.
- Standard planning obligation clauses.

As local approaches to securing developer contributions for education are reviewed, they should take account of the latest National Planning Practice Guidance, this guidance, the department's guidance on estimating pupil yield from housing development,¹ and the accompanying Pupil Yield Dashboard, as well as local contextual information such as changes to local planning policy and recent appeal history. This approach will help you inform local planning authorities effectively about the need for developer contributions

¹ <https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>

towards education infrastructure, supporting them in their policy-making and decision-making functions.

Mechanisms for securing developer contributions

1. Developer contributions for education are secured by means of conditions attached to planning permission, a planning obligation under Section 106 of The Town and Country Planning Act 1990, or the Community Infrastructure Levy (CIL). This system of developer contributions will be reconfigured over time by the introduction of a new Infrastructure Levy, with remaining use of Section 106 agreements for limited purposes and on particular sites. The detail of how the Infrastructure Levy will operate will be set out in regulations which will be consulted on.

2. The Department for Levelling Up, Housing and Communities (DLUHC) intends to introduce the Levy through a “test and learn” process, meaning that the existing system will remain in place in most areas for the foreseeable future, as the new system is rolled out incrementally over several years. That means that CIL and Section 106 will remain the standard means of securing developer contributions for local authorities before the new Infrastructure Levy is fully adopted, and therefore this guidance focuses on the existing system.

3. CIL revenues are intended to help fund the supporting infrastructure needed to address the cumulative impact of development across a local authority area. CIL can be used to fund the provision, improvement, replacement, operation, or maintenance of a wide range of infrastructure, including education facilities. Alternatively, a Section 106 planning obligation can secure a developer contribution by agreement with the local authority, allowing funding to be ringfenced for education facilities. A planning obligation may only constitute a reason for granting planning permission if it meets the following tests set out in the CIL Regulations². The obligation must be:

- Necessary to make the development acceptable in planning terms.
- Directly related to the development.
- Fairly and reasonably related in scale and kind to the development.

4. An infrastructure project may receive funding from both CIL and Section 106. We advise you to work with local planning authorities in devising their approaches to securing developer contributions, to consider the most appropriate mechanism (Section 106 planning obligations and/or CIL) to secure contributions from developers towards education facilities alongside other infrastructure funding priorities. The most appropriate route for funding education infrastructure may be affected by a local authority’s other infrastructure funding priorities, and we recommend working closely with the local planning authority to agree the best approach.

² Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended): <https://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>

5. When CIL funding is known to be insufficient or will be allocated to other, non-education infrastructure projects, and development will have a direct impact on education provision, we recommend close working with local planning authorities to agree using Section 106 planning obligations to secure the contributions. In two-tier local authority areas, the county council is often a signatory on the Section 106 agreement and the agreed education contributions are paid directly to the county council. This is considered best practice, ensuring efficient transfer of land and/or funding to the relevant local authority.

6. Pro-active engagement with local planning authorities should be undertaken during the preparation stage of CIL charging schedules, including during the mandatory consultation stage, to ensure viability considerations are fully considered when CIL rates are being set. You can also ask a CIL charging authority to review their existing CIL rates in areas where CIL charges are already impacting on viability considerations around the development of new or improved schools. CIL charging authorities can set zero or very low rates of CIL for uses of development (“use” in its wider sense, unconstrained by the Use Classes Order) where viability evidence demonstrates this to be appropriate. This engagement with local planning authorities is essential to ensure that the development of schools, and the significant public investment in community infrastructure that a school already represents, is fully considered during the CIL rate-setting process. This includes the setting of rates for specific types of development, and the setting of catch-all rates such as rates intended to apply to “all other development,” in which it is important that the impacts on school development are fully considered.

7. It is important that the impacts of development are adequately mitigated, requiring an understanding of:

- The education needs arising from development, based on up-to-date pupil yield factors.
- The capacity of existing schools that will serve development, taking account of pupil migration across planning areas and local authority boundaries.
- Available sources of funding to increase capacity where required.
- The extent to which developer contributions are required and the degree of certainty that these will be secured at the appropriate time.

8. The local authority providing children’s services is not always the charging authority for the purposes of collecting and distributing CIL. Effective on-going communication between teams responsible for planning and education is essential to ensure that education infrastructure needs and costs are factored into decisions about policy requirements and delivery mechanisms. In two-tier areas where education and planning responsibilities are not held within the same local authority, you should discuss with the local planning authority the most effective mechanism for securing developer contributions for education. The use of planning obligations where there is a demonstrable link between the development and its education requirements can provide certainty, subject to negotiation between developers and the local authority, over the amount and timing of the funding you need to deliver sufficient school places.

9. Local authorities are expected to use all the funding received by way of planning obligations, as set out in individual agreements, for a period of at least 10 years from the date of last payment, in order to make development acceptable in planning terms. Agreements should normally include clauses stating when and how the funds will be used and allow for their return after an agreed period if they are not used.

10. Allowing enough time for developer contributions to be used is particularly important for large developments that will include a new school. The timing of school delivery is usually dependent upon the housing build rate and new schools can only open when there are enough pupils to make them viable, or the revenue shortfall will be funded by other sources such as developer contributions until the minimum viable number of pupils has been reached. Also, large developments building out over many years may not generate significant numbers of secondary school pupils until after several years, so any time limits on the use of developer contributions for secondary education should be carefully considered. You should work with the local planning authority to agree appropriate clauses in planning obligations and the timing of transfer and use of any CIL funding.

11. The DfE's Basic Need grant, free schools programme and other capital funding do not negate housing developers' responsibility to mitigate the impact of their development on education. When the DfE central free schools programme is delivering a new school for a development, we expect the developer to make an appropriate contribution to the cost of the project, allowing DfE to secure the school site from the local authority on a peppercorn (zero or nominal rent) basis and make use of developer contributions towards construction. National Planning Practice Guidance explains how local planning authorities should account for development viability when planning for schools within housing developments, including an initial assumption that both land and construction costs will be provided.³

12. Basic Need allocations do not factor in the cost of land acquisition, so it is particularly important that any land required within larger development sites for schools is provided at no cost to the local authority wherever possible, and pooled developer contributions (Section 106 and/or CIL) from cumulative developments are secured for standalone school sites if you need to purchase them on the open market.

13. While Basic Need capital allocations and other DfE capital funding such as the High Needs Provision Capital Allocations can be used for new school places that are required due to housing development, we would expect this to be the minimum amount necessary to maintain development viability, having considered all infrastructure requirements. When you have a reasonable expectation of developer funding being

³ Planning practice guidance on viability, paragraph 029: <https://www.gov.uk/guidance/viability>. Construction costs include ICT and furniture and equipment required for the delivery of the school.

received for school places based on relevant reports and evidence,⁴ you should be in a strong position to secure these places through developer contributions when individual proposals come forward. Basic Need and other DfE capital funding should not be considered available in these circumstances.

14. When education facilities must be provided in advance of developer contributions being received (for instance, due to viability constraints), local authorities can make use of borrowing powers, including borrowing from the UK Infrastructure Bank or the Public Works Loan Board, capital reserves or other local authority funds. We recognise the inherent risks with forward funding, and it is always preferable for developer contributions to be secured upfront wherever possible, though circumstances will vary among local authorities.

15. When school places have been forward funded, you can secure developer contributions to recoup the monies spent, including interest, fees, and expenses as well as the principal sum spent. Where this model is envisaged, we recommend that you engage with the local planning authority before forward funding occurs to ensure they support this approach. The CIL Regulations prohibit borrowing against future CIL receipts, so this method of forward-funding only applies to planning obligations at present.

16. Local authorities can also bid for funding under government grant programmes as they become available, while developers delivering schools directly as an ‘in kind’ contribution may be eligible for loan funding from Homes England, allowing a new school to be delivered at an earlier stage in the development than would have been possible otherwise.⁵

⁴ For example, you have declared developer contributions in your SCAP return (or plan to do so) or in relevant school place planning strategies, or evidence documents such as Infrastructure Delivery Plans or committee reports.

⁵ <https://www.gov.uk/guidance/levelling-up-home-building-fund-development-finance>

Evidence of pupil yield from housing development

17. 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. To understand how pupil yield builds up in developments over time, you can consider pupil yield from developments completed 10 or more years ago as well as those built more recently. You are under no obligation to review pupil yields continually, but we recommend refreshing your data approximately every five years.

18. Pupil yield factors allow you to estimate the number of early years, school and post-16 places required as a direct result of development, underpinning local plan policies and the contributions agreed in planning obligations. We have published separate research data and guidance on estimating pupil yield, to assist local authorities producing and using pupil yield evidence.⁶

19. When assessing development proposals and their impact on local education provision, you can only justify securing developer contributions for the proportion of pupils that would have no available school place when forecast local school capacity has been taken into account, unless the site is large enough to require a new onsite school, which would normally be expected to meet the full need from the development. We recognise the challenges of forecasting local school capacity when developments may commence long after your usual forecast periods, or build out more slowly than anticipated, while cumulative development in the meantime may take up this forecast capacity. Paragraphs 76-80 provide options for how you can manage this risk.

Pupil yield from affordable housing

20. Affordable housing typically generates more pupils than market housing. In some locations, families occupying affordable housing may be more likely to move house within the same local area and will not necessarily lead to a net increase in the demand for school places in the short-term. However, in areas where local authorities prioritise allocation of homes to families on waiting lists, affordable housing may be more likely to be backfilled by families in need. Both market and affordable housing development increase the population in a pupil planning area⁷ and create permanent demand for school places. Our guidance on estimating pupil yield from housing development provides further advice on developing and using affordable housing pupil yield factors, recognising that additional local analysis may be required to understand differences in

⁶ <https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>

⁷ Pupil planning areas are defined in guidance: <https://www.gov.uk/guidance/school-capacity-survey-guide-for-local-authorities>

pupil yield from different types of affordable housing such as shared ownership and affordable rent.⁸

21. When you contribute to local plan preparation and discuss developer contributions with planning colleagues, we recommend that you describe the expected pupil yield from each tenure type to ensure all parties understand the total education need arising from the development. It is particularly important that the pupil yield from affordable housing is included in any developer contributions of land being negotiated, to ensure large enough sites are secured for new schools. While local planning authorities make their own policy decisions about how and when to secure developer contributions towards education, providing evidence of the level of need from both market and affordable housing will assist in the production of the local plan evidence base and the consideration of development impacts on education infrastructure when planning applications are determined. When the proportion of affordable housing to be delivered in a development scheme is unknown, you can apply combined average pupil yield factors or an assumed housing mix instead.

22. Higher pupil yields and therefore higher education costs associated with affordable housing should be recognised as part of the consideration of development viability when you engage with local planning authorities on plan-making and development proposals. Local planning authorities assess development viability and may decide not to fully fund the school places from CIL or pursue Section 106 developer contributions to meet the full education need if this would compromise the delivery of housing or other essential infrastructure. However, robust pupil yield data should help you to demonstrate the level of education need generated by development. The evidence you provide to local planning authorities should enable balanced judgement and a clear understanding of how policy decisions on matters such as affordable housing targets would affect the deliverability of infrastructure that is necessary to mitigate the impact of development.

Pupil yield evidence by education type and phase

23. While many early years settings fall within the private, voluntary, and independent (PVI) sector, local authorities have a duty to ensure early years childcare provision within the terms set out in the Childcare Acts 2006 and 2016. DfE has scaled up state-funded early years places since 2010, including the introduction of funding for eligible 2-year-olds and the 30 hours funded childcare offer for 3-4 year olds. Expanded early years entitlements for children aged nine months to three years old become available from 2024. The take-up of funded childcare entitlements is high, increasing demand for early years provision. All new primary schools are now expected to include a nursery.

⁸ <https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>

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.

24. You are also responsible for ensuring sufficient schools for pupils receiving primary and secondary education up to the age of 19, including securing sufficient education and training provision for young people with an Education, Health and Care (EHC) plan, up to the age of 25.⁹ When assessing post-16 requirements, any pupil yield data you produce in addition to the department's own research should identify the number of learners living in previous local housing developments, aged 16-19 (without an EHC plan) and up to the age of 25 (with an EHC plan).

25. We advise you to seek developer contributions for expansions required to sixth form and special educational needs and disabilities (SEN) provision, commensurate with the need arising from the development. Expansions to FE colleges are unlikely to be funded through planning obligations, but local planning authorities may allocate CIL for strategic expansion or enhancement of these facilities for a growing regional or sub-regional population.

26. To determine the need for SEN provision, pupil yield data should identify the number of children and young people living in local housing developments who attend special schools, alternative provision including pupil referral units, and SEN units and resourced provision within mainstream schools. It is reasonable to seek developer contributions for SEN provision in direct proportion to the needs arising from planned housing development, applying the same principle to SEN provision as to mainstream. The ability of special and alternative provision schools to accommodate pupils depends on the specific needs of each child. However, an increase in housing will lead to an increase in SEN, and we advise you to seek developer contributions for all special school/SEN places generated by a development, where there is a documented need for additional SEN provision.

27. Pupils attending special schools and alternative provision are typically drawn from a larger area than mainstream schools, and this should not affect your consideration of whether a planning obligation meets the legal tests outlined in paragraph 3. However, if the local authority identifies a shortage of specialist places for children and young people in a local authority area, resulting in a significant number having to travel a long way to access an appropriate placement, local authorities will need to consider creating or expanding specialist provision, either attached to mainstream schools or in special schools.

⁹ <https://www.gov.uk/government/publications/participation-of-young-people-education-employment-and-training>

28. You can seek developer contributions towards the cost of this enhanced local provision, applying the appropriate pupil yield factors to determine the level of need generated by development. You can substantiate your requests for developer contributions by compiling additional evidence of need for specialist provision, including the proportion of the pupil population with EHC plans or receiving SEN support, and the number of specialist places needed compared to those available in state settings within your local authority. If you currently rely heavily on provision outside your area and/or independent provision at a significant distance from pupils' homes, this can indicate a shortfall in specialist provision which will be exacerbated by additional housing development and could be mitigated by developer contributions.

29. We advise you to identify a range of specialist SEN or other non-mainstream projects and ensure that planning obligations allow you the flexibility to direct funds within an appropriate period. Non-mainstream provision does not conform to standard class sizes, these being determined according to need. While you can pool contributions towards a new classroom in a special school or SEN unit at a mainstream school, it is equally valid to seek contributions for school building alterations that increase a school's capacity to cater for children with SEN, such as additional space for sensory rooms, facilities to teach independent living skills or practical teaching space.

30. It is not necessary to disaggregate the SEN pupil yield factor according to different complex needs. All education contributions are based on an assessment of probability and averages, recognising that the precise mix of age groups and school choices cannot be known before a development is occupied. Site-specific factors will always need to be considered, but a robust local authority-wide pupil yield factor based on evidence from local housing developments will often be sufficient to demonstrate that this need is reasonably related in scale and kind to the development.

Costs of provision

31. You are not expected to produce site-specific feasibility studies or cost plans for school build/expansion projects when planning applications for housing development are under consideration, as this is extremely resource-intensive, and it is unknown if development proposals will be permitted or what circumstances will have changed by the time permissions are implemented. The amount of money that you seek to secure through developer contributions for education infrastructure should reflect the typical cost of providing school places in your region, linked to the policy requirements in an up-to-date emerging or adopted plan that has been informed by viability assessment.

32. We advise that you base the assumed cost of mainstream school places on the relevant average regional costs published in the DfE school places scorecard.¹⁰ This allows you to differentiate between the average per pupil costs of a new school, permanent expansion or temporary expansion, ensuring developer contributions are fairly and reasonably related in scale and kind to the development. You should adjust the regional average to account for inflation since the latest scorecard base date.¹¹

33. In addition, consider uplifting rates to reflect the costs associated with achieving the sort of sustainability and design standards set out in the department's updated School Output Specification 2021¹² (or a future update which is relevant to the timing of a project). The department has uplifted Basic Need grant funding by around 10% to support local authorities meet the costs associated with achieving these sorts of standards. This percentage may be a useful basis for an uplift to developer contributions, though current local planning context such as additional climate change, environmental or design policy requirements may justify an alternative uplift.

34. We recognise that scorecard costs are based on historic projects that may have been built to former standards.¹³ This uplift approach should help deliver school capital projects to higher sustainability standards, including considerations relating to buildings that are net zero carbon in operation and with additional climate resilience measures. We recommend the use of index linking, such as the BCIS All-In Tender Price Index (TPI), when developer contributions are discussed at planning application stage and in planning obligations, so that contributions are adjusted for inflation at the point they are negotiated and when payment is due.

¹⁰ <https://www.gov.uk/government/collections/school-places-scorecards>

¹¹ Further guidance on doing this is available with the school place scorecards (see the [technical notes](#)).

¹² <https://www.gov.uk/government/publications/employers-requirements-part-a-general-conditions>

¹³ Basic need allocations 2025-26: Explanatory note on methodology, <https://www.gov.uk/government/publications/basic-need-allocations>

35. Where you have a reasonable expectation of higher costs based on local planning policy requirements, known site abnormalities or recent trends of higher delivery costs for projects in your area, these can be used in preference to the regional average in the school places scorecard.

36. Developer contributions for early years provision will often be used to fund places at existing or new school sites, incorporated within primary schools. Therefore, we recommend that the per pupil cost of early years provision is assumed to be the same as for a primary school, unless you have alternative local/regional cost data for new or expanded standalone settings (either maintained or PVI sector) that more accurately reflect the type of new early years provision required in your area. Similarly, sixth form places provided within secondary schools will cost broadly the same as a secondary school place. The technical notes accompanying the school places scorecard include advice on how to apply costs per place when the local schools operate a three-tier system of education.

37. Special schools require more space per pupil than mainstream schools, and this should be reflected in the assumed costs of provision. Many local authorities set the costs of special or alternative provision school places at four times the cost of mainstream places, consistent with the additional space requirements in Building Bulletin 104.¹⁴ You can also refer to the National School Delivery Cost Benchmarking report¹⁵ and published free schools cost data¹⁶ for the costs of delivering special school places. Use local or regional evidence where appropriate to demonstrate higher costs of specialist provision compared to mainstream.

38. Developer contributions that mitigate the impact of development on education provision should be recognised as necessary in principle. As set out in paragraph 13, while DfE capital funding can be used for new school places that are required due to housing development, we would expect this to be the minimum amount necessary to maintain development viability, having considered all infrastructure requirements. This ensures the most responsible and efficient use of limited public funds.

39. Planning Practice Guidance sets out the government's expectations regarding developer contributions and viability assessment with regard to education provision.¹⁷ Using evidence of need and cost as advised in this guidance, viability assessments can identify a Section 106 cost for education per dwelling that development can fund

¹⁴ <https://www.gov.uk/government/publications/primary-and-secondary-school-design/primary-and-secondary-school-design>

¹⁵ <https://ebdog.org.uk/article/cost-of-school-buildings-national-benchmarking-study-2021-22-now-available-and-2022-23-submissions-now-requested/>

¹⁶ <https://www.gov.uk/government/publications/capital-funding-for-open-free-schools>

¹⁷ Planning Practice Guidance on viability, paragraph 029: <https://www.gov.uk/guidance/viability>

alongside other infrastructure and affordable housing (testing the effect of different affordable housing policies), to ensure that any proposed CIL rate represents the realistic headroom that is available after site-specific impacts of development have been addressed.

40. Even if viability assessment determines that development in the area cannot fully fund the cost of education infrastructure, accurate evidence of need and cost allows all parties to plan effectively and reduces the risk of renegotiation/reduction of developer contributions in future. You should assist local planning authorities in setting out education requirements clearly in local plans and evidence base documents, such as Infrastructure Delivery Plans and Infrastructure Funding Statements.

Identifying education projects

41. Local plans and other planning policy documents should set out the expectations for contributions from development towards infrastructure, including education of all phases (age 0-19) and special educational needs.¹⁸ We advise local authorities with education responsibilities to work jointly with local planning authorities as plans are prepared and planning applications determined, to ensure that all education needs are properly addressed, including temporary education needs where relevant, such as temporary school expansion and any associated school transport costs before a permanent new school opens within a development site. This does not mean double funding the same school places but allows development to be acceptable in planning terms when it is not possible to open a permanent new school at the point of need. When a permanent new school is delivered (or the relevant financial contribution is received), no further contributions to temporary provision should be required.

42. Depending on local admission arrangements and patterns of parental preference, children living in a development might reasonably attend any school within the pupil planning area (or even an adjoining one in some cases), and you should not assume that they will all attend a particular school unless there are no likely alternatives. The best option may be to expand another school to free up capacity in the nearest school, as this reclaimed capacity would meet the need from the development (in compliance with the Section 106 tests) while balancing out admissions across the planning area and reducing school trips by car (see paragraphs 85-92).

43. In accordance with national planning policy and guidance, we anticipate that housing development which gives rise to additional pupils will only be planned in locations that are, or will be made, environmentally sustainable. Using connectivity metrics that indicate public transport accessibility or active travel provision can help identify what transport measures could be required to mitigate impacts and promote sustainable travel.

44. You should advise local planning authorities of the consequences of allocating/permitting developments that have no school within safe walking distance and will require permanent public investment in home-to-school transport or generate significant additional trips, for pupils to access their nearest available schools. As well as the cost burden this imposes on the local authority, there may be lasting harm to the environment and public health through increased carbon emissions and detrimental impacts on air quality, which the local planning authority will weigh against any perceived benefits. Consider recommending refusal of planning applications when no suitable

¹⁸ Planning practice guidance on planning obligations, paragraph 008:
<https://www.gov.uk/guidance/planning-obligations>

solutions for sustainable access to education infrastructure can be agreed, and there would be a clear detrimental impact, either from single or cumulative housing developments.

45. When there is no suitable solution for sustainable access to school but a local planning authority (or Planning Inspector) is still minded to approve a development, you can seek developer contributions towards the cost of home-to-school transport for an agreed period, such as three years following the occupation of dwellings to reflect the usual timescale for government revenue funding to take account of the latest pupil projections. The department does not fund most home-to-school transport directly; the majority comes under the local government settlement administered by the Department for Levelling Up, Housing and Communities. Home-to-school transport receives no ringfenced funding of its own, and there are many competing demands on funding from the local government settlement.

46. When housing development will create a permanent need for home-to-school transport, including transport to special schools and alternative provision, work with local planning authorities to ensure that developer contributions are identified as an expected source of funding in pre-application correspondence, Infrastructure Funding Statements, Infrastructure Delivery Plans, and any other relevant parts of the local plan evidence base. It remains our preference for new school places arising from housing development to be created only in sustainable locations, accessible either via a safe active travel route or by public transport.

47. We recommend that you identify a preferred and 'contingency' school expansion project in a planning obligation, or list all schools in the pupil planning area, if any of the identified options would address the needs from development and comply with the Section 106 tests. This will help you respond to changing circumstances and new information, such as detailed feasibility work leading you to abandon a preferred expansion project.

48. In locations where emerging or adopted local plans propose housing growth, we advise you to carry out a high level assessment of whether schools in the area can expand or increase capacity through other alterations, in discussion with schools and academy trusts, and including an assessment of whether significant changes to the schools' physical capacity would accord with the department's statutory guidance at that time.¹⁹ Also identify site options for any new schools (within proposed housing developments or on standalone sites) that are likely to be required over the plan period. Including suitable projects in Infrastructure Funding Statements will ensure that developer contributions are clearly identified as the funding source where new schools,

¹⁹ <https://www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy>

expansions or alterations are required. This background work will also minimise the risk of a specified school project in a planning obligation proving undeliverable. Planned expansions to academies may require an agreement between the local authority and academy trust to ensure that school places provided by developer contributions are commissioned/delivered appropriately.

49. You can seek developer contributions towards the cost of offsite works that are required to deliver a new school or school expansion associated with housing development, such as traffic management measures, school streets, better streets for cycling, walking and people, to promote active travel.²⁰ Alternatively, these works can be secured as highways obligations under a Section 278 agreement. Consult local highways teams on the extent and cost of offsite works, which should be carried out ahead of new school provision becoming available.

50. Housing developments may also provide an opportunity for Biodiversity Net Gain (BNG) to be delivered on the sites of existing or new schools.²¹ While this is not a requirement from a school place planning perspective, housing developers that are required to provide BNG either within a large mixed use site containing a new school, or offsite when all onsite options have been exhausted, may be interested in using education land for this purpose. We recommend working with local planning authorities, schools, and environmental services to identify opportunities for housing developers to use education land to provide offsite habitats associated with the BNG requirement of development, in addition to any contributions towards the creation of new school places that are required due to housing development.

51. It is important that BNG provision is not seen as an alternative to the creation of additional school places that are necessary to make a development acceptable in planning terms. Your priority will be the sufficiency of school places, while the developer's obligation to provide BNG will exist regardless of whether education land is used. Any proposal for BNG on education land will require careful consideration of how its provision can be integrated alongside existing school uses and how the maintenance of BNG provision will be undertaken. Provision of any BNG areas on school land will need to be secured for 30 years. Development on any BNG areas in future will require additional improvements, posing an additional site constraint. Any use of school land to satisfy BNG requirements of housing developments should not restrict future school expansions, use of school land (current and future) to enable delivery of the curriculum, or result in a shortfall of minimum BB103/104 areas.²² Any BNG provision on school land that is

²⁰ <https://www.gov.uk/government/publications/cycling-and-walking-plan-for-england>

²¹ The Environment Act 2021 requires a minimum of 10% Biodiversity Net Gain from development. The Planning Advisory Service provides more information about these requirements: <https://www.local.gov.uk/pas/topics/environment/biodiversity-net-gain-local-authorities>

²² <https://www.gov.uk/government/publications/area-guidelines-and-net-capacity>

compatible with the site should maximise use of the school itself in terms of climate resilience and education. Development of educational facilities will also be required to meet BNG requirements under the Environment Act and local plan policies.

Safeguarding land for schools

52. National Planning Practice Guidance advises on how local planning authorities should prepare plans and take account of education requirements.²³ We advise you to work with local planning authorities and developers to ensure your long-term pupil place planning objectives are reflected in the development plan and supplementary planning documents.²⁴ Precise policies can aid decision-making later, setting out the total amount of land required for education, and the approach to securing equitable developer contributions when one developer provides the land for a new school, though the need for the school is generated by more than one development or phase. To embed sustainable travel patterns at these sites, you can use connectivity metrics that highlight the accessibility of public transport and active travel, to inform your engagement with planning colleagues formulating local plan policies.

53. When development proposals come forward on non-allocated sites that are large enough to justify a new school, it is equally important that sufficient suitable land is safeguarded for education, and you should advise local planning authorities of the education requirement as early in the planning process as possible, ensuring that education land required to serve the development is provided (freehold) at the appropriate time and at no cost to the local authority.

54. You may wish to safeguard additional land when new schools within development sites are being planned, to allow for anticipated future expansion or the reconfiguration of schools to create a single site. 'Future-proofing' can sometimes be achieved informally through a site layout that places open space adjacent to a school site. Where there is a forecast need for new school places that is not linked exclusively to a particular development, the development plan can allocate specific areas of land for new schools or school expansion and safeguard specific parcels of land within wider development sites for education use. Safeguarded land within larger site allocations can be made available for purchase by the local authority within an agreed timescale, after which the land may be developed for other uses.

55. While developers can only be expected to provide free land to meet the education need from their development, the allocation of additional land for education use within a development plan will make it more difficult for landowners to secure planning consent for alternative uses on that land, enabling you to acquire the site at an appropriate cost that reflects the site allocation. This ensures that land is reserved for education uses, and

²³ Planning practice guidance on healthy and safe communities, paragraphs 007 and 008: <https://www.gov.uk/guidance/health-and-wellbeing>

²⁴ The development plan is defined in Section 38 of the Planning and Compulsory Purchase Act 2004, and comprises the spatial development strategy, development plan documents and neighbourhood development plans. <https://www.legislation.gov.uk/ukpga/2004/5/contents>

prevents such land being usurped by uses with a higher development value. Land equalisation approaches can be used in multi-phase developments to ensure the development 'hosting' a new school (and any additional safeguarded land) is not disadvantaged.

56. The market price for the land will depend on its permissible uses. Land allocated for educational use in a local plan would usually have limited prospect of achieving planning permission for any other uses. As a general principle, the value of education land should be considered substantially lower than that of residential land. The process and basis of valuation should be set out in the Section 106 agreement, and valuations should be conducted by an appropriately qualified valuer. National Planning Practice Guidance provides advice on land valuation for the purposes of viability assessment.²⁵

57. The use of compulsory purchase powers may have a potential role in supporting the delivery of new education facilities.²⁶ However, it is a tool of last resort and compulsory purchase orders (CPOs) may only be confirmed (approved) where an acquiring authority has made efforts to acquire the land by agreement and it can demonstrate a compelling case in the public interest exists for the use of compulsory purchase powers. Where an acquiring authority seeks to acquire land for the purposes of providing education facilities via a CPO, its justification for doing so may be strengthened if the site is allocated for such a use in an up-to-date development plan.

58. Where new schools are planned within housing developments, consider whether direct delivery by the developer would represent the best value for money, subject to an appropriate specification and pre-application support from the local planning authority. This removes the risk for local authorities of an affordability gap between Section 106 agreed contributions and the actual cost of delivery several years later, even once adjustments for inflation have been applied. However, this approach is not without procurement challenge risk, and you may wish to take specific legal advice when developer delivery is the preferred option. General advice on complying with subsidy control and public procurement legislation is provided in the Annex.

²⁵ Planning practice guidance on viability, paragraph 013: <https://www.gov.uk/guidance/viability>

²⁶ Section 8 of CPO guidance on enabling powers for educational purposes: <https://www.gov.uk/government/publications/compulsory-purchase-process-and-the-crischel-down-rules-guidance>

Strategic developments and new settlements

59. New communities are one way of planning for housing growth at the scale required to meet the country's housing needs. In recent years, the government has supported a number of garden communities and other strategic developments under the Garden Communities Programme, Housing Infrastructure Fund, Levelling Up Fund, and other programmes/initiatives.

60. Strategic planning of urban extensions and new settlements often includes place-making objectives about the early provision of infrastructure, to establish a sense of community and make the place attractive to residents. Early delivery of a school can be problematic if it precedes new housing, risking unacceptably low pupil numbers or drawing pupils from existing schools, threatening their viability and resulting in unsustainable travel patterns. We advise local authorities with education responsibilities to work jointly with local planning authorities and other partners to agree the timing of new school provision, striking an appropriate balance between place-making objectives, education needs and parental preference. Many local authorities find the best approach is to open a school at the stage in the development where there is expected to be a viable number of pupils to admit into Reception (which varies but can be around 20 pupils), adding one new year group each academic year until all seven year groups are in place.

61. Regardless of the opening strategy (filling from the bottom up or opening all year groups simultaneously), schools can be constructed in single or multiple phases; the best approach will depend on local circumstances and characteristics of the development. Where appropriate, for instance in the early stages of development while the need for school places is growing, developer contributions can be secured for temporary expansions to existing schools if these are required, and transport costs for pupils travelling further than the statutory walking distance.²⁷ This will allow a permanent new school to be provided in a single construction phase once the development has generated sufficient pupil numbers, rather than phased construction over a longer period. While the existing pupil cohort may not switch schools initially, if the admission arrangements for the school offer a high priority for admission for children living in the development area, subsequent pupils will usually take up these new school places over time.

62. As far as possible (and often in relation to primary schools only), new settlements and urban extensions large enough to require a new school should be expected to meet their full education requirement. Where an onsite school is required, it should be large

²⁷ The statutory walking distances are set out in Section 444(5) of the Education Act 1996 and the Home to School Transport guidance: <https://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance>

enough to meet the need generated by the development, based on standard class sizes and forms of entry. For example, a development that generates 400 primary school places would require a standard two forms of entry (2FE) school.

63. The capacity of existing primary schools beyond reasonable and safe walking distance does not need to be considered when calculating developer contributions for permanent onsite schools in new settlements and urban extensions. This promotes sustainable and healthy travel patterns for young people, while helping housing developments mitigate their impact on the environment by reducing the need for pupils to travel by private car or school transport. We recognise that secondary school planning areas are larger and there may be no realistic option for walking or cycling to school, but this is mitigated by local planning policies that direct most development towards locations with access to public transport. We advise you to engage in both local development plan and local transport plan-making processes to help ensure that new education infrastructure is in as sustainable a transport location as possible.

64. When a new onsite school is proposed to be built early in the development of an urban extension or new settlement, you will naturally consider the effect this might have on parental demand and the viability of existing schools. To minimise detrimental impacts on existing schools while supporting local planning authorities to plan new communities, you should work with school providers and the relevant Regional Director to promote opening strategies that will maintain equilibrium in school populations across your area. This can include phased delivery, with the initial phase future-proofed for future expansion (such as an oversized assembly hall and dining area) and land safeguarded for the school's expansion when need builds up over a lengthy period, though it is important to secure commitment to the delivery of later phases. Any subsequent conversion of non-teaching space into teaching space capacity would be subject to the 'significant change' process, if the works create space for more than 30 pupils.²⁸

65. You should also work with local planning authorities to ensure that planning policies and planning obligations require a suitable school site to be made available at the appropriate time. If early school delivery is required, the school site must be identified and agreed at an early stage, giving consideration to its accessibility and condition at the point of transfer.

66. If a new school opens in a single phase below its full capacity while it awaits pupils moving to the development, this does not represent an available surplus for other developments assessing their own impact and mitigation unless circumstances have changed for the original development, such as a redesign of later phases which will give rise to fewer pupils than previously planned. Complementary uses that share the school

²⁸ <https://www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy>

site can be considered for a temporary period while a new school fills. In practice, you may prefer to deliver the school in phases using modular construction methods, linking capacity more closely to emerging need, though the initial phase must still provide a viable sized school.

67. New housing tends to attract more young families than older housing, yielding higher numbers of pupils particularly in the pre-school and primary age groups, though this can stabilise over time until the development resembles the mature housing stock. We advise you to respond to forecast peaks in demand, such as planning for modular or temporary classrooms where appropriate, working with schools to consider admitting above the Published Admission Number (PAN) for a limited period, and securing a large enough site to meet the maximum need generated by the development. Our guidance on estimating pupil yield from housing development provides further advice on planning for peaks in pupil numbers.²⁹ Where new settlements are planned, we recommend that demographic modelling is conducted to understand education requirements in more detail, taking account of similar developments and different scenarios such as an accelerated build rate.

68. Also consider if there are sustainability, efficiency, and educational benefits in relocating an existing school, for example where a development is large enough to require a new secondary school, but it would be too close to an existing secondary school, both of which would be relatively small. Such reorganisation of the school estate, relocating and expanding an existing school on a development site, may be necessary to make the development acceptable in planning terms, if the alternative distribution, size, or condition of schools would be unsustainable. In some cases, multiple developments are creating this need for a new/relocated school, and you should work with local planning authorities and developers to identify the most suitable site (provided at no cost) and equitable contributions from the other development sites towards the cost of construction. Proposed changes to an existing school are subject to following the relevant process, depending on the category of the school.³⁰ We advise that you work collaboratively with local planning authorities to ensure your objectives for the school estate are reflected in planning policies and decisions.

69. There is often a degree of uncertainty around the delivery of urban extensions and new settlements, in view of the long timescales involved, multiple developers and changeable market conditions. The build rate of development may be slower than anticipated, while land provided for a school may need to be returned to a developer if it is not used within an agreed period. Therefore, consider the clauses within planning obligations if they impose any time restriction on the use of transferred education land,

²⁹ <https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>

³⁰ <https://www.gov.uk/government/collections/school-organisation>

and the potential for the overall phasing of developer contributions to cause delays. Where land must be returned to a developer, this should be on the same terms as it was given; land provided by free transfer should be returned as such.

70. We recommend that you work with local planning authorities to agree Section 106 templates recognising The National Design Guide³¹ and associated National Model Design Code to achieve well-designed places, and the department's Design Standards,³² to develop standard education clauses, schedules and annexes regarding site specifications and any other relevant matters, to form the basis for early negotiations with developers and other interested parties.

71. To support the delivery of strategic development at pace, you may decide to forward-fund school provision within an urban extension or new settlement, using Basic Need funding or local authority borrowing if necessary and recouping these costs later through developer contributions secured by a planning obligation. While we recognise there are some inherent risks to this, our position on the use of Basic Need funding and other forward-funding options is set out in paragraphs 13-16. There should be an audit trail to demonstrate that developer contributions were planned as the funding source from the outset, such as references in Infrastructure Delivery Plans or other evidence documents, and pre-application correspondence. The fact that a local authority has delivered a school in advance of receiving agreed developer contributions is not a justification for renegotiating a Section 106 agreement or withholding CIL.

³¹ <https://www.gov.uk/government/publications/national-design-guide>

³² <https://www.gov.uk/government/collections/school-design-and-construction>

Assessing capacity in existing mainstream schools

72. Children moving into non-strategic/cumulative developments will usually attend existing schools rather than new provision if those schools have sufficient capacity or can be expanded. When it is not feasible for local schools to accommodate pupils from new housing development either through surplus places or expansion, developer contributions may be required towards a new school, including site acquisition where necessary.³³

73. The department publishes the recorded built capacity (the number of pupils the school can accommodate) for all schools in England.³⁴ In practice, the number of places available in a school is determined by the PAN for that academic year, based on standard class sizes and multiplied across all year groups. For instance, a primary school might admit 60 Reception pupils per year (two classes of 30 pupils), aggregated to 420 pupils across all seven year groups. When there is strong local demand for places, schools may increase their PAN or admit pupils above PAN if they have the space to do so, subject to the procedures set out in the Admissions Code.³⁵ When considering capacity for the purposes of securing developer contributions, we recommend you use aggregated PAN as the capacity figure unless built capacity is far in excess of PAN, as this capacity should be utilised before developer contributions are required for new school places. We recognise that the admission authority for an academy is the academy trust and you do not control their PAN, but you should seek to negotiate and agree changes with academy trusts where appropriate as part of your coordination of admissions across your area.

74. When predicting the impact of a proposed development on education provision, local authorities assess whether there will be enough capacity in existing schools to accommodate the number of pupils anticipated at the time the development is expected to be built. These assessments take account of birth rates, existing children in education, predicted population change and established patterns of pupil movement and parental preference. Available capacity now does not necessarily mean there will be capacity when the development is building out and being occupied, if children already living in the area are forecast to need the school places or other developments have already been approved but not yet implemented and will make use of that spare capacity. Existing temporary school capacity should not be included unless there is a funded plan to make it permanent.

³³ Factors affecting the feasibility of school expansion include (but are not limited to) academy willingness to expand, school performance issues, highways/offsite issues, physical limitations of a site/building, heritage, and environmental constraints (e.g., listed buildings and flood plains), and the viability of expansion compared to a new school.

³⁴ <https://explore-education-statistics.service.gov.uk/find-statistics/school-capacity>

³⁵ <https://www.gov.uk/government/publications/school-admissions-code--2>

75. It is important that both academy trusts and maintained schools collaborate with local authorities to enable school expansions where and when they are needed, taking into account unused capacity. When a school is unable/unwilling to expand or there is a risk that an agreement to do so will be withdrawn, alternative options for meeting the need from a development should be considered, including requiring delivery of a new free school when justified by the level of housing growth.³⁶ Developer contributions from multiple developments may be pooled for this purpose. Planning obligations can include flexible options for meeting education needs, provided they would be directly related to the development, necessary to make the development acceptable in planning terms, and fairly and reasonably related in scale and kind to the development.³⁷

Deferring school capacity assessments

76. Forecasting schools' capacity to accommodate children from housing development is sometimes complicated by the fact that a development will not start generating pupils for many years. Due to this inherent uncertainty in predicting future school capacity at planning application stage, you may wish to adopt policies in local pupil place planning strategies and education contribution methodologies that allow for the final assessment of available school capacity to be conducted once development has been commenced or an appropriate number of properties occupied. Where local planning authorities are supportive of this approach, Section 106 agreements can make provision for a maximum developer contribution based on no local school capacity being available. The agreement can require that the local authority reviews this when the development commences, adjusting the contribution according to current school capacity and up-to-date forecasts at that time.

77. The Section 106 agreement can ensure that any education contributions that are not required will be redistributed to other identified infrastructure projects if contributions to these projects had previously been reduced on viability grounds. This allows greater certainty that the level of contribution is commensurate with the impact of the relevant development when it comes forward and can also take account of actual housing types and sizes relative to pupil yield and capacity. This prevents a developer contribution from being underestimated, while ensuring that the contribution payable fairly reflects the need for mitigation when the development is built.

³⁶ This includes providing underwriting to support the school as it grows. Free schools delivered through the central free schools programme receive pre and post opening revenue funding from DfE. <https://www.gov.uk/government/publications/mainstream-free-school-revenue-funding>

³⁷ These are the legal tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). <https://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>

78. Using this approach, the maximum developer contribution for education infrastructure cannot be increased, other than through index-linking for inflation; it can only remain the same or be reduced, depending on the latest evidence of a development's impact on local education infrastructure. However, deferring final assessments of education infrastructure needs may have resource implications, as well as needing the support of planning colleagues, so the use of this approach will depend on local circumstances. Section 106 planning obligations must be mutually agreed between the developer and the planning authority, so it is for the parties to the agreement to determine the precise terms of it, taking into account wider issues such as viability and the CIL Regulation 122 tests in each case.³⁸

79. The same principle can be applied to securing funding from CIL reserves, with the maximum cost of additional school provision factored into evidence documents such as Infrastructure Delivery Plans and reduced where possible at the point funding is sought from a CIL collecting authority.

80. This approach to deferring assessment of school capacity will require the support of local planning authorities, so you should engage positively with them when drafting new policies and standard review clauses for Section 106 agreements, ensuring that these form part of the local plan's evidence base and can influence plan preparation and decision-making. We recognise that local planning authorities can reduce education contributions due to development viability and their own prioritisation of infrastructure types, sometimes agreeing with the developer a lower total amount for education in a planning obligation. However, if you start with the maximum mitigation that could be required and commit to review this later, an insufficient total amount secured by the local planning authority may stretch further if local schools have some capacity when the development commences. This might allow the developer contribution to fund all or most of the capital cost of providing the new school places where previously that had not been considered possible. Again, it remains a matter for the LPA and developer to agree terms of the Section 106 agreement taking into account wider issues such as viability and other infrastructure needs, and the CIL regulation 122 tests in each case.

Protected surplus

81. Local authorities are expected to retain a margin of unfilled places to be able to operate their admissions systems effectively. For example, to offer places to children whose families move mid-year and to provide for parental choice. Local authorities should balance this against the need to manage the local school estate efficiently and reducing or re-purposing high levels of spare capacity, in order to avoid undermining the

³⁸ The Community Infrastructure Levy Regulations 2010 (as amended):
<https://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>

educational offer or financial viability of schools in their area. The precise amount of surplus capacity that is appropriate will vary around the country depending on local patterns of net migration and churn in the pupil population.

82. The department's Basic Need funding calculation includes a 2% operating margin at planning area level to help support parental choice, churn in the pupil population, and the general manageability of the system. Local authorities may apply different operating margins at different levels, such as planning area or local authority level, to reflect their local circumstances. Such an operating margin is there to provide the kind of operational flexibility described above, rather than meet the need for additional school places arising from proposed developments. It is important that the evidence and reasoning behind capacity assessments and protected surpluses are properly explained to planning colleagues if they are to have confidence in education funding requests and be prepared to defend these at appeal if necessary.

Cross-border capacity assessment

83. Occasionally pupil planning areas draw pupils from more than one local authority, so the schools most likely to receive pupils as a result of a development may be in a different local authority area from the one determining the planning application. When this happens, close collaboration will be required between the relevant local authorities and developer to determine what developer contributions (if any) are appropriate.

84. The local authority determining the planning application can secure developer contributions towards education provision for children living in its area, and this funding can be used to commission the provision of new school places in the adjoining local authority area. Local authorities are free to invest in the provision of places lying outside the local authority's boundaries, if they believe that the capital investment will improve the quality and range of provision available to the children for whom it is responsible. Otherwise, an alternative school that is within the planning area and also within the same local authority as the development might be expanded, reducing cross-border migration. The most suitable solution will depend on local circumstances, and, in areas where pupils travel regularly across local authority borders, we encourage you to work with neighbouring authorities to consider solutions that may benefit pupils on both sides of the border.

Schools to include in capacity assessments

85. In many cases, assessment of mainstream school capacity available to a proposed development can be conducted at pupil planning area level,³⁹ taking into account the forecast capacity at all schools the pupils living in the development might reasonably attend, and the options for school expansion. This provides a clear functional and geographical link between the need generated by the development and the additional school capacity being created.

86. The amount of capacity in existing schools that should be considered ‘available’ can be contentious if there is a trend of out-of-catchment admissions at the schools nearest to the proposed development. A catchment area is distinct from a pupil planning area, typically only containing a single school for that education phase (primary or secondary), though not all admissions authorities operate catchment areas at all. Assessing capacity across the entire pupil planning area may help to recognise and respond to these pupil migration patterns, so if necessary you can expand another school in the planning area rather than the school nearest to the development.

87. Sometimes the most suitable school to expand will be a school that typically admits pupils from a wider area, such as a faith, selective, or single-sex school, even though not all families moving into the development may be prioritised for admission. Increasing capacity at a popular school of this type can free up capacity at other schools within the planning area, which will then be available to pupils from the development, although we recommend this is assessed case-by-case and such a school only expands when sufficient admissions currently come from within the pupil planning area to make that trade-off a reality.

88. When children living in a proposed development might reasonably attend schools in more than one planning area, it may be appropriate to consider the proportion of pupils who are likely to attend schools in each planning area, based on an analysis of current pupil migration. When pupil planning areas are of a size or configuration that prevents their schools from being reasonable alternatives for residents of a development to access, you can consider capacity only within the development’s school catchment area or an alternative area, such as a locally appropriate radius of the development. We recognise that some schools and settlements will be too distant from each other to represent reasonable alternatives for home-to-school travel.

89. The guiding principle is that the assessment of local school capacity includes all schools that residents of the development might reasonably attend, based on known patterns of pupil migration in that area. This may be the whole planning area or a smaller

³⁹ Pupil planning areas are defined in school capacity guidance: <https://www.gov.uk/guidance/school-capacity-survey-guide-for-local-authorities>

area, depending on local characteristics. Paragraphs 43-46 provide advice on assessing the impact of development proposals when the schools that will serve the development are beyond reasonable safe walking distance.

90. Whatever geographies for capacity assessment are suited to your area, developer contributions remain necessary as mitigation for expected impact on local education provision. Accounting for patterns of pupil migration in your capacity assessment should help you demonstrate that developer contributions towards any school expansion within that area would meet the legal tests for Section 106 planning obligations⁴⁰ or that funding from CIL is justified. Over time, admissions should balance out across the planning area, minimising unsustainable travel patterns while enabling children living in the housing development a sufficient choice of school places, as advised by the National Planning Policy Framework.⁴¹

91. While allowing freedom of parental preference is essential, you may also consider the health and environmental sustainability benefits of encouraging preference for schools within walking distance of development, working with academy trusts and other partners to develop local marketing strategies, improved active travel routes and other incentives to choose the nearest school. Engage with local planning authorities on policy requirements for travel plans that encourage sustainable modes of transport, including developer contributions towards their implementation where appropriate (also see paragraph 49 on offsite works).

92. When large-scale housing development or other demographic factors are changing the local pupil planning landscape, you may wish to review the planning area structure to ensure they are still in line with the guidance for SCAP.⁴²

⁴⁰ These are the legal tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), set out in paragraph 3 of this guidance.

⁴¹ National Planning Policy Framework, paragraph 95:
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

⁴² Further guidance on reviewing planning areas: <https://www.gov.uk/guidance/school-capacity-survey-guide-for-local-authorities>

Annex

Developer delivery of new schools

1. Direct delivery of new schools by housing developers may represent good value for money if it is possible to meet all legal requirements and it is not the local authority's prime motivation to avoid application of the Public Contracts Regulations 2015 (PCR). Sometimes the developer may be best placed to deliver the school and the department supports developer delivery of schools *in principle*. This model of delivery should not contravene subsidy control or public procurement rules. While we advise you to seek your own project-specific legal advice, when necessary, this annex sets out the department's view on the legal position at the time of publication. Local authorities should keep abreast of emerging case law that may have a bearing on this advice, and any legislative changes following the UK's exit from the European Union.⁴³
2. High quality design and performance for developer-built schools are achievable through the planning and building control process, and compliance with national standards such as the DfE building bulletins, output specification and other design standards and guidance.⁴⁴
3. When developer delivery is proposed and is considered lawful, we recommend a partnership approach between the local authority, academy trust (where relevant) and developer to negotiate a brief and design specification may help to avoid disputes, although partnership working should be carefully considered in light of the advice below regarding compliance with procurement law.
4. We recommend that planning obligations or other mechanisms provide detail on how local authorities intend to step in and deliver the school if developer delivery falls through but the school is still required. Longstop clauses should ensure that the land for the school is transferred early enough for the local authority to intervene and provide the school at the right time. In these situations, the planning obligation should also require financial contributions to be made in lieu of the 'in kind' provision of the school by the developer, making use of review mechanisms where necessary to respond to changing circumstances. Even in cases where a planning obligation is silent on this subject, Section 106(6) of The Town and Country Planning Act 1990 provides that the local authority may enter land to carry out works required by a Section 106 agreement where

⁴³ At the time of publication, current rules are expected to be preserved in domestic law. See [The State Aid \(EU Exit\) Regulations 2019](#) (draft) and [EU Exit guidance on public-sector procurement](#).

⁴⁴ [School design and construction guidance](#).

the developer is in default. However, where a risk of non-delivery is identified, we recommend that specific planning obligations are secured to mitigate that risk (for example through performance bonds).

Subsidy Control

5. If a local authority decides that it will have to make a financial contribution to a developer to support the delivery of a new school, the local authority must first conduct an analysis of the financial contribution to ensure compliance with the subsidy control regime. The guidance below sets out the key components of the subsidy control regime. However, we strongly recommend that local authorities seek their own independent legal advice on a case-by-case basis when considering making any financial contribution to a developer, or indeed any third party.

6. The first stage in assessing compliance with the subsidy control regime is considering whether the assistance actually constitutes a subsidy. To be considered a subsidy, financial assistance must meet each of the following criteria:

- a financial contribution – this is defined broadly to include any kind of support or market transaction that is considered to have a financial value for the recipient, which includes, although is not limited to, grants, tax exemptions, and relaxed planning consents.
- provided by a public authority (including within its scope any entity that exercises functions of a public nature).
- which confers an economic advantage that would not be available on commercial terms.
- which is specific either to a particular enterprise or enterprises in a particular sector.
- has a harmful or distortive effect on trade within the UK or internationally.

7. In some cases, analysis of the assistance will show that the assistance does not meet all the criteria for a subsidy, and therefore no further steps are required to demonstrate compliance with the subsidy control regime. It is important, however, that local authorities keep a record of their decision making in relation to assessing the contribution in line with the subsidy control criteria, including any independent legal advice they have received.

8. Where it has been determined that the financial assistance meets all the criteria to constitute a subsidy, further assessment is required to ensure that the subsidy aligns with each of the subsidy control principles:

- Subsidies should pursue a specific policy objective to remedy an identified market failure or address an equity rationale.

- The subsidy must be proportionate to the policy objective and limited to what is necessary.
- Subsidies should be designed to bring about a change of economic behaviour of the beneficiary which should be conducive to achieving the specified policy objective and would not happen in the absence of the subsidy.
- Subsidies should not normally compensate for costs the beneficiary would have funded in the absence of any subsidy.
- Subsidies should be an appropriate policy instrument for achieving their specific policy objective and the objective must not be capable of being achieved through other, less distortive, means.
- Subsidies should be designed to achieve their specific policy objective while minimising any negative effects on competition and investment within the United Kingdom.
- The beneficial effects of the subsidy should outweigh any negative effects, including in particular negative effects on competition and investment within the United Kingdom, and international trade and investment.

9. Once compliance with the subsidy control principles has been determined, the subsidy must be registered on the subsidy database. The subsidy database provides an element of transparency to the subsidy control regime, providing a platform upon which subsidies can be displayed and therefore notified to the public. The public authority granting the subsidy has a statutory duty to upload details of the subsidy on the database. Every subsidy, save those which benefit from an exemption under Part 3 of the Subsidy Control Act 2022 must be registered on the database. The subsidy must be registered within three months of the public authority's confirmation of its decision to make the scheme. This information is then maintained on the subsidy database for a period of 6 years, or for the duration of the subsidy, whichever is longest, and must be maintained by the public authority throughout this period.

10. A failure to meet any of the subsidy control principles could result in a tribunal finding that the subsidy is unlawful. It is entirely at the discretion of the Competition Appeal Tribunal (CAT) whether a remedy is ordered where the tribunal concludes that a subsidy is not compliant with the subsidy control rules. Where the tribunal chooses to order a remedy, it may choose to order any of the following:

- **Mandatory Order:** An order to require the relevant public authority to perform its legal duties.
- **Prohibiting Order:** An order prohibiting a public authority from carrying out an unlawful act, including prohibiting a public authority from giving a subsidy.
- **Quashing Order:** An order setting aside an unlawful decision, including those decisions made by a public authority in relation to granting a subsidy.
- **Declaration:** the CAT may make a declaration to clarify a point of law.
- **Injunction:** an order requiring the public authority to either do or not do something, which can be used on an interim basis whilst investigations are underway.

- Recovery: An order requiring the public authority to take the subsidy back from the beneficiary.

11. The subsidy control regime is a complicated and developing area, hence why it is so important that local authorities seek their own independent legal advice before granting financial assistance.⁴⁵

Public contracts and FTS procurement

12. Under the Public Contracts Regulations 2015 (PCR), a ‘public contract’ means “contracts for pecuniary interest concluded in writing between one or more economic operators and one or more contracting authorities and having as their object the execution of works, the supply of products or the provision of services”⁴⁶.

13. To be considered a public contract, there must be ‘pecuniary interest’ in the contract. The concept of pecuniary interest has been found to be wider than the concept of ‘consideration’ in the law of England and Wales for the purposes of determining whether a contract amounts to a public contract⁴⁷. For example, situations where a local authority is funding the building of a school through a loan, where a local authority is making very minor contributions to the development of the school or even where there is no financial contribution at all from the local authority but the opportunity to carry out the development has the effect of waiving a prior debt for the developer⁴⁸, are likely to be considered to amount to pecuniary interest.

14. ‘Public works contracts’ means “public contracts which have as their object any of the following:

- (a) the execution, or both the design and execution, of works related to one of the activities listed in Schedule 2.
- (b) the execution, or both the design and execution, of a work.
- (c) the realisation, by whatever means, of a work corresponding to the requirements specified by the contracting authority exercising a decisive influence on the type or design of the work.”⁴⁹

⁴⁵ For further information please refer to: www.gov.uk/government/publications/uk-subsidy-control-statutory-guidance

⁴⁶ Regulation 2(1) PCR 2015

⁴⁷ *R(Chandler) v SoS Children, Schools and Families* [2009] EWCA Civ 1011; *Ordine degli Architetti delle province di Milano v Comune di Milano* Case C-399/98 (La Scala).

⁴⁸ See *Ordine degli Architetti delle province di Milano v Comune di Milano* Case C-399/98 (La Scala)

⁴⁹ Regulation 2(1) PCR 2015

15. A public works contract must therefore, as well as being a public contract, also have the following characteristics:

- (a) It must have as its main object, the execution of or design and execution of either:
 - i. construction activities as defined in Schedule 2 to the PCR; or
 - ii. a “work” as defined in Regulation 2 of the PCR, such as the outcome of a building or civil engineering works taken as a whole;

whether or not the works or work is ‘for’ the contracting authority⁵⁰; and/or
- (b) the contracting authority must specify the design of the relevant works; and
- (c) it must include either direct obligations upon the other party to deliver the works, or an indirect obligation to deliver – i.e., to ‘procure’ the works.⁵¹

16. Although some UK case law has made a distinction between planning obligations and other contracts, recognising that the public body is motivated to exercise its planning powers in order to regulate the development of land, rather than procuring an economic benefit,⁵² it is still possible for a Section 106 agreement to be considered to be a public works contract and fall within the scope of application of the PCR.

17. Where a Section 106 agreement places an obligation on a developer to provide a financial contribution or land/buildings for a new school because this is necessary to make the development acceptable in planning terms (a prerequisite for a planning obligation), that Section 106 agreement may not constitute a public contract. However, this is not a ‘hard and fast’ rule. The main object and motivation of the local planning authority must be to ensure that planning policies are enacted; even after the *Helmut Muller* case it was clear there could be circumstances under which a Section 106 agreement could be found to be a public works contract if the circumstances and facts indicated to the Court that it was being used to avoid a tender process.

18. In this scenario, a Court would look to see whether in fact the characteristics of a public works contract exist. For example, the Court would consider the extent to which the local authority had specified the design of the school, whether there was some form of consideration/pecuniary interest to the developer (see above), whether the developer was insisting on undertaking the works, or whether there was any other justification under

⁵⁰ *Gestion Hotelera Internacional SA v Comunidad Automa di Canarias* [1994] ECR I – 1329; *Commission v Italy* (2008) Case C-412/04

⁵¹ *Helmut Muller GmbH v Bundesanstalt fur Immobilienaufgaben* (C-451/08); *Jean Auroux v Roanne* (Case C-220/05)

⁵² *Faraday Development Ltd. and West Berkshire Council and St Modwen Developments Ltd.* [2018] EWCA Civ 2532 and *Helmut Muller GmbH v Bundesanstalt fur Immobilienaufgaben* (C-451/08)

Regulation 32. The Court would require the disclosure of emails, minutes, and other evidence to understand whether the Section 106 agreement was deliberately being used to avoid the need for a PCR tender process.

19. There is limited guidance from case law regarding the extent to which a contracting authority can become involved in the design of works before it is deemed to be 'specifying' such works.⁵³ A contract would be likely to be deemed a public works contract if the contracting authority took measures to define the type of work to be undertaken by the developer or at the very least had a 'decisive influence' on its design. 'Requirements specified by the contracting authority' has been taken to exclude the exercise of a public authority's urban planning powers in examining building plans presented to it, or the decision to apply its planning powers in relation to a particular project.

20. Further, for the purposes of procurement law, it is the entrustment by the contracting authority of the obligation to undertake the works that is relevant, not the reasons for doing so, or the beneficiary of the works. Where works are carried out corresponding to specific requirements, there could be a public works contract whether or not the ultimate beneficiary of all or part of the works is the local authority itself.⁵⁴ This means that if a school site is to be transferred to school site trustees or leased to an academy trust post-construction, this does not affect consideration of whether a public works contract exists.

21. Where a local authority does need to specify the design of the works to meet its own statutory obligations regarding the provision of education facilities to a certain specification, it may not be able to use a Section 106 agreement to commission the works in compliance with the PCR, for the reasons set out above, if there is any form of pecuniary interest whatsoever. However, it may be possible for the local authority to rely instead on the provisions of PCR Regulation 32 to justify its decision to commission a certain developer with pre-existing rights over the land, to carry out the works. Regulation 32(2) provides that a public contract may be awarded without prior publication in certain prescribed circumstances, including (relevant to this Annex):

“(b) where the works, supplies or services can be supplied only by a particular economic operator for any of the following reasons: —

...

(ii) competition is absent for technical reasons,

⁵³ *Helmutt Muller GmbH v Bundesanstalt für Immobilienaufgaben* (C-451/08)

⁵⁴ *Jean Auroux v Roanne* (C-220/05).

(iii) the protection of exclusive rights, including intellectual property rights,

but only, in the case of paragraphs (ii) and (iii), where no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement.”

22. A local authority’s justification for not advertising a development opportunity which would otherwise be required to be advertised under the PCR, could (depending on the facts) be based on the argument that only a certain developer can build as a result of their exclusive rights over the land (Regulation 32(2)(b)(iii)), or as a result of the absence of competition because the development must be able to fit in with the broader development scheme of that developer already in place on that land (Regulation 32(2)(b)(ii)).

23. However, local authorities should be aware that any attempts to deliberately design a procurement to avoid the application of the PCR, risks a breach of PCR Regulation 18 which is also reflected in the last condition of Regulation 32(2)(b) set out above. For Regulation 32(2)(b) to apply, the absence of competition must not be “the result of an artificial narrowing down of the parameters of the procurement”; similarly, the design of *any* procurement must not be “made with the intention of excluding it from the scope of [the PCR]” (Regulation 18(2) PCR). As noted above, if a legal challenge were brought against a local authority for failing to advertise under the PCR, disclosure of emails, meeting minutes and other evidence would be used by the Court to determine whether as a matter of fact, it was the local authority’s intent in entering into the development agreement, to avoid the application of the PCR altogether.

24. The practical application of the above guidance for local authorities, is summarised as follows: a Section 106 agreement is less likely to be considered to be a ‘public works contract’ where:

- (a) It does not contain any direct obligations on another party to deliver works – for example, it only seeks a financial contribution from a developer rather than requiring them to actually carry out the works; **or**
- (b) There is genuinely no pecuniary interest in the arrangement whatsoever and the developer will take full cost and risk for the build of the school without loan or contribution, no matter how small; **or**
- (c) It can be shown that:

- i. the essential object⁵⁵ of the Section 106 agreement is to ensure, through the grant of planning permission, that the local authority meets its statutory obligations as to the provision of education facilities (rather than the execution of the works to build the school); **and**
 - ii. The Section 106 agreement contains a generic design brief applicable to all schools that is unlikely to be considered to be a 'decisive influence' on the design of the works; however, specifying the more detailed DfE Output Specification is certainly likely to be considered a 'decisive influence'; **or**
- (d) The Section 106 agreement contains an option for the developer to choose to carry out the works or pay a contribution if it can demonstrate that it has exclusive rights over the site in question and or any other technical reasons why no other contractor would be appropriate pursuant to Regulation 32.

⁵⁵ *Faraday Development Ltd. and West Berkshire Council and St Modwen Developments Ltd. [2018] EWCA Civ 2532 at paragraph 53*



Department
for Education

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Hertfordshire County Council Appendix H

Department of Education: Local Authority School Places Scorecards 2022 Cost (Published – 29 June 2023)

Primary Education:

Average cost per place for permanent, temporary and new school projects

Type	England
New School	£23,192
Permanent Expansion	£19,425
Temporary Expansion	£9,184

Secondary Education:

Average cost per place for permanent, temporary and new school projects

Type	England
New School	£28,096
Permanent Expansion	£26,717
Temporary Expansion	£10,310

Source: [Local authority school places scorecards, Reporting year 2022 – Explore education statistics – GOV.UK \(explore-education-statistics.service.gov.uk\)](https://explore-education-statistics.service.gov.uk)

Hertfordshire County Council Appendix I



Basic need allocations 2023-24 and 2024-25: Explanatory note on methodology

Overview of Methodology

The basic need allocations announced in March 2022 are paid to local authorities (LAs) to support the capital requirement for providing new pupil places by expanding existing maintained schools, free schools or academies, and by establishing new schools. This is un-ringfenced capital funding that is not time-bound, so that local authorities can make the best decisions for their local area.

Local authorities are required to verify this funding has been spent on capital projects through the section 151 officer's return, as well as providing data through the annual School Capacity (SCAP) survey. We also ask local authorities to provide details on their final expenditure through the Capital Spend Survey. The funding methodology we use to calculate allocations for 2023-24 and 2024-25 remains almost identical to that used in 2022-23, except for some minor refinements explained herein.

Mainstream allocations for 2023-24 and 2024-25

The Department for Education has provided basic need allocations of £746m to create school places needed by September 2024, and a further £195m to create school places needed by September 2025. The basic need allocations are based principally on data collected from local authorities in the 2021 School Capacity Survey (SCAP). This survey collects information on the capacities of schools in each planning area¹ of each local authority, as at May 2021, and local authorities' forecasts of pupil numbers for several years ahead. Statistics based on the 2021 SCAP were published on 24th March 2022².

Basic need funding is allocated on the basis of a comparison of school capacity (not pupil admission numbers) against forecast mainstream pupil numbers from reception to year 11 uplifted to provide a 2 per cent operating margin. Where capacity is lower than forecasts, we fund the gap. The allocations for the 2023-24 financial year are based upon the projected need for new places by September 2024 (the start of academic year 2024/25). The allocations for the 2024-25 financial year are based upon the projected need for new places by September 2025 (the start of academic year 2025/26).

¹ Planning Areas are groups of schools, often (but not exclusively) in a similar geographic area, reflecting patterns of provision. Primary planning areas are different from secondary planning areas.

² <https://www.gov.uk/government/collections/statistics-school-capacity>

Calculating school capacity

Capacity is apportioned to each year group using the aggregate of Published Admission Numbers (PANs) in each planning area. For secondary planning areas, capacity is apportioned using PAN data for year groups 7 to 11 and number on roll (NOR) data for year groups 12 to 14. We have refined this aspect of methodology in recognition that some school sixth-form students leave part way through the year, using numbers on roll in the January 2021 census rather than the May census.

The raw figures for school capacity that existed in 2021 do not represent everything we know about what capacity will exist in 2024 and 2025. So adjustments are made to account for school places for which central government funding (other than basic need) has already been provided, but which are not yet reflected by the data collected through SCAP because they were not yet operating in May 2021. This avoids double-funding these places. Specifically the department:

- adds to school capacities the full number of additional school places we expect to be delivered by September 2024 and September 2025 through the Targeted Basic Need and Priority School Building programmes, Selective Schools Expansion Fund, the Condition Improvement Fund, the Voluntary Aided Schools Capital Scheme, and expansions of University Technical Colleges;
- adjusts the capacity recorded in SCAP of those free schools that opened from September 2015 to September 2020, to reflect the places anticipated to be in use by September 2024 and September 2025, as we know not all year groups will be operating in those schools by that date. We have refined this aspect of the methodology, looking back over a longer period than in previous years and making the adjustment for both centrally- and locally-delivered ('presumption') free schools;
- includes the places expected to be in use by September 2024 and September 2025 for those free schools that opened in September 2021 and are due to open in September 2022 (and so were not captured in the May 2021 SCAP survey); and
- where appropriate, removes capacity to account for known and anticipated school closures.

Calculating how many places are needed

The number of places to fund is calculated by comparing:

- the capacity in each school year group in each planning area (adjusted as described above); with
- the number of pupils local authorities expect to have in each school year group in each planning area, uplifted by 2 per cent.

The 2 per cent uplift in pupil forecasts is designed to provide an operating margin for local authorities. This helps to support parental choice, pupil population movement, and general manageability of the system. Where pupil forecasts exceed available capacity this is considered to be a 'shortfall'. Conversely any surplus in capacity beyond those uplifted forecasts is counted as 'zero', meaning we do not use any spare places to offset shortfalls elsewhere (such as in another planning area or another year group). We then aggregate any shortfalls for each year group, in each planning area, to give an overall total of additional places needed by September 2024 and September 2025 for each local authority. This produces a 'raw shortfall', a total figure that measures

the gap in places between our assessment of capacity based on SCAP 21, and forecasts of pupil numbers for September 2024 and September 2025. We then adjust this figure to account for previous basic need funding allocated, as outlined below.

Adjusting for previous basic need funding

Since allocations are announced a number of years in advance of the academic year to which they relate, we need to account for previously announced allocations that will not yet have delivered places that show in the SCAP survey we are using (otherwise we would risk funding the same places twice). To do this we take the raw shortfall figure and subtract the number of places funded in the previous years of allocations:

- for 2023-24 allocations this is the 2020-21, 2021-22 and 2022-23 allocations; and
- for 2024-25 allocations this is the 2020-21, 2021-22, 2022-23 and 2023-24 allocations

We call this process 'abatement' and we do it because we expect local authorities will still be in the process of delivering those places and they will not have been counted in SCAP 21. The assumption is that local authorities will use that previously announced funding to deliver the number of places for which it was allocated. So each year we fund only places needed in addition to those previously funded.

There is a degree of inherent uncertainty in forecasting a number of years ahead: pupil growth can materialise more quickly or more slowly than expected. Where the gap between capacity and a local authority's forecasts goes up, we provide the additional funding in the next year's allocations. Where the gap between capacity and forecasts goes down, instead of reducing an announced allocation the mechanism described above means that we offset the excess against future allocations.

Our methodology also offsets any primary over-funding (i.e. where past places funded exceeds the need for new places for academic years 2024/25 and 2025/26) against both primary and secondary allocations. The same applies to any secondary over-funding. We call this 'mixed abatement', and only places funded via the preceding year of allocations are eligible to be offset in this fashion. This means past overfunding will be 'paid off' more quickly and efficiently, and it therefore enables us to target available resources more effectively to address the need for places. This feature of the methodology was first introduced for the 2020-21 allocations.

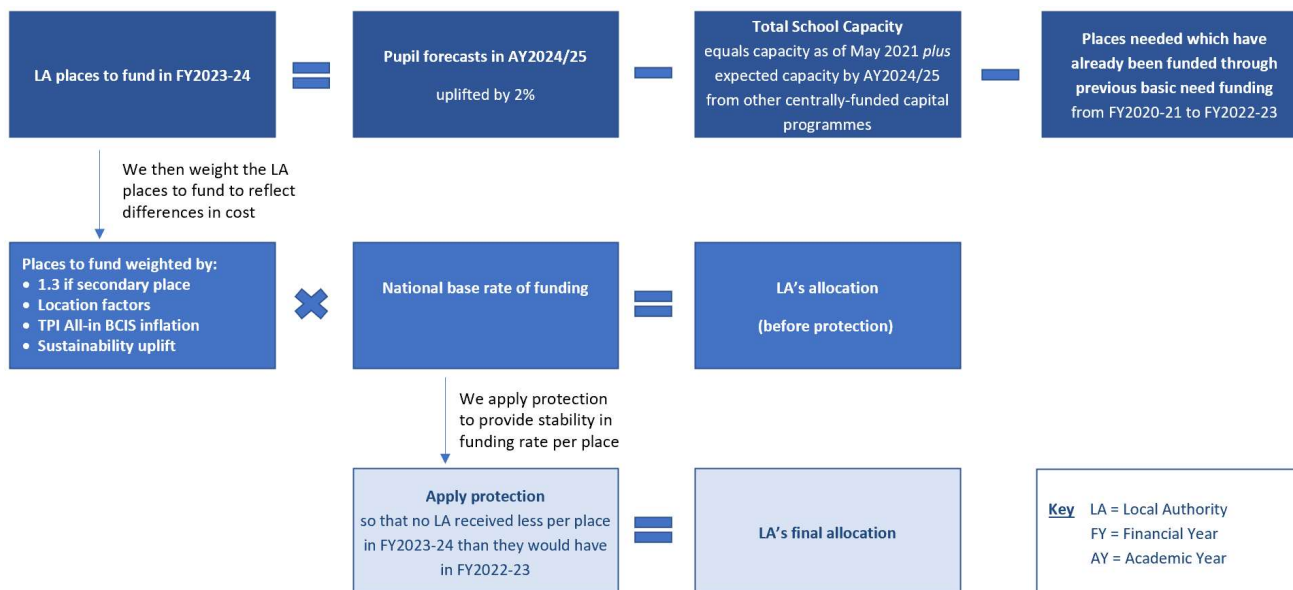
Calculating how much money to allocate for those places

The resulting figures, after the adjustments above, represent the number of additional places that we estimate local authorities will need to provide for the academic years 2024/25 and 2025/26 – that is the places over and above those that we have either already funded or are being provided by centrally-delivered programmes such as the free schools programme. These figures are multiplied by a rate per place that is weighted for primary and secondary (so that funding for secondary places is 30 per cent higher than primary) and to take account of regional differences to reflect the relative costs of building across the country.

Rates are inflated according to BCIS All-in TPI³. For the 2023-24 and 2024-25 allocations, the department has also uplifted basic need grant funding rates to support costs associated with achieving the sort of sustainability standards set out in its updated School Output Specification⁴. The rate per place has been uplifted by around 10%, based on estimates of the costs associated with meeting improved sustainability standards for a typical school or college project, including considerations relating to buildings that are net zero carbon in operation and with additional climate resilience measures⁵.

We then ensure that no local authority receives less per place for these allocations than for previous allocations. The basic need funding to be allocated is distributed according to the resulting figures.

Figure 1: Summary of the methodology for 2023-24



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³ <https://www.rics.org/uk/products/data-products/insights/new-tender-price-index-bcis/>

⁴ <https://www.gov.uk/government/collections/school-design-and-construction>

⁵ The uplift has also been applied to the 2022-23 basic need rates and therefore increased local authority allocations for that year (originally published in February 2021). In order that local authorities receive the amount they would have been allocated if the change had been made in February 2021, the uplift has been applied to the unprotected 2022-23 rate per place.

Hertfordshire County Council Appendix J

Technical Appendix 3: Education (Mainstream Schools)

1.0 Service Overview

1.1 Hertfordshire County Council (the county council) is the local authority with statutory responsibility for education. The county council is subject to a number of statutory duties and responsibilities including:

- Promoting high standards of education
- Planning and commissioning school places in its local authority area
- Extending diversity and choice
- Co-ordinating admissions in the normal admissions round for all maintained and academy schools
- Resourcing the shared maintenance, improvement to, and provision of, the built school environment, and securing value for money.

1.2 The county council has a duty to secure sufficient school places in its area, ensuring that every child has access to a school place. The county council fulfils its planning responsibilities by:

- forecasting and analysing short-term demand for school places in order to identify an appropriate balance between supply and demand
- negotiating the right number of places on an annual basis, within a diverse and varied education landscape including academies and other 'own admitting authority' schools outside the county council's control
- undertaking longer term strategic planning to ensure sufficient education infrastructure is identified within the local plan process to meet the longer-term needs arising from proposed housing growth.

1.3 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 and receive the appropriate contributions. The county council has a duty to set out the requirements for any new school needed to serve a new or growing community in order that potential providers may express interest in running that school. Where a Section 106 agreement provides the land and funding for a new school, the county council will usually procure the school building and then arrange any necessary leasehold transfer to the provider.

1.4 Further information on school place planning is available at www.hertfordshire.gov.uk/schoolplaces

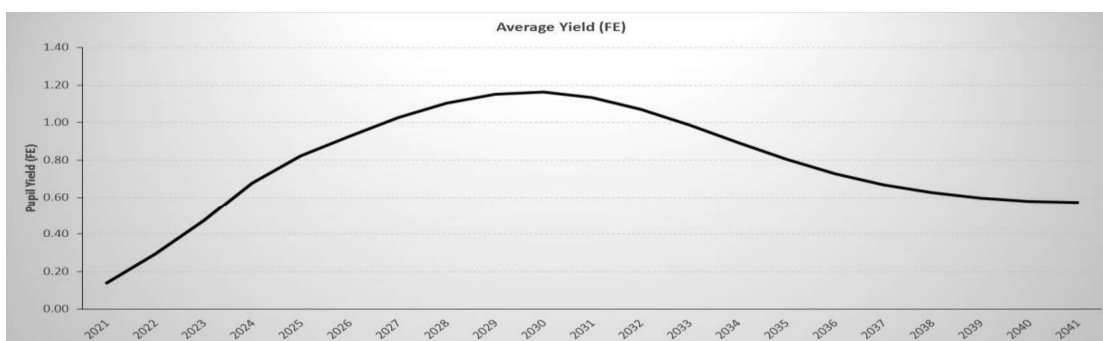
2.0 Assessing need and calculating contributions

2.1 Where there is insufficient capacity in existing local schools, or where demand is projected to exceed supply as a result of growth from new housing, the county council will seek planning obligations to mitigate the impact of

development. Developer contributions towards new school places should provide both funding for construction¹ and land where applicable.

Methodology

- 2.2 The potential pupil yield arising from an individual development site is currently assessed using the Hertfordshire County Council Demographic Model² (the Hertfordshire model or HDM), which projects the average number of children likely to emerge from different types, sizes and tenures of dwellings over time. The modelled yields are calibrated against observed yields from recent new developments in Hertfordshire, which have been assessed as part of a detailed Pupil Yield Study³ (PYS).
- 2.3 New housing tends to attract a greater proportion of young families, yielding higher pupil numbers particularly in the pre-school and primary age groups. The Hertfordshire 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.
- 2.4 Permanent per-place costs will be 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.
- 2.5 In the following example, the projected average primary age pupil yield for a theoretical development is shown in the graph below.



¹ Construction costs include fit out, furniture and equipment and ICT, as well as any offsite costs which are necessary to deliver the project (e.g. highways works)

² A separate guide on the Hertfordshire Demographic Model is available on the website.

³ More information regarding the PYS is available on the county council's website. Emerging data based on observed yields from over 6,000 new dwellings has been used to calibrate the HDM.

- 2.6 In this scenario, the county council would seek contributions to provide permanent places at approximately 1FE (1 form of entry, equivalent to 30 additional places in each of year group), an average level of demand which is exceeded for seven years⁴. Temporary costs would be sought to cover the average projected demand above 1FE.
- 2.7 Department for Education (DfE) guidance⁵ confirms that Local Authorities should seek contributions to meet estimated peak yield from new housing. The county council believes that where additional places are needed across a sustained period and a number of year groups, it is inappropriate and impractical to attempt to provide them through temporary provision (which is usually made for a single year group per school). Providing additional capacity over a number of years at a single school would be expected to trigger a formal 'prescribed alteration' (or 'significant change' in academy schools) process⁶. Such a process is invariably linked to providing high-quality permanent accommodation rather than short-term temporary buildings, with the associated higher capital cost. The approach outlined above enables the county council to deliver additional capacity to the estimated peak whilst acknowledging that some places may be required for a limited period due to the projected yield changing over time.

Nursery and Post-16 Contributions

- 2.8 The county council expects that all new primary schools will include nursery classes, while expansions of existing schools will, in most cases, also involve an increase in the number of nursery places. Contributions towards nursery provision will be sought at permanent and temporary per-place rates to the same proportion of peak yield as is calculated for the development at the primary phase. Contributions will only be sought where additional nursery provision is being provided as part of the mitigation project.
- 2.9 Similarly, in Hertfordshire the vast majority of secondary schools offer post-16 (sixth form) provision. It is expected that new secondary schools will also offer post-16 education. Contributions towards post-16 provision will be sought at permanent and temporary per-place rates to the same proportion of peak yield as is calculated for the development at the secondary phase. Contributions will only be sought where additional post-16 provision is expected to be provided as part of the mitigation project.

Per-Place Cost Calculations

- 2.10 Final contributions sought are derived from per-place costs. These are the number of temporary-place and permanent-place pupils projected by the model, multiplied by the national average costs published by the Department for Education in its local authority school place scorecards⁷, adjusted to allow

⁴ Note: the graph shows average demand (i.e the average across all year groups). Demand within a single year of entry in this example is likely to exceed 1FE for 10 years or more.

⁵ DfE 'Securing Developer Contributions for Education'

⁶ DfE statutory guidance 'Making significant changes ('prescribed alterations') to maintained schools', and DfE 'Making significant changes to an open academy'.

⁷ DfE school place scorecards are available at www.gov.uk/government/collections/school-places-scorecards

for the sustainability standards set out in the updated DfE School Output Specification but which are not yet reflected in the scorecard values⁸. The adjustment follows the current DfE approach to its basic need funding allocations to Local Authorities; the rate per place has been uplifted by 10%, based on its estimates of the costs associated with meeting improved sustainability standards for a typical school or college project, including considerations relating to buildings that are net zero carbon in operation and with additional climate resilience measures. These costs will be reviewed and updated as appropriate following the DfE's annual data release, or whatever schedule the department might adopt in future.

- 2.11 Where the cost to deliver the project is expected to be in excess of the funds which would otherwise be achieved through the application of these charges, such as might be the case for projects with abnormal costs due to planning, highways or construction limitations (e.g. located on a flood plain, in conservation areas, or on constrained sites), or where the school place planning solution necessitates it, then the full cost of providing the identified project and/or purchasing additional land to do so may be sought from the developer.
- 2.12 The county council will specify the date to which costs have been rebased (e.g. 1st quarter 2022) to allow future indexation against the Building Cost Information Service (BCIS) All-In Tender Price of Index (TPI) and BCIS Regional TPI.
- 2.13 In some instances, an individual development may not be required to provide a whole new school to make it acceptable in planning terms but, land may be required to deliver a new school project. Funding for the remaining school site (proportionate land and build costs⁹) would be met by other developments coming forward in the local area. The county council would expect such additional land to be designated specifically for education use within the local plan and made available for purchase by the local authority and allocated for educational use would usually have no prospect of achieving planning permission for any other uses and the county council would therefore expect to acquire it at a cost which reflected its intended use.
- 2.14 Where there is a cost to the local authority to acquire land to deliver a scheme to provide additional places, the additional cost of purchasing the land will be added to the per-place construction contribution as calculated above. A representative proportion of land costs will be added where multiple developments are being mitigated by a single additional place scheme.

Indicative Education Contributions

- 2.15 The following tables show indicative contributions for a new build project, by dwelling type, bed-size and tenure, which might be sought from typical sites

⁸ The DfE's scorecard costs are currently based on reported projects between 2015/16 and 2017/18

⁹ Build/construction costs include fit out, furniture and equipment and ICT.

within each of the broad development types identified at the strategic local plan¹⁰ stage.

- 2.16 Costs are weighted according to the relative pupil yield from the different types and sizes of dwelling¹¹; a 3-bed house will, for example, produce more children on average than a 1-bed flat and therefore require a greater level of mitigation. Similarly, most socially rented properties are expected to produce on average more children than the equivalent sized market¹² value dwelling, with the exception of 1-bed properties. The contributions sought from each type and size of property is therefore in line with the projected average pupil yield from it, which in turn dictates the number of additional school places which will be needed to mitigate a particular development.

Indicative Cost Tables by Phase of Education

Education: Nursery

TIER	HOUSES				FLATS			
	1 bed	2 bed	3 bed	4+ bed	1 bed	2 bed	3 bed	4+ bed
	Market value housing and shared ownership (and other) ¹²							
Tier 1	£400	£801	£1,335	£1,563	£439	£878	£834	£1,025
Tier 2	£342	£684	£1,140	£1,335	£300	£601	£570	£701
Tier 3	£422	£845	£1,408	£1,649	£301	£601	£571	£701
	Affordable rent and social rent housing ¹²							
Tier 1	£133	£2,059	£2,585	£4,022	£439	£2,750	£2,662	£3,082
Tier 2	£114	£1,758	£2,208	£3,436	£300	£1,881	£1,821	£2,108
Tier 3	£141	£2,172	£2,727	£4,244	£301	£1,882	£1,822	£2,110

¹⁰ Further information regarding the tiered approach to strategic planning can be found in the Local Plan Engagement document.

¹¹ This weighting is based on the underlying HDM, with overall yields calibrated against observed yields from the emerging PYS. Average single-dwelling yield values (and therefore costs) will be reviewed and updated as part of the ongoing PYS.

¹² Market value housing and shared ownership is taken to include other categories of dwelling which act in substantially the same way with regard to pupil yield, with tenure characteristics similar to open market dwellings and dwellings provided for sale that offer a route to ownership for those who could not achieve home ownership through the market.

Similarly, affordable rent and social rent housing is taken to include any future categories of affordable dwelling which might display the tenure characteristics of 100% rented, reflecting needs assessed dwellings for which the rent is set below local market rents. .

Education: Primary

TIER	HOUSES				FLATS			
	1 bed	2 bed	3 bed	4+ bed	1 bed	2 bed	3 bed	4+ bed
	Market value housing and shared ownership (and other) ¹²							
Tier 1	£2,805	£5,529	£8,854	£10,917	£2,932	£6,726	£6,335	£7,244
Tier 2	£2,696	£5,314	£8,510	£10,493	£1,650	£3,786	£3,566	£4,078
Tier 3	£1,942	£3,828	£6,130	£7,558	£1,762	£4,042	£3,807	£4,353
	Affordable rent and social rent housing ¹²							
Tier 1	£897	£12,239	£17,311	£19,702	£2,760	£17,727	£16,636	£18,309
Tier 2	£862	£11,763	£16,639	£18,937	£1,553	£9,979	£9,364	£10,306
Tier 3	£621	£8,473	£11,985	£13,640	£1,658	£10,652	£9,996	£11,002

Education: Secondary

TIER	HOUSES				FLATS			
	1 bed	2 bed	3 bed	4+ bed	1 bed	2 bed	3 bed	4+ bed
	Market value housing and shared ownership (and other) ¹²							
Tier 1	£2,581	£4,890	£7,867	£9,649	£2,627	£5,861	£5,402	£6,467
Tier 2	£2,454	£4,650	£7,480	£9,174	£1,463	£3,263	£3,008	£3,601
Tier 3	£1,750	£3,315	£5,333	£6,541	£1,546	£3,448	£3,178	£3,805
	Affordable rent and social rent housing ¹²							
Tier 1	£882	£11,193	£15,378	£16,801	£2,425	£16,123	£14,679	£15,997
Tier 2	£839	£10,641	£14,620	£15,973	£1,350	£8,978	£8,173	£8,907
Tier 3	£598	£7,587	£10,424	£11,388	£1,427	£9,486	£8,636	£9,412

Education: Post-16

TIER	HOUSES				FLATS			
	1 bed	2 bed	3 bed	4+ bed	1 bed	2 bed	3 bed	4+ bed
	Market value housing and shared ownership (and other) ¹²							
Tier 1	£630	£1,261	£2,059	£2,443	£722	£1,444	£1,345	£1,684
Tier 2	£599	£1,199	£1,957	£2,322	£402	£804	£749	£938
Tier 3	£427	£855	£1,395	£1,656	£425	£849	£791	£991
	Affordable rent and social rent housing ¹²							
Tier 1	£210	£3,091	£4,039	£4,893	£722	£4,305	£3,719	£4,458
Tier 2	£200	£2,939	£3,840	£4,652	£402	£2,397	£2,071	£2,482
Tier 3	£142	£2,095	£2,738	£3,317	£425	£2,533	£2,188	£2,623

- 2.17 All costs shown above are as at 1Q2022.
- 2.18 **The illustrative tables above are included as a guide to help inform viability assessments and financial planning; the actual contribution for each development site will be calculated individually once a planning application has been made.** This ensures the amount sought is fair, proportional and aligned with the impact of the specific development. Sites with differing housing mixes and trajectories will have different pupil yield projections and therefore contribution amounts.
- 2.19 Both tables shown above relate only to construction costs and do not make any allowances for purchasing land. Where additional land is required to allow the delivery of an education project, the cost (or the relevant proportion of the cost) of acquiring the land will be added to the pupil place-led costs illustrated in the tables above.
- 2.20 The tables are based on the cost of providing a new school. Contributions sought towards expansion of existing schools may be lower. Conversely, where abnormal site features or design requirements for a particular project mean that the cost of mitigating development is higher than standard, the amount charged may increase proportionally.

Hertfordshire County Council Appendix K



Appeal Decision

Inquiry Held on 20-23 and 27 July 2021

Site visit made on 27 July 2021

by P W Clark MA(Oxon) MA(TRP) MRTPI MCM1

an Inspector appointed by the Secretary of State

Decision date: 20 August 2021

Appeal Ref: APP/K1935/W/20/3255692

Land to the west of Lytton Way, Stevenage SG1 1AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Hill Residential Ltd against the decision of Stevenage Borough Council.
 - The application Ref 19/00474/FPM, dated 1 August 2019, was refused by notice dated 6 March 2020.
 - The development proposed is demolition of existing office building (B1 use) and structures, and the construction of seven apartment buildings comprising 576 dwellings (C3 use), together with internal roads, parking, public open space, landscaping, drainage and associated infrastructure works.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing office building (E use) and structures, and the construction of seven apartment buildings comprising 576 dwellings (C3 use), together with internal roads, parking, public open space, landscaping, drainage and associated infrastructure works on Land to the west of Lytton Way, Stevenage SG1 1AG in accordance with the terms of the application, Ref 19/00474/FPM, dated 1 August 2019, subject to the eighteen conditions appended to this decision.

Procedural matters

2. Subsequent to the making of the application, use class B1 has been abolished. I have taken the reference in the description of development to the use class of the existing building to refer to use class E.
3. Subsequent to the submission of the appeal, the Council has revised its requirements for cycle parking. The appellant has produced revised drawings which show how the proposal could be amended to meet the Council's new standards. The appellant has not asked for the appeal to be determined on the basis of an amended scheme, which has not been advertised, but has suggested that, if the appeal is allowed, a condition require the submission of an amendment to show compliance with the revised cycle parking standards.
4. The main parties reached agreement on a number of matters in Statements of Common Ground. But, these are not binding on third parties who raised other issues and who pursued issues on matters agreed between the main parties. Moreover, when an appeal is made, the proposal is considered afresh in its

entirety and so this decision is not bound but is informed by the agreements reached.

Main Issues

5. There are three. They are the effects of the proposal on:
 - The character and appearance of the area in terms of the proposal's height, design, appearance and intensity
 - The supply of market and affordable housing
 - The demand for and provision of supporting infrastructure

Reasons

Character and appearance

Loss of existing building

6. The two main parties are agreed that the loss of existing employment floorspace and land would be acceptable and compliant with policy EC7 of the Stevenage Borough Local Plan 2011-2031 adopted on 22 May 2019 (the Local Plan). This provides that planning permission for the loss of employment land on sites not allocated for any specific purpose will be granted where (amongst other matters) there is sufficient suitable and employment land available elsewhere, or it can be demonstrated that a unit has been unsuccessfully marketed for its existing use, or has remained vacant, over a considerable period of time. All these criteria are met in this case and so, I agree with the main parties that the loss of existing employment floorspace and land and a change in its character to a residential use is acceptable.
7. The Council makes no claim that the existing building has any value as a non-designated heritage asset. Many third parties disagree. I concur with Richard Coleman, the appellant's own adviser, who refers (in paragraph 2.3.2 of his Statement on Design, Townscape and Heritage) to its striking design. He points out (in his paragraph 2.5.1) that it is very well detailed and assembled and the atrium entrance is particularly impressive both spatially and in its rich use of materials.
8. Although not of the first rank of architecture, it is nevertheless a fine building of its time (1989). I agree with Richard Coleman that its angular use of patent glazing and red brick circulation cores is probably inspired by the engineering aesthetic of James Stirling (demonstrated most famously in his trio of University buildings in Leicester, Cambridge and Oxford), applied in this case to a commercial building. The way that the accommodation is supported by a concrete A frame is reminiscent of Stirling's Florey Building in Oxford. In architectural terms, the existing building on site is probably one of the more distinguished buildings in Stevenage.
9. The undisputed evidence is that there is no demand for the building in its present use. Its layout produces long, thin areas of office space difficult to arrange efficiently. Its very quality puts off potential occupants. I therefore accept the inevitability of its demolition but the loss of the considerable contribution which the current building makes to the character and appearance of the local area and of Stevenage as a whole is a matter of regret and a factor to be taken into account in the overall planning balance.

Quality of replacement buildings

10. The appellant claims that the quality of its replacement would be high. At close quarters, I have no doubt that the attention to detail shown in the submitted plans of the building and of the landscape strategy would be appreciated. These include, on the buildings, an extensive use of symmetry, a quality which is often much appreciated, as figure 46 of the National Model Design Code Guidance Notes acknowledges. The use of brickwork provides human scale and interesting texture. There is subtlety in the way balconies are placed on alternate floors and in the use of alternate dispositions of clear and patterned glass. But these detailed features would be less identifiable and therefore, less influential, from further away.
11. In longer distance views, I am unconvinced by the repeated assertions in the appellant's Townscape and Visual Impact Appraisal (TVIA) that where the development makes a significant appearance, its quality would be high. Both parties agree, and I concur, that the appellant's TVIA has done a thorough job in identifying representative viewpoints (RV) from which the scheme's impact on the character and appearance of the town can be judged.
12. Those with the greatest impact appear to be the following;
 - RV1, view along Lytton Way from the north
 - RVs 5 and 6, views south along Letchmore Road
 - RVs 7, 8 and 9, views across King George V playing field, Millenium Gardens and Gates Way
 - RVs 10, 11 and 16, views west along Fairlands Way approaching the site
 - RV12, view from Town Centre Gardens
 - RV15, view from station bridge over Lytton Way
 - RV18, view east along Fairlands Way from Argyle Way
 - RV19, view east along Chequers Bridge Road.
13. But, like the Council's expert Mr Buckle, I do not share the TVIA's conclusions that the impact would be beneficial or neutral in all of these cases. In the following paragraphs, I explain why I have come to that opinion.
14. Firstly, let me state that because the site addresses wide streets augmented with wide verges, height of itself would not be harmful. Lytton Way and Fairlands Way are big spaces. South thereof are large expanses of open car parking. In such a context, tall buildings would not be out of proportion and so would not be intrinsically harmful. Moreover, the big wide spaces make the site relatively isolated, in which a development presenting its own character, not necessarily closely related to nearby development, could be acceptable.
15. Secondly, the mere fact that one can see the development would not make it harmful. Its effect, whether harmful or otherwise, is largely down to the sculptural form of the development overall and its consequent effect on the skyline of the town. Both parties agree that this is largely a matter of judgement, leaving it to me to form my own opinion based on the drawings of the scheme, the representative viewpoints of the TVIA and the evidence of my

own eyes when visiting the site and locality without offering much objective analysis on which to form that opinion. I therefore make no excuse for the exercise of judgement which follows.

Analysis of building forms

16. From an examination of the plans, one can see that the layout of each building derives from two floorplan modules, one approximately 16m x 20m, the other approximately 16m x 17.5m. A pair of the first modules, one turned through ninety degrees, combine to form blocks 1, 3, 4, 6 and 7. A pair of the second modules, linked with a service core, form blocks 2 and 5.
17. In his evidence to the Inquiry, Mr Kelly the scheme's architect explained how the chosen form of the Lytton Way frontage evolved from eight elements of equal width with heights varying in a catenary pattern, through patterns of two types of element with taller, slimmer elements forming firstly bookends, then entrance gateways, to a pairing of the two types of element with greater and lesser spaces between them. Finally, with the involvement of the landscape architect, paired elements (or, as I have called them, modules) were joined together to enlarge the spaces between the blocks and the block numbers reduced from eight to six (formed of twelve modules, each pair economically sharing a service core).
18. Section 4.9 of Mr Kelly's proof classifies the twelve elements of the composition into three types; gateway, pavilion and wayfinder but in fact all that distinguishes them is their differing height. The gateway and wayfinder types consist of examples of the same 16m x 20m footprint module turned through ninety degrees so that their narrower facades face Lytton Way. They would have more storeys than the pavilion type. The latter consists of modules of both dimensions but with their longer facades facing Lytton Way.
19. In the earlier iterations of the scheme design, each element of the composition had vertical proportions of varying degrees of elegance. In the final iteration which forms the submitted scheme, the formerly separate elements are joined in pairs to form buildings which would still be tall but of much more squat proportions.
20. The core which links the elements of blocks 2 and 5 would be slightly recessed, with a slightly lower parapet than the elements on either side and would comprise brickwork of a different colour so that it would visually separate the elements on either side. In contrast, although the two elements of blocks 1, 3, 4, 6 and 7 would be distinguished by differently coloured brickwork, the two elements would simply butt together, articulated solely by their differing depth and so likely to be perceived as a single geometrical form, of greater bulk than the two elements separately.

Symmetry and proportion

21. The Guidance Notes of the National Model Design Code point out that symmetry, or a conscious asymmetry, is a factor in ensuring that buildings are attractive, both from a distance and close-up. They also advise that the form and silhouette of tall buildings need to be carefully considered. The long and short elevations need to be well proportioned in terms of their slenderness.
22. In response to my question, Mr Kelly confirmed that the composition of the scheme was arrived at pragmatically. Its aesthetic effect was not tested by the

application of any system of proportions. It is instructive to look at the proportions which have resulted. The following commentary derives from an examination and analysis of drawings printed from those submitted electronically and so may be subject to distortions on printing. All the figures must therefore be regarded as approximate rather than precise.

23. There are many theories and systems of proportion but, it is generally accepted that the so-called "golden ratio" of 1:1.61803 is usually associated with a perception of beauty. Other proportions often found to give satisfaction are squares (1:1), double or triple squares (1:2 or 1:3) or a ratio of 2:3 (1:1.5, not far off the golden ratio).
24. In this scheme, individual buildings display a degree of symmetry, as already noted. The scheme as a whole is more or less symmetrical, compromised only by a difference of one storey in the height of balancing blocks 2 and 5, the asymmetry of block 7 and the slightly asymmetrical adjustment of the building line to follow the alignment of the Lytton Way frontage. Overall, its symmetry is likely to be seen with a degree of satisfaction.
25. In form, blocks 1 and 6 are more or less identical but handed. Block 6 would have an extended plant room at ground floor level but the effects of this can be discounted in its effects on the skyline and on the townscape in longer distance views.
26. The longer elevations of blocks 1 and 6, facing respectively on to the Lytton Way/Trinity Road roundabout or the Lytton Way/Fairlands Way roundabout and into the interior of the site, would not be symmetrical. The narrower end elevations would be symmetrical but these would have less public presence. Consequently, appreciation of symmetry would not figure greatly in their local effects on the townscape
27. The drawings show that the taller of the end elevations of block 1 and 6 would have a proportion between width and height of 1:2.34, neither a double square, nor a triple square and so, not a very meaningful proportion. The lower of their two end elevations would have approximately a 1:2 proportion and so would give some satisfaction.
28. On the more prominent long elevations, the drawings suggest that the taller element would have a proportion between width and height of 1:2.95. This would fall a little short of a 1:3 proportion but would probably be seen as elegant. The lower element is shown to have a width to height ratio of 1:1.69, not quite the golden ratio but, a reasonably comfortable ratio. Although acceptably pleasant to look at, both would give a sense of not quite achieving perfection.
29. However, these two elements are not seen separately but are joined together to form a single building. Measured off the drawings, the ratio between the heights of the two elements would be 1:1.425. This would not be a notably beautiful or satisfying ratio. It would not be a relationship which would excite admiration and so the effects of these two blocks on the townscape would be disappointing. Yet these two blocks would be located at key intersections in Stevenage's road network where they would be expected to form memorable landmarks and impress themselves on travellers' minds as part of the image of Stevenage.

30. Blocks 2 and 5 would balance each other in the development's composition but they are not identical. Although each block would have its own elevational symmetry which could be appreciated at close quarters, block 2 would be eight storeys high; block 5, nine. In longer distance views of the development, this difference would compromise feelings of satisfaction derived from an enjoyment of symmetry.
31. Both blocks 2 and 5 would be composed of two elements in a darker brown brick linked by a slightly recessed element in lighter brick and with a fractionally lowered parapet and cornice line. At closer quarters the elements could be separately appreciated. In block 2, the drawings indicate that each element would have width to height ratios of 1:1.5, which is often recognised as a harmonious, though stolid, proportion. Block 5 would have a more satisfying width to height ratio of 1:1.67.
32. Because of the juxtaposition of blocks 2 and 5 with other blocks, their end elevations would be less clearly on display. The drawings show that they would have end elevations of the same proportions as those elements fronting Lytton Way but that is not consistent with the plan drawings which show slightly different dimensions. The difference is minor, may be due to distortion on printing and would be of little consequence.
33. In longer distance views, the variation in brickwork colour between the two main elements and their linking element would be less noticeable. The height difference of the linking element would be barely perceptible. Consequently, blocks 2 and 5 would be seen not as four conjoined elements but as two single entities each with a continuous flat roof. Their length would be greater than their height in the proportions of about 1:1.38 for block 5 and 1:1.53 for block 2, the latter reasonably close to a harmonious but stolid 1:1.5, the former's greater height emphasising its greater stolidity of form.
34. In many ways, blocks 3 and 4, handed on either side of the site entrance, engender comments similar to those for blocks 1 and 6. They would be composed of a juxtaposition of two elements. Their longer elevations, facing each other across the access to the site would have symmetry but other elevations would not. The proportions of the lower elements would be the same as those of blocks 1 and 6. The taller elements would be less tall and so, less elegant, with proportions of the narrower elevations facing Lytton Way at 1:2.46 falling mid way between a double and a triple square. The proportions of the facades facing each other across the access would be about 1:1.9, falling just short of a double square.
35. The form of blocks 3 and 4 would be least satisfactory in terms of the relationship between the heights of the two, higher and lower, elements in each block. At approximately 1:1.17, this would appear dull, even lumpen.
36. That ratio would also be the ratio between the height and width of the lower end elevation of block 7. The higher end elevation, facing Chequers Bridge Road, would also have a dull proportion of 1:1.37. Both these elevations would offer elevational symmetry but only that of Chequers Bridge Road would have much public presence.
37. Each element of the longer elevations of block 7 would have reasonably satisfactory proportions. That of the taller element would be 1:1.72, not far off the golden ratio. That of the lower element would be almost square at 1:1.04.

The ratio between the heights of the two elements would be 1:1.47; stolid but harmonious.

The skyline

38. So far, I have commented on the form, composition and proportions of each block in turn. But, it is when seen as a group that the development would have the most telling effect on the character and appearance of the area.
39. Earlier paragraphs comment on the disappointing or dull relationships between the heights of the elements which comprise blocks 1, 3, 4, 6 and 7. Here, I turn to the relationship between the heights of adjoining blocks which, in the appellant's TVIA, is repeatedly claimed to provide variety and interest on the skyline.
40. Block 5, nine storeys high, would be positioned between the eleven storey elements of blocks 4 and 6. The relationship between their heights would be in the ratio of approximately 1:1.2; in other words, a difference of about 20%. Block 2, eight storeys high would be positioned between the eleven storey elements of blocks 1 and 3. The relationship between their heights would be in the ratio of approximately 1:1.33; in other words, a difference of about 30%, more noticeable but still not dramatic. The absence of drama in the development's skyline would be emphasised by the choice of flat roofs, the least interesting choice of roofline possible, for each of the blocks.
41. In sidelong views, such as those in TVIA view RV1, along Lytton Way approaching the town centre from the north, or from the south (RV15) this relative undifferentiation is likely to matter least as perspective would cause foreshortening. The end views of blocks 1 and 6 would be likely to establish the effects of the scheme. These, as I have said above, would be no worse than disappointing.
42. However, I do agree with Mr Buckle that the effect of the scheme as one would pass in front of it, along Lytton Way, would be somewhat formidable for the following reasons. Although the heights would not, in themselves, be excessive in relation to the width of the highway and its verges, the gaps between the buildings narrow to their rear. Consequently, seen sidelong in passing, the extent of deeply planned side elevations would be more apparent than the gaps between buildings and so, the gaps would barely relieve the relentless extent of a series of elevations never less than eight stories in height.
43. As the point of view swings around to the east, so the full effect of the extent of development and the insufficiently differentiated heights of the assembly of buildings would become more apparent. In the views along Letchmore Road (RVs 5 and 6), this begins to become noticeable. The missed townscape opportunity of a focal point to terminate the views along Letchmore Road is obvious but the relatively undifferentiated mass of buildings is also noticeable in both RVs.
44. It is the RVs from the east, across Gates Way, Millenium Gardens, King George V Playing field and along Fairlands Way (RVs 7, 8, 9, 10, 11 and 16) which convince me that the townscape impact of this scheme would be harmful to the character of Stevenage. In contrast to the rest of the town centre, which is surrounded by individual, but widely-spaced tall buildings on its fringe, in these views, the scheme would draw attention to itself by its combination of height

and the intensity of a closely-spaced, but also extensive, agglomeration of tall buildings. Attention-drawing, of itself, particularly to transport junctions on the road network, would not necessarily be harmful, but it makes little sense, in urban design terms, for the whole of a residential quarter on the fringe of the town centre to be more noticeable in townscape views than the town centre itself.

45. Even less acceptable is that a scheme which would draw attention to itself in this way would do so with a skyline which would be no more than competent or workmanlike in providing visual interest and would be, in parts, disappointing. Because of its height and extent, the scheme would be widely visible. NPPF paragraphs 126 and 128 refer to the creation of high quality, beautiful and sustainable buildings and places as fundamental to what the planning and development process should achieve. The sustainability of this development is not in question. In detail and in parts it would be of high quality. But, in its skyline and in its contribution to the character of Stevenage in its broadest extent, it would not be beautiful or of the highest quality and so, it would not be a worthy successor to the building which it would replace.

The Conservation Area

46. The development would be visible from the southern end of the Old Town Conservation Area, as is apparent from RVs 8 and 9. There is a statutory test relating to the preservation or enhancement of the character or appearance of conservation areas. Both main parties agree that the test is met in this case.
47. The Council's Old Town High Street Conservation Area Management Plan Supplementary Planning Document analyses the character and appearance of the conservation area. It recognises five distinct character zones, of which the southern end, from which RVs 8 and 9 were taken, is one. From my site visit and from this document, it would appear that the special interest of the conservation area is that it represents a market town and a coaching post on the former Great North Road. The southern edge of the conservation area contains significant hedges, trees, buildings of local importance and two significant views, to the south along the former Great North Road, and to the south-east across the cricket ground.
48. The view towards the site would be in the opposite direction from these two significant views and so would not adversely affect them. Although the development would be visible, it would have no physical effect on the heritage asset, which would thereby be preserved. I therefore concur that the significance of the conservation area would not be adversely affected by the presence nearby of this new residential quarter. It would be sufficiently separate for it and the conservation area to co-exist side by side as two separate entities, each with their own character. In townscape terms the presence of an intense development on the far side of Lytton Way would make sense of, and give purpose to, the wide pedestrian approach to the underpass visible in RV9.

Intensity

49. Hitherto, my consideration of the effects of the proposal on the character and appearance of the area has focused on aspects of appearance and townscape. I now turn to the effects on character which would result from the high density of development proposed.

50. Density, of itself, is no more than a mathematical calculation, the outcome of which is as much a matter of the area of land included within the calculation as of the characteristics of the development proposed. (In the present case, the figure is lowered somewhat by the inclusion within the site area of extensive areas of highway verge; land owned by the developer but dedicated to the highway and so not within the developable area of the site).
51. The acceptability of a site's density in terms of character turns not so much on the outcome of the mathematical calculation of density but more in terms of the qualities of development such as in terms of open areas and how they are used, privacy and overshadowing etc. Nor does it turn on whether quantifiable standards in relation to those qualities are met (the council does not present an argument that there is conflict with adopted policies in relation to the living conditions of potential occupants or existing neighbours) but more on how these qualities are perceived by those experiencing the development.
52. The existing building on site is placed close to the railway line on its western boundary. Most of the open areas of parking and landscaping are to the east and north of the building. The proposal would tend to reverse this disposition, with six of the seven blocks placed close to the eastern edge of the flat developable area at the top of the embankments which slope down to the pedestrian and cycle way which runs alongside Lytton Way. The open, undeveloped part of the site would mostly lie to the west of the line of six buildings fronting Lytton Way. There would be four small fingers of open space ("amenity terraces") between the Lytton Way frontage blocks.
53. Paragraph 5.110 of the appellant's original Statement of Case (July 2020) accepted that the open space provision would be less than sought in the Council's Design Guide. But this statement was in error because it took account only of the flats' balconies and the 900 sq m sunken garden¹, not the amenity terraces or other ancillary open space which would be provided. The matter was corrected in paragraph 3.3.12 of Mr Allen's evidence. The sunken open space, the four amenity terraces, two other areas of usable open space and the 556 balconies would provide 5,564 sq m of usable amenity space between them. That represents 96.6% of the 5,760 sq m sought by the application of the Stevenage Design Guide.
54. In addition, the development is surrounded by 5,902 sq m of sloping embankments which, although much is technically dedicated highway verge, would serve as part of the site's amenity space. Quantitatively therefore, the scheme would be provided with an adequate amount of open space, complying with local plan policy and not providing evidence for an unacceptably high intensity of development. I now turn to consider its quality.
55. Most of the open area would be laid out as circulation space for pedestrians and vehicles and as parking for cars. The efficiency of the car parking layout would be exemplary and so it would not take up more of the open space than would be absolutely necessary. It would also be exquisitely detailed and landscaped. But there is no avoiding the impression that the open space would be dominated by car parking.
56. Where buildings face each other across the car parking at what the appellant terms the arrival square, the separating distance is about 22m between

¹ Corrected to 1,000 sq m in Mr Allen's oral evidence

buildings about 35m high, a comfortable proportional relationship of about 1:1.6, not far off the golden ratio. I concur with Mr Buckle's verdict in paragraph 2.3.7 of his proof; Arrival Square would have "some form of definition and the potential for identity through the buildings that define it, the proportions of the space and the landscape treatment." The four amenity terraces would each be little bigger than a large suburban garden bounded on two sides by walls 8, 9 or 11 storeys high so would feel somewhat overwhelmed but they would be open to wider vistas on their other two sides. Elsewhere on site, the linearity of the layout means that the open areas would appear reasonably extensive and so the high density of the development would not result in an oppressive feel in terms of its external environment.

57. The high intensity of development means that the scheme would have to be serviced by substantial areas of bin stores, undercroft parking and cycle stores. These predominate in the frontages at ground level. It would not be realistic to expect that frontages onto the open area would be enlivened by pubs, bars, cafes or the like because the scheme's internal circulation area is a cul-de-sac. It would not be on a through route to anywhere and despite the intensity of development, there is unlikely to be a high pedestrian footfall. Nevertheless, the succession of undercroft car parks, bin stores and cycle stores would make for a somewhat anonymous frontage at street level and would be a physical manifestation of the high density of the scheme.
58. The intensity of the development would be most noticeable in the living conditions of potential future inhabitants in terms of their privacy. This consideration does not appear in the appellant's Design and Access Statement and is somewhat lightly dismissed in paragraph 7.5.4 of the Council's committee report which asserts that the majority of the development has a side-to-side relationship but that blocks 3 and 4 would have a rear to front relationship. However, that terminology (side to side, front to rear) only makes sense in the context of rows of houses, not in the context of blocks of flats where all four sides can provide a dwelling's principal aspect. The Council's committee report recognises that "this could be an issue" but abrogates responsibility to future occupiers of the development who "would, therefore, be aware of this prior to deciding to occupy the dwellings." The consideration does not appear in the Council's reasons for refusal. Such a "caveat emptor"² approach does not sit well with the advice given in NPPF paragraph 130(f) that planning decisions should ensure that developments create places with a high standard of amenity for future users.
59. Local Plan policy GD1(f) requires development to comply with the separation distances for dwellings set out in the Local Plan. Paragraph 7.5.1 of the Council's Committee report records that the Council's Design Guide seeks distances of 30m between back to back elevations (ie with facing windows) or 20m between back to side elevations (ie a window facing a blank wall). Specific standards relating to separation distances for new and existing dwellings contained in Appendix C of the Local Plan repeat these requirements.
60. Mr Coleman, for the appellant, in paragraph 3.4.51 of his Supplementary Statement on Design, Townscape and Heritage dated August 2020 does not assert that the development complies with these standards. But he does assert that the separation distances provided between the blocks are appropriate. Mr

² A Latin phrase meaning "let the buyer beware"

Buckle, for the Council, points out that the distance between directly facing habitable rooms in blocks 2 and 3 is in the order of 12 metres. Mr Coleman confirms that it would be 13.5m. Other blocks have an angled relationship so the distances between directly facing windows varies somewhat but would usually be between approximately 11 and 13 metres.

61. Inspection of the submitted drawings shows that approximately 20 flats in block 1, 28 flats in block 2, 20 flats in block 3, 20 flats in block 4, 32 flats in block 5 and 20 flats in block 6 would contravene local plan policy GD1(f). In most cases, the flats would also have unaffected windows on other elevations but, 10 flats in block 3, 10 flats in block 4 and 32 flats in block 5 would all have rooms where the only windows provided would be subject to this degree of lack of privacy.
62. Although this precise consequence of the high density of this particular scheme might not necessarily be apparent to the average passer-by, it is probable that they would be struck, in general terms, by the close proximity of facing windows across the amenity terraces and would form an adverse impression of the intense character of this development as a result. It would certainly be apparent to the residents of the 140 flats concerned (24% of the development).
63. The developer seeks to justify the high density of the development proposed by reference to the site's close proximity to the town centre and railway stations and by its allegedly good access to public transport. Although a justified claim, care should be taken not to exaggerate the attributes of the site.
64. Because the Fairlands Way/Lytton Way roundabout does not have a pedestrian underpass beneath its south-east quadrant, access to the town centre on foot or by bicycle is indirect, either via the underpass to Gates Way, then south along Ditchmore Lane to the Tesco car park (as illustrated in figure 5 of the appellant's Transport Note HCC003), or, south along the footpath/cycleway to the station and then by the footbridge over Lytton Way. Similarly, close examination of the bus timetables included with the appellant's evidence shows that most of the routes identified extend to the Argyle Way and Gunnels Wood bus stops only in peak hours, about every half hour. Conversely, routes 8 and 9 serving Chequers Bridge Road do so only in off-peak hours, hourly. At other times, its route omits this stop. Moreover, with the exception of the (northbound only) stop in Chequers Bridge Road, use of the bus stops identified would involve a walk of 400m or more, sometimes contrary to the desired direction of travel. In most cases it would be more advantageous to walk to the town centre bus station to access bus services.
65. The frequency shown in table 4-2 of the appellant's transport statement is, as is noted, the frequency of buses at the bus station, approximately ten minutes' walk from the site, not at the stops serving the site itself. These observations do not undermine the appellant's basic premise, namely that the site is well located in relation to the railway station, bus station and town centre but it is not as well favoured as might appear at first sight.

Conclusions on character and appearance

66. Even without a direct pedestrian link to the town centre, this site is sufficiently close to the railway station and the town centre to justify a higher density scheme. The site is relatively isolated from its context by the railway, wide

- roads and extensive open car parking, so a scheme which generates its own character would be justified.
67. A user of the site would experience the high density in terms of the dominance of car parking, the utilitarian nature of street frontages largely comprising bin stores, cycle and undercroft car parking and the effect of tall buildings abutting the small amenity terraces but none of these would be unacceptable or contrary to policy. Indeed, there would be a surprisingly open feel to the interior of the development because of the acceptable quantity of open space and the way it would be laid out.
68. An unwelcome downside to that layout would be the fact that 24% of the flats proposed would experience substandard levels of privacy, clearly contrary to policy GD1(f).
69. A user of the site would also experience the high quality of its detailing. But, that high quality would not be apparent from a distance. The proportions of the buildings themselves have not been systematically considered, as the architect acknowledged in response to my question. Some would be satisfactory, others less so.
70. In responding to my request to describe the aesthetic of the scheme, Mr Coleman included the observations that the buildings do not shout out as great pieces of architecture. They are simple rectilinear buildings arranged in an organic way. In my view, the sculptural quality of the scheme overall would be disappointing. It would not be a worthy successor to the present building on site.
71. Although the concept of marking road junctions with taller buildings would be justified, blocks 1 and 6 would be imperfectly proportioned and would be insufficiently striking to be adequate as memorable landmarks. Although there would be variation in the height of the rest of the scheme, there would be insufficient variation to avoid the effect of a wall of development at least eight stories high extending more or less continuously the length of Lytton Way between the two roundabouts.
72. Nor would there be sufficient variation in the skyline to hide the fact that, in distant views from a wide area of the town to the east and south, there would be the appearance of an extensive residential quarter of an intensity of development apparently greater than that of the town centre itself. Stevenage is the first of the new towns built after the end of the second world war. Their masterplans dictated low density development with large amounts of open space.
73. That model is perhaps now seen as unsustainable. In any event, Stevenage is now changing, as the evidence relating to the redevelopment of the SG1, Matalan and BHS sites within the town centre shows. But this appeal site is not within the town centre; it is on its fringe. The form and silhouette of the proposal would not only be inimical to the traditional character of Stevenage but would be seen to be inimical to a degree not appropriate in its fringe location.
74. I therefore conclude that the scheme would have an adverse effect on the character and appearance of the area in terms of the proposal's height, design, appearance and intensity. It would be consistent with those parts of Local Plan

policies SP7, SP8 and GD1 which, amongst other matters, seek to; provide at least 7,600 new homes within Stevenage between 2011 and 2031, including land on unallocated sites, 60% of which should be on previously developed land; preserve the most important areas of Stevenage; implement the government's optional Technical Standards; create a safe environment that designs out crime and; create areas of public open space. It would however be contrary to those elements of policy SP8 which require substantial improvements to the image and quality of the town's built fabric and preservation of the most important characteristics of Stevenage and to those elements of policy GD1 which, amongst other matters, require development; to make a positive contribution to its location and surrounds; not to lead to an adverse impact on the amenity of future occupiers and; to comply with the separation distances for dwellings set out in the plan.

Supply of housing

Housing Delivery Test

75. Paragraph 6.01.22 of the Statement of Common Ground records that, in the Housing Delivery Test (HDT) 2020 published in January 2021, for the three-year period between 2017/18 and 2019/20, Stevenage delivered 702 homes against a requirement of 1,094. That represents 64% of target. NPPF paragraph 11(d) and footnote 8 advises that where the Housing Delivery Test indicates that the delivery of housing was less than 75% of the housing requirement over the previous three years, the policies most relevant for determining an application (or, in this case, appeal) should be regarded as out of date and that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework, taken as a whole. The courts have held (and NPPF paragraph 12 concurs) that this advice does not override the statutory status of the development plan as the starting point for decision making. I return to this matter when reaching my overall conclusions on the appeal.

Five-year supply

76. The courts have also held that the weight to be given to the benefits of providing housing should be proportionate to the degree of housing shortfall which pertains. The Council's two previous HDTs showed results of 100% and 113%. It maintains that the 2020 HDT result was a unique blip, caused by developers holding back on submitting planning applications for contentious sites while the adoption of the local plan was delayed because of a ministerial holding direction. That can only be a presumption, however plausible. Its current Five-year Housing Land Supply update, published in June 2021, claims a 5.46 years' supply.
77. That figure is challenged on two grounds; firstly on the method of dealing with previous shortfalls within the housing supply trajectory; secondly on the deliverability of certain sites within the trajectory, particularly those which fall within category (b) of the definition of deliverable set out within Annex 2 of the NPPF.

Liverpool v Sedgefield

78. The first issue is simply dealt with. National Planning Practice Guidance paragraph 031 Reference ID: 68-031-20190722 advises that; “The level of deficit or shortfall will need to be calculated from the base date of the adopted plan and should be added to the plan requirements for the next 5 year period (the Sedgefield approach)” and; “If a strategic policy-making authority wishes to deal with past under delivery over a longer period, then a case may be made as part of the plan-making and examination process rather than on a case by case basis on appeal.” So, it should not be for me, on a case-by-case basis in this appeal to depart from anything that may have been established as part of the plan-making and examination process.
79. The plan-making and examination process for Stevenage Borough Council Local Plan 2011-2031 has considered and determined the issue. In paragraph 139 of her report on the examination of the plan, Inspector Louise Crosby writes; “Using the Sedgefield approach to dealing with previous shortfall would require the delivery of around 700 homes per year for the first 5 years. This is wholly unrealistic when considering previous delivery rates. Spreading the delivery of the previous shortfall over the Plan period is not ideal as it delays providing the shortfall over an even longer period. However, in this case there are a particular set of circumstances that mean it is the only sensible option.” That is conclusive and no more need be said.

Deliverability

80. The NPPF glossary advises that to be considered deliverable, a site for housing should be achievable with a realistic prospect that housing will be delivered within five years. The phrase “realistic prospect” implies an assessment of probability. However, the definition goes on, in respect of sites which do not have a detailed consent, to advise that a site should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years. The word “will” has been taken by the appellant (supported by quotations from appeal decision APP/Q3115/W/20/3265861) to imply a guarantee of certainty.
81. In my view, that is an unrealistic expectation. It is not reasonable, on a given day in 2021 to expect certainty that, five years’ hence, a finite number of dwellings will have been completed within a period of four years and 364 days (and so fall within a five-year supply) rather than four years and 366 days (and so fall outside a five-year supply) on a site identified, for example, by an allocation in a local plan. A degree of probability must be expected within the calculation, together with an acceptance of the possibility that the figure reached by an exercise in probability will turn out to be wrong.
82. There are seven sites in contention between the parties.
- For “Matalan”, the dispute turns on whether 70 out of 526 units will be delivered within a few months on the right side of the five-year threshold, or within a few months beyond it. From this distance in time, there can be no certainty but I consider that the Council has established a “realistic prospect” of delivery.
 - For “SG1” the Council’s inventive way of dealing with the opposition shown by one landowner to a later phase of the scheme demonstrates

that it is tackling technical legal and financial issues such as that raised by the appellant concerning the equitability of financial contributions to infrastructure provision and so, there is a realistic prospect of delivery within the five-year period.

- For “HO3 north of Stevenage”, full delivery depends on build-out rates. Whilst accepting that there can be no certainty of the build-out rates assumed by the Council, they are not unattainable and so, there is a realistic prospect of delivery within the five-year period.
- For “BHS”, detailed planning permission was expected to be delivered imminently after the last day of the Inquiry. The issue raised by the appellant concerning the equitability of financial contributions to infrastructure provision is as unlikely to be an insuperable obstacle to the progress of this scheme any more than it is to the appeal scheme itself.
- Technical Studies have been commissioned in accordance with the timetable set out in the SOCG for the delivery of housing at “HO1/6 Pin Green School”, which is evidence that the Council is tackling technical, legal and financial issues in the way expected in appeal decision APP/Q3115/W/20/3265861 as evidence of a realistic prospect of delivery within the five-year period.
- Natural England accepts that its objections to “HO2 west of Stevenage phase 1” would be overcome by the use of conditions. A request from Historic England for more information does not even imply an objection. As with “HO3 north of Stevenage”, whilst accepting that there can be no certainty of the build-out rates assumed by the Council, they are not unattainable and so, there is a realistic prospect of delivery within the five-year period.
- The delivery of site “HO1/11 West of North Road Rugby Club” is dependent on the grant of permission for the development of a new rugby club within the Green Belt in a different local authority area. I agree that this would be fraught with uncertainties and, until permission for that development within the Green Belt has been given, I would not consider that there is a reasonable prospect of this site being delivered. That would remove 160 units from the Council’s trajectory but would still leave it with a calculated supply in excess of five years.

I therefore conclude that there is no shortage of identified land capable of delivering a five years’ supply of housing. There would therefore be no disproportionate benefit arising from the supply of housing from this appeal proposal.

The benefit of housing

83. Of greater moment is the fact that the appeal site itself is contained within the Council’s five-year housing trajectory with an expected delivery of 100 units per year from 2023. That means that if this appeal is dismissed without expectation of a successful alternative, the Council would not be able to demonstrate a five-year housing land supply. It also demonstrates that this site alone would be expected to contribute about 15-16% of the Council’s housing requirements for each of the five years or so it would take to

construct. That is the measure of the significance of the benefit which would result from allowing the appeal. It is clearly substantial.

84. All parties agree that, because of viability constraints, the 52 units of affordable housing which would be provided would comply with local plan policy SP7(f(i)) notwithstanding that the policy seeks at least 20% of all new homes over the plan period to be Affordable Housing. The benefit of the affordable housing which would be provided is unarguable. Since the start of the plan period, delivery of affordable housing has been limited to 282 units, an average of 31 homes per annum. The 52 affordable housing units which the appeal would provide would therefore provide a significant benefit.

Supporting infrastructure

85. Subsequent to the decision to refuse permission, the Council has adopted a CIL charging regime. The CIL compliance statement advises that although the precise amount is yet to be determined, the liability is expected to be in the order of £4.3 million.

86. At the time the application was determined, without the CIL requirement, various authorities were seeking financial contributions totalling £9,694,121 towards;

- Outdoor sport and children's play space improvements
- A new primary school in Stevenage Town centre
- A new secondary school
- A new pre-school facility
- The re-provision of the Bowes Lyon young people's centre
- Sustainable transport improvements to cycle routes connecting the new development to the town centre and Gunnels Wood or to improvements to Stevenage rail station or to improvements to bus services between new development sites and the town centre
- Either the replacement or the enlargement of the County Council's waste facility at Caxton Way
- NHS GP provision
- NHS acute, mental health and community costs
- Indoor sports facilities
- Outdoor sports facilities
- Sports changing room provision

The appellant was willing to enter into a planning obligation to provide £1,662,322 of funding (as reported in paragraph 7.3.11 of the Council's committee report) and the scheme was recommended for approval on that basis.

87. The Council does not explicitly state what matters will be met from CIL contributions but it pursues planning obligation contributions amounting to £2,071,919 comprising;

- A monitoring fee of £25,000
- A Primary Education Contribution of up to £1,670,732
- An NHS contribution of £81,538
- Travel planning monitoring fee of £6,000
- A sustainable transport contribution of £266,075
- A car club contribution of £22,574.33
- The Council's legal costs

A planning obligation has been delivered which would include these provisions but contains a "blue-pencil clause" which allows me to amend or to delete any contribution through this decision.

88. The appellant contests part of the Primary Education Contribution and the sustainable transport contribution, seeking to reduce the financial payment to £1,042,788.

89. NPPF paragraph 57 advises that planning obligations must only be sought where they meet three tests;

- Necessary to make the development acceptable in planning terms
- Directly related to the development and
- Fairly and reasonably related to it in scale and kind.

90. From December 2020, local authorities must publish an infrastructure funding statement. The infrastructure funding statement should identify infrastructure needs, the total cost of this infrastructure, anticipated funding from developer contributions, and the choices the authority has made about how these contributions will be used.

The Primary Education contribution

91. National Planning Practice Guidance (Guidance) advises that authorities can choose to pool funding from different routes to fund the same infrastructure provided that authorities set out in their infrastructure funding statements which infrastructure they expect to fund through the levy. (Paragraph: 166 Reference ID: 25-166-20190901). Paragraph: 169 Reference ID: 25-169-20190901 of Guidance continues; "Authorities can choose to use funding from different routes to fund the same infrastructure. Authorities should set out in infrastructure funding statements which infrastructure they expect to fund through the levy and through planning obligations (see regulation 121A). For example, a local authority may set out in their plan that they will use section 106 planning obligations to deliver a new school to serve additional pupils arising as a result of a new development on a strategic site. The local authority may also use levy funds to deliver the school and help support development elsewhere in the area."

92. Although Guidance is clear that local authorities can use planning obligations to supplement CIL payments, it cannot be said that a planning obligation meets the test of necessity where the infrastructure funding statement allocates CIL

contributions which, by themselves, could meet the costs of a necessary item in full.

93. The Council's Infrastructure Funding Statement published in December 2020 includes the following; "Reiterating that the Council does not expect to spend any CIL receipts this year and that it is not yet in a position to publish a detailed infrastructure list, for the sake of meeting Regulation 121A paragraph 1(a), the Council expects to spend collected CIL receipts, other than those to which regulation 59e and 59f applies, to wholly or partly fund:
- Schemes within the SBC Infrastructure Delivery Plan as a priority, and
 - Where possible, schemes within Council policy documents," [These are then listed]
94. It is clear from that statement that the Council intends to spend CIL receipts to fund either wholly or in part schemes within its Infrastructure Delivery Plan as a priority. Mr Proietti's evidence is that a 2FE primary school within the town centre is needed to serve the pupil needs arising from the appeal proposal. Appendix 1 of the Council's Infrastructure Delivery Plan March 2021 (the IDP) includes a 2FE school within the town centre as one of four items totalling £48.3m and so, it may be presumed that it is the council's intention to spend CIL receipts on this scheme as a priority.
95. However, paragraph 3.53 of the IDP states the expectation that the County Council's need for £44m of funding for primary schooling will be realised in the form of developer contributions. Likewise, paragraphs 9.9-9.12 of the Borough Council's supplementary Planning Document "Developer Contributions" adopted in March 2021 advise that the County Council is likely to seek financial contributions towards build costs and purchasing land for the Town Centre school from nearby developments.
96. The evidence from the County Council is that as things stand no monies have been committed from the SBCs CIL receipts to fund the town centre primary school. Be that as it may, there is considerable ambiguity and uncertainty about whether, and the degree to which, CIL receipts would fund the town centre school. I cannot therefore be certain that the provision within the submitted planning obligation meets the first test for compliance with the CIL regulations.
97. The appellant does not challenge the requested contribution on this ground and so, for the purposes of this decision, I will adopt the presumption that, even if CIL monies were to be allocated in due course to the new town centre primary school, they would be inadequate to pay for it in full and that a contribution from planning obligations is therefore necessary. However, to ensure that my decision does not conflict with the CIL regulations, I conclude that, in the event that the Borough Council does commit CIL receipts to the funding of the town centre school, the financial contribution resulting from the planning obligation should be reduced pro rata to the proportion of the school's cost which would be met from CIL receipts.
98. The way that the County Council has calculated the financial contribution requested from this development is an exemplary application of government advice. The contention that the calculation in respect of two other developments in Stevenage was less than exemplary is unfortunate but I do

not consider that the contribution sought in this appeal should be reduced or found to be non-compliant with the CIL regulations for that reason. For similar reasons, I do not find that because this scheme lies in a different CIL charging zone to other schemes which would also contribute to the town centre school the contribution sought would be non-compliant with the CIL regulations.

99. However, there is an inconsistency between the way the Primary Education contribution has been calculated and the way the NHS contribution has been calculated. Paragraph 7.3.19 of the Council's committee report presents the appellant's argument that amongst the biggest drivers of household formation are people living longer or downsizing. Consequently, a significant number of new homes house people already living within the area who will therefore not add to the demand for NHS services by moving into the development. To the extent that they are new households formed by fragmentation of existing larger households, their vacated dwellings will not be taken up by incomers.
100. A similar calculation needs to be made in respect of education demand. In response to a question, Mr Hardy confirmed that the Council's method for calculating the number of school pupils arising from a development does not make an adjustment to allow for pupils already within the system because there is no government guidance on how this adjustment should be calculated. It follows from his response that the County's system presumes that all pupils arising from the development would be new to the Hertfordshire schools system. As a result, I deduce that the financial contribution sought would be greater than can be truly justified.
101. There is no evidence before me to indicate how this adjustment should be calculated, other than that used for calculating the adjustment to the NHS contribution. For consistency therefore, and to ensure that the contribution would be fairly and reasonably related to the development in scale and kind, I find that the Primary Education Contribution should be reduced to 20% of the figure sought; that is; £334,146. I take account of the planning obligation's Primary Education contribution only to that extent.

Sustainable transport contribution

102. In its comments on the application, dated 6 February 2020, Hertfordshire County Council (HCC) seeks financial contributions of £381,851 to improve cycle routes connecting new development to the town centre and Gunnels Wood employment area via cycleway network, improvements to Stevenage rail station, North-South high-quality bus corridors, improvements to bus services between new development sites and the town centre, to mitigate the incremental increase in traffic impact from developments and maximise the sustainability of the site in transport terms. The response goes on to elaborate the basis on which the contribution is sought. It explains that, in the absence of a CIL scheme, HCC operates a two-strand approach to planning obligations. The first strand addresses the immediate impacts of the new development. The second strand addresses the cumulative impacts of all development on non-car networks.
103. In the first strand are a travel plan evaluation and supporting fee of £6,000, provision for a car club, and works to improve pedestrian and cycle connections to the subway under Lytton Way. I concur that these are necessary to make the development acceptable, directly related to the development and fairly and reasonably related to it in scale and kind.

104. In the second strand, the amount sought is based on a unit rate of the number of bedrooms in the scheme related to the site's accessibility. It would be spent on two packages; a) Package 1 (Gunnels Wood and Town Centre): Cycle routes connecting new development in North Stevenage to the town centre and Gunnels Wood employment area via cycleway network, Improvements to Stevenage rail station, North-South high-quality bus corridors b) Package 2 (North and West Stevenage): Cycle routes connecting new development in North Stevenage to the town centre via cycleway network, Improvements to bus services between new development sites and the town centre, as identified in the North Central Hertfordshire Growth and Transport Plan, in order to facilitate access by sustainable modes to Gunnels Wood industrial Estate and the town centre and between new development in north and west Stevenage. The County Council's note explains that a "walking and cycling audit" to key destinations demonstrates clearly that the residential use will have a wider and more profound impact on the existing walking, cycling and public transport facilities in the area, than the previous use as an office.
105. Be that as it may, an examination of packages 1 and 2 in the North Central Hertfordshire Growth and Transport Plan identifies little that would enhance the walking, cycling and public transport facilities likely to be used by residents of the development proposed. As noted earlier, in the discussion on the intensity of development proposed, the site is well located in relation to the town centre and bus and railway stations but is unlikely to find local bus stops advantageous to use and the only specific improvement to the pedestrian and cycle network which would benefit the site would be a subway link beneath the south eastern quadrant of the Lytton Way/Fairlands Way roundabout, which does not appear to be a proposal in either of the packages of the North Central Hertfordshire Growth and Transport Plan.
106. Schedule 10 of the planning obligation refers (amongst other matters) to the upgrading of two bus stops on Lytton way with real time information screens. My site visit identified that one of the two bus stops concerned has been temporarily removed for the construction of the town's new bus station. The other is already equipped with real time information screens. Therefore, this provision of the planning obligation is unnecessary and I have taken no account of it in my decision.
107. I conclude that the financial contributions sought in relation to the HCC's second strand of its approach to planning obligations would not be necessary to make the development acceptable, nor would it be related to the development either directly or reasonably in scale and kind. Although I take account of the planning obligation's provision in relation to travel plan monitoring and car club, I take no account of the sustainable transport contribution.

Conclusion on infrastructure

108. The combination of condition (4), which would secure improved connections to the footway and cycleway network, together with those of the financial contributions towards CIL, education and health infrastructure which I endorse, would ensure that the scheme would make adequate provision for supporting infrastructure. It would therefore comply with local plan policy SP5 which seeks to ensure that the infrastructure required to support its targets and proposals is provided.

The planning balance

109. As noted earlier, the operation of the Housing Delivery Test means that the policies most relevant for determining this appeal should be regarded as out of date and that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole. The courts have held (and NPPF paragraph 12 concurs) that this advice does not override the statutory status of the development plan as the starting point for decision making.
110. The benefits would be considerable and tangible. A vacant brownfield site would be brought back into use, with the economic benefits in terms of job creation during construction and household expenditure during subsequent occupation that would ensue. The Council depends upon the delivery of the site as part of its five-year housing land supply, to which the scheme would contribute about 15-16% of the Council's housing requirements for each of the five years or so it would take to construct. The affordable housing provided would be the equivalent of that provided in an average year and a half of previous performance.
111. The adverse impacts would be less tangible but also considerable. Nearly a quarter of the flats would offer substandard living conditions in terms of privacy. Although all the buildings would have high quality detailing, some would be less well-proportioned than others. In terms of placemaking, the arrival square would be well-proportioned but the sculptural quality of the scheme overall would be disappointing. The two blocks intended to mark the roundabouts at either end of the scheme would be imperfectly proportioned and would be insufficiently striking to be adequate as memorable landmarks. The variation in the height of the rest of the scheme would be insufficient to avoid the effect of a wall of development at least eight stories high along Lytton Way. In longer distance views, the form and silhouette of the proposal would not only be inimical to the traditional character of Stevenage but would be seen to be inimical to a degree not appropriate in its town centre fringe location.
112. Other than the effect on living conditions of potential future occupants, these adverse impacts would be disappointments rather than actual harm. They would not significantly and demonstrably outweigh the benefits and so, in accordance with the advice set out in NPPF paragraph 11(d) and footnote 8, I allow the appeal.

Conditions

113. In a Statement of Common Ground, both parties agree to recommend thirty conditions in the event that the appeal is allowed. I have considered these in the light of national guidance and the tests set out in the NPPF, preferring where appropriate the model wording of the annex to the otherwise superseded circular 11/95, *the use of conditions in planning permissions*. I have also re-ordered the conditions so that pre-commencement conditions are stated first.
114. The plans list in condition (2) has been amended to include the two detailed landscaping plans in place of the sketch landscape masterplan drawing. There is reportedly a further revision (B) to drawing 2660-LA-01 but that was not

before me. In any event, condition (4) and possibly condition (5) will require further amendments to drawings 2660-LA-01 and 02.

115. The acceptability of the scheme partly depends upon the quality of the materials to be used and so I have adopted suggested condition (3) as condition (10). Suggested condition (4) would have required the submission of a scheme of landscaping but, in fact, a scheme of landscaping has already been submitted (drawings 2660-LA-01 and 02) and, at the Council's request has been included within the list of drawings in condition (2) in accordance with which the development must be carried out. Implementation of the landscaping scheme is covered by condition (13) which is a combination of suggested conditions (5) and (27). Consequently, there is no need for suggested condition (4).
116. The existing mature landscaping surrounding the site is a feature which all parties agree should be protected during construction but there is no need for the submission of a detailed scheme of protection since one has already been submitted within the appellant's Arboricultural Impact Assessment and so I have adapted suggested condition (6) (tree protection) to require the implementation of that document's recommendations as condition (6). In consequence, there is no need for suggested condition (7).
117. Suggested condition (8) would duplicate the provisions of other legislation and so is not necessary.
118. The nature of any public lighting on site is a safety concern of Network Rail and so suggested condition (9) is adopted as condition (11).
119. I have no doubt that the developer will prepare a construction management plan (and a site waste management plan) for the developer's own purposes but, in the particular circumstances of this site, which is isolated from neighbouring residential development by main roads and railway and has no street frontage across which servicing could take place, it is not necessary for such a document to be submitted to the local planning authority for approval (suggested condition 10).
120. Drawings of foul and surface water drainage submitted as part of the revised Flood Risk Assessment are annotated as preliminary. Suggested conditions (11) (12) and (13) to require final details and their implementation and management are therefore needed and are combined as condition (7) but it is not necessary to specify what the final details should comprise; their acceptability can be left to the local planning authority to determine when the details are submitted. I concur that the dwellings should not be occupied until any necessary soil drainage upgrades have been carried out and so suggested condition (14) is adopted as condition (14).
121. Details of fencing are not included within the submitted landscaping drawings. They are also a safety concern of Network Rail. Consequently, suggested conditions (15) and (25) are necessary and have been combined into condition (5).
122. The appellant's submitted Phase 1 ground investigation report anticipates the need for conditions to deal with potential contamination. I have combined suggested conditions (16), (17) and (18) into one; condition (8). Likewise the need for a condition to deal with the noise environment prevailing at the site is

anticipated by the appellant's Noise Impact Assessment report. Consequently, I have adapted suggested condition (19) and imposed it as condition (9). However, suggested condition 20 would duplicate the provisions of part E of the Building Regulations and so is not necessary.

123. The sustainability of the site's location and its relationship with the Stevenage cycle network is one of the reasons justifying a reduced provision of car parking. It is therefore necessary to require the provision of cycle parking as recommended by suggested condition (21). But, subsequent to the submission of the application, the Council has revised its cycle parking standards and so condition (3) imposed requires the submission of revised details and their subsequent implementation.
124. Similarly, it is necessary to secure improved access to the cycleway network which suggested condition (28) would secure. But, there is ambiguity between the provisions of WSP Technical Note HCC003, the provisions of the s106 planning obligation and the County Council's observations on the application as submitted, as a consequence of which it is not clear that the development would provide both an upgrade of the existing south-facing ramp to make it more suitable for cyclists as well as the provision of a ramp to serve north-bound cyclists and those seeking to reach Gates Way via the subway underneath Lytton Way. Furthermore, on my site visit I noted that the landscaped embankments of the existing development on site had experienced the formation of informal paths from the cycleway onto the site in several places. The layout of the development proposed and the multiple desire lines to the individual entrances of the several blocks proposed is likely to exacerbate the desire to form similar informal paths. These pedestrian desire lines should be accommodated within the scheme from the start and so, in imposing condition (4) I have adapted the suggested condition to require the submission of further details.
125. Suggested conditions (23) and (24) are also necessary to ensure that the development would achieve its sustainable transport objectives and so these are imposed as conditions (15) and (16).
126. Suggested condition (26) accords with the recommendations of the appellant's Biodiversity Net Gain Assessment and so is imposed as condition (17). Suggested condition (28) likewise accorded with the appellant's originally submitted Energy Strategy but, at the Inquiry I was informed that the appellant had reviewed its strategy and now wished to use Air-Source Heat Pumps and so the submission of a revised Energy Strategy is now required by condition (12) as imposed.
127. Suggested condition (29) is necessary to secure an essential part of the development and is therefore imposed as condition (18). However, suggested condition 30 would simply duplicate a provision of the s106 planning obligation and so is not necessary.

P. W Clark

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

James Neill	Of counsel, instructed by Simon Banks, Solicitor to Stevenage Borough Council
He called	
Gemma Fitzpatrick BA(Hons) MRUP MRTPI	Stevenage Borough Council
David Hodbod BA (Hons) MA MSc	Stevenage Borough Council, planning policy team
Antony Proietti BA(Hons) MA	Growth Area Team Leader, Hertfordshire County Council
Dan Hardy BEng(hons)	Senior Planning Officer, School Planning, Hertfordshire County Council
Robin Buckle DipTP DipUD MRTPI	Urban Design Consultant

James Chettleburgh and Rob Walker also took part in the discussions on the planning obligation and on conditions

FOR THE APPELLANT:

Robert Walton QC	Instructed by Colin Campbell, Hill Residential Ltd
He called	
Justin Kelly DipArchTech BArch, DipArch ARB RIBA RIAI MCIAT FCIAT	Partner, BPTW
David Allen DipLA CMLI Richard Coleman DipArch(Cant) ARB RIBA RIAI	Former Managing Director, Allen Pyke Associates Principal, Citydesigner
Joanna Ede MA DipLA CMLI	Director, Turley
Colin Campbell BSc(Hons) DipTP MRTPI	Head of Planning, Hill Residential Ltd

Gemma Dudley also took part in the discussions on the planning obligation and on conditions

DOCUMENT submitted during the Inquiry

Section 106 agreement explanatory note

Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Other than as required by conditions 3, 4 and 5 the development hereby permitted shall be carried out in accordance with the following approved plans: 16-019, D050C01, D051C01, D052C01, D053C02, D054C02, D060C02, D100C01, D101C02, D102C03, D111C01, D112C01, D113C01, D114C02, D115C02, D151C01, D152C01, D153C01, D154C01, D200C01, D201C02, D202C02, D203C02, D204C02, D251C01, D252C01, D253C02, D254C01, D300C01, D301C01, D302C01, D311C01, D312C02, D314C02, D351C01, D352C01, D353C01, D354C01, D400C03, D401C01, D402C01, D411C02, D412C02, D413C02, D451C02, D452,C02, D453C02, D454C01, D500C02, D501C02, D502C02, D503C02, D504C02, D551P02, D552C01, D553C02, D554C01, D600C02, D601C02, D602C02, D611C01, D612C01, D613C02, D614C02, D651C02, D652C02, D653C02, D654C01, D700C02, D701C03, D702C03, D706C01, D707C01, D708C02, D709C02, D751C01, D752C01, D753C01, D754P01, 2660-LA-01A, 2660-LA-02A.
- 3) Notwithstanding condition 2 and the details of car and cycle parking shown on the submitted plans, no development shall take place until revised plans showing the provision of at least 948 cycle parking spaces together with the details of their type and design should be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be fully completed for each block or phase and in accordance with the approved revised details before first occupation of that particular block or phase in the development.
- 4) Notwithstanding condition 2 and the details of improvements to pedestrian and cycle access shown on the submitted plans, no dwelling shall be occupied until the development has been carried out in accordance with revised plans which shall have been submitted to and approved in writing by the Local Planning Authority showing: (i) Provision of new ramp in accordance with Appendix B of WSP Technical Note HCC003 dated 24th January 2020, (ii) upgrading of the existing south-facing ramp (iii) provision of paths, steps or ramps following direct desire lines from the Lytton Way pedestrian and cycle route to each of the amenity terrace open spaces and to each of the entrances to the cycle stores on the Lytton Way frontages of the proposed blocks of flats 1-6. (iv) Provision of a new pedestrian and cycle access to Trinity Road as identified under Appendix C of WSP Technical Note HCC003 dated 24th January 2020.
- 5) Notwithstanding condition 2, details of the treatment of all boundaries including details of any walls, fences, gates or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to any landscaping work taking place. The approved boundary treatments shall be completed in accordance with the approved details before the use hereby permitted is commenced or before the building(s) is occupied and thereafter permanently retained. No part of the development shall be occupied until an Armco or similar barrier has been installed in positions where vehicles may be in a position to drive or roll onto the railway.

- 6) No development, including any site clearance or demolition works, shall commence until all trees within the development site which are to be retained as identified in the Tree Protection Plan, drawing number 67135-02 contained within Appendix 4 of the submitted Arboricultural Impact Assessment (AIA) dated 31/10/2018 reference 67135 (V2) by Landscape Planning have been protected by fencing or other means of enclosure in accordance with Appendix 8 of the AIA, located as shown on the Tree Protection Plan, which protection shall be retained in place until the conclusion of all site and building operations. Within the tree protection areas, there shall be no alteration to the ground level and they shall be kept clear of vehicles, materials, surplus soil, temporary buildings, plant and machinery.
- 7) No development apart from demolition and site preparation works shall take place until the final design of the soil and surface water drainage schemes and their maintenance regimes have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 8) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the Local Planning Authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the Local Planning Authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the Local Planning Authority before any part of the development is occupied.
- 9) Construction work shall not take place until a scheme for protecting the proposed dwellings from noise from road, rail and air transport sources shall have been submitted to and approved in writing by the Local Planning Authority. Before any dwelling is occupied all works intended to protect that dwelling which form part of the scheme shall be completed and retained thereafter.
- 10) No development shall take place above slab level until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 11) Prior to commencement of works above slab level, details of any external lighting, including the intensity of illumination and predicted light

contours, shall be submitted to and approved in writing by the Local Planning Authority. Any external lighting shall accord with the details so approved.

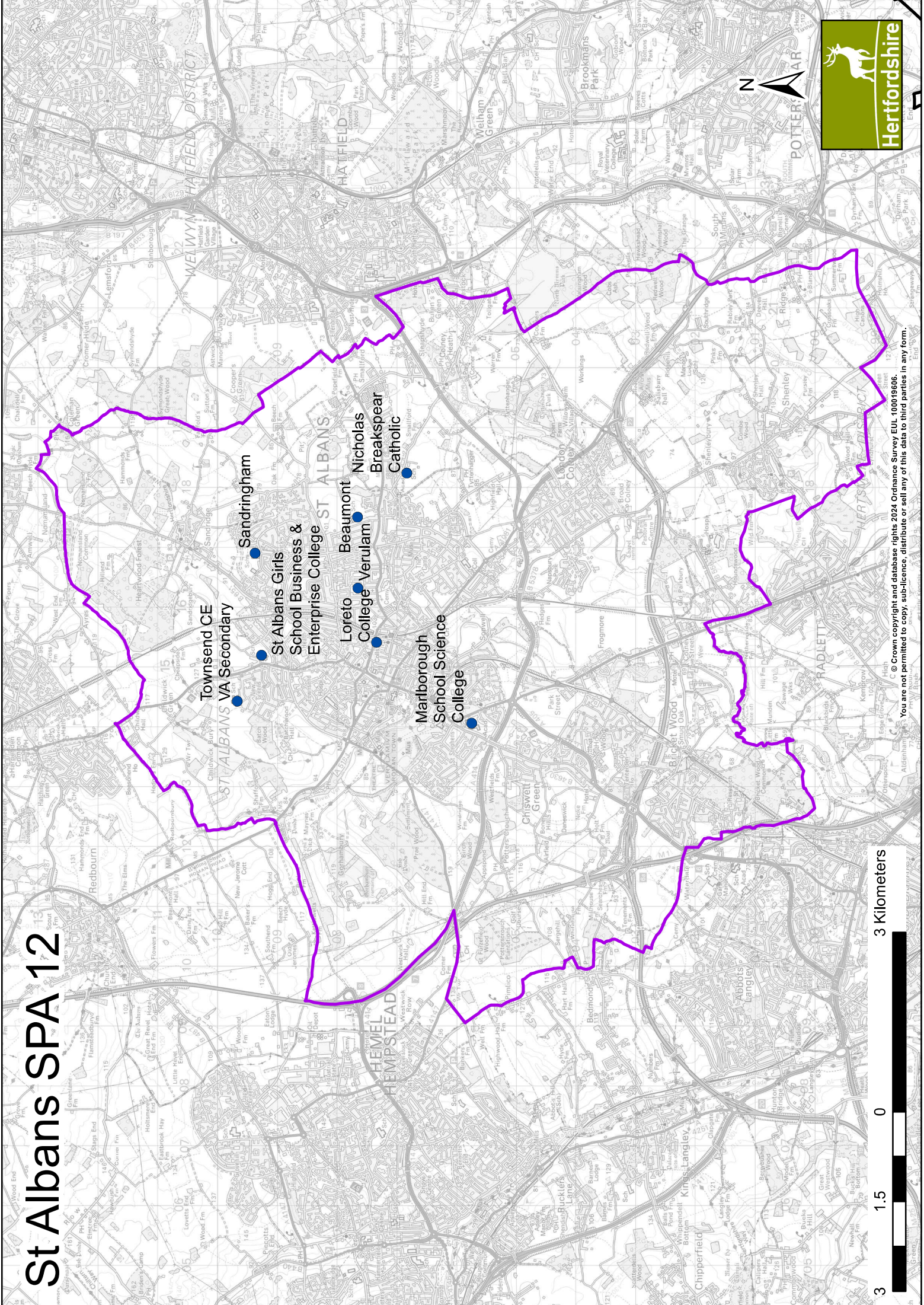
- 12) Prior to commencement of works above slab level, an energy strategy to achieve 65% carbon reduction against Part L of the Building Regulations 2013 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and retained thereafter in accordance with the approved details of the energy strategy and in accordance with the water consumption targets contained within the approved Whitecode Design Associates Energy Strategy 10293-S-EBER-0001 Revision 5 dated 30 July 2019.
- 13) No more than 50% of the dwellings in the development overall and no dwelling in block 7 shall be occupied until the open space/play area adjacent to block 7 has been completed and made available for use. All other planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 14) No part of the development shall be occupied until written confirmation has been provided that either:-
 - (i) All wastewater network upgrades required to accommodate the additional flows from the development have been completed; or
 - (ii) A housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.
- 15) Prior to the occupation of the development hereby permitted, details of the siting, type and specification of Electric Vehicle Charging Points (EVCPs) for 28 vehicles, their energy sources, a timetable for their delivery and the strategy/management plan for supply and maintenance of the EVCPs shall be submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed and subsequently retained operational in accordance with the approved details and timetable.
- 16) No part of the development hereby permitted shall be occupied prior to the implementation of WSP's approved Residential Travel Plan Doc Ref No. 70020570-RTP-001 Dated July 2019 or any replacement thereof subsequently approved in writing by the Local Planning Authority. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.
- 17) Prior to the first occupation of any dwelling, details of a scheme to provide at least 20 bird and 30 bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall

include details of the timing of provision. The development shall be carried out in accordance with the approved details.

- 18) Prior to the first occupation of the dwellings hereby permitted the approved refuse and recycle stores shall be constructed in accordance with the details submitted with this application and shall be permanently retained thereafter.

Hertfordshire County Council Appendix L

St Albans SPA 12



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Hertfordshire County Council Appendix M

SEND Special School Place Planning Strategy



2020-2023



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Introduction

The aim of the SEND Special School Place Planning Strategy is to ensure that there is sufficient capacity in Hertfordshire special schools, so that children with SEND (Special Educational Needs & Disabilities) have access to high quality local provision that meets their needs.

The strategy reflects the outcomes of the following workstreams of the overarching SEND Strategy 2018-2023¹ as they affect the need for special school places:

Specialist Provision Workstream

Vision: *A pattern of specialist provision is strategically planned on the basis of evidence of what is required now and in the future. This enables the needs of more children and young people with complex SEND to be met as close as possible to their home and local community.*

Behaviour and Social Emotional and Mental Health (SEMH) Workstream

Vision: *A flexible continuum of support is in place in each area to ensure that children and young people with significant needs affecting their behaviour and / or mental health can access their entitlement to education provision and their outcomes improve.*

A pattern of special school provision has been identified which will build on the existing provision to improve outcomes for all children with SEND, ensure that there are sufficient places to meet forecast demand and achieve best value for money.

¹View the SEND Strategy



The special school strategy is informed by evidence-based analysis of need and demography which has identified the number of special school places needed to 2025.

The strategy will be reviewed annually.

Meeting the educational needs of children with SEND

Our vision for all children in Hertfordshire with SEND is that they will have their needs met with a range of inclusive provision available through our mainstream schools, specialist resource provision (including Education Support Centres and Primary Support Bases) and special school provision.

Children with SEND will have access to a high quality, broad and balanced curriculum which will be holistic and provide support across education, health and social care to meet their needs.

Our approach will always have the child and their family at the centre of what we do and we will co-produce our strategies, working closely with existing schools and our parent carer forum (HPCI)².

Our aim is to ensure that we meet the needs of our growing SEND population. Wherever possible, we will ensure that all children and young people with SEND have access

to high quality local provision that meets their needs and will look to provide equity of provision across the county.

We will clearly identify the type of support available for all children with SEND in our mainstream schools, the targeted support available across mainstream and specialist settings (including SRPs, ESCs and PSBs³) and the highly specialist support that could be accessed in our special schools.

We will ensure that we are admitting our children to the correct settings and will monitor their progress to ensure that the provision is meeting their needs.



² HPCI – Herts Parent Carer Involvement

³ SRP – Specialist Resource Provision / ESC – Education Support Centre / PSB – Primary Support Base

Supporting Children with SEND

– The Graduated Response

UNIVERSAL

Children and their families are supported by ensuring that each child's needs are provided for and uniqueness is celebrated. Using this universal approach, most children with SEND will have their needs met at a mainstream school.

TARGETED SUPPORT

Some children will need a little more targeted support in a mainstream school.

TARGETED PLUS

For children who will need support from outside agencies.

SPECIALIST

For children who need something more individual to meet their needs, as well as support from outside agencies.

SPECIALIST PLUS

Those children who need intensive support in a smaller environment for a short period may be supported at specialist provision including SRPs, AP, ESCs and PSBs.

Others will need a special school place.

SPECIAL SCHOOLS

Hertfordshire currently has 25 special schools. These schools are split into sectors, by need:

PNI : two schools for pupils with physical and neurological impairments [1 primary (3 – 11) and 1 all age (3 – 18)] ;

SLD : six schools for pupils with severe learning disabilities and profound and multiple learning disabilities [1 x all age (3 – 19), 5 x all age (2 – 19)] ;

SEMH : six schools for pupils with social, emotional and mental health disabilities [2 x primary (5 – 11), 4 x secondary (11 – 16)] ;

LD : nine schools for pupils with learning disabilities and Autistic Spectrum Condition and Speech and Language Needs [4 primary (4 – 11), 1 secondary (9 – 16), 3 secondary (11 – 16), 1 all age (4 – 16)] ; and

HI : two schools for pupils with hearing impairments [1 secondary (11-18); 1 all age (3-16)]. These schools also provide a regional resource for HI pupils.

INDEPENDENT PLACEMENTS

For a minority of children with very specific needs.

This strategy will focus on meeting the demand for special school places. However, the demand for special school places cannot be viewed in isolation.

Other initiatives, arising from SEND Workstreams, will have an impact on the demand for special school places. These co-dependant initiatives are summarised in Appendix 1.

The rising demand for special school places

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. In addition, it must consider the need to secure provision for children with SEND, including the duty to respond to parents' representations about school provision. These are referred to as the School Place Planning Duties⁴.



As part of the SEND Strategy 2018-2023, a full review of how Hertfordshire meets the educational needs of children with SEND is underway. This review is looking at how the current offer meets demand now and in the future. While the review is ongoing, evidence gathered has clearly shown that there is a need to re-align some provision to meet both the current and future needs of children in Hertfordshire with SEND.

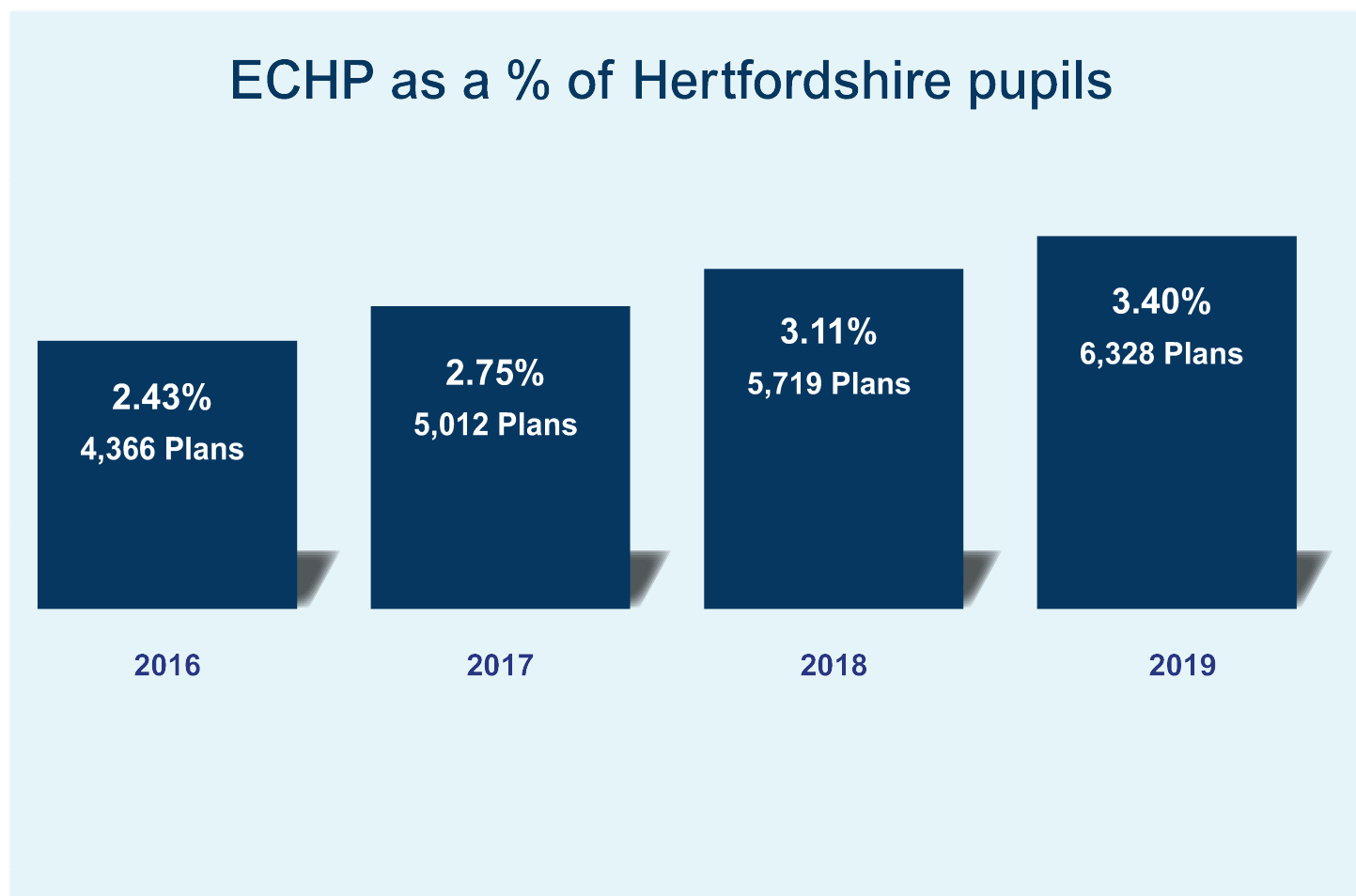
There is a demonstrable need for more special school places to meet some specific needs. Where it is demonstrated that need cannot be met for these children and young people within Hertfordshire, they are increasingly being placed, either by the County Council or as an outcome of a tribunal, at independent placements often far from their home and community. Being educated close to home is clearly desirable as it helps the child to develop independence and social networks that will support them as they prepare for adulthood.

This strategy looks to build the right capacity across Hertfordshire special schools, to meet these specific needs. This additional special school capacity will reduce the reliance on independent placements, ensuring that the educational needs of most Hertfordshire children with SEND can be met locally.

In addition to the need to build capacity so that Hertfordshire can meet specific needs, there has been an increase in the demand for special school places across the county, due to demographic growth.

⁴ School Place Planning Duties (s13-14 Education act 1996)

As outlined in the SEND Strategy 2018-2023, Hertfordshire's 0-19 population is projected to rise by 11.9% between 2017 and 2026. As one would expect, the number of children with SEND will also increase. This increase in the population has already led to increased demand for special school places. The table below shows the increase in the number of Hertfordshire pupils with Educational Health Care Plans (EHCP⁵) since 2016.



In the past two years an additional 233 places have been created in Hertfordshire special schools. However, increased capacity has been unable to meet the rising demand for special school places. This unmet demand has resulted in an increasing number of children being placed at independent provision, in 2019/20 financial year the number of children placed in the independent sector had increased to 220.

In addition some children have been placed in settings that do not best meet their need or are out of education, or on reduced timetables, because their needs cannot be met.

Hertfordshire special schools are now reaching capacity and, as demand continues to rise, new capacity must be built into the system to ensure that we are able to meet the needs of children with EHCPs into the future.

⁵EHCP - www.hertfordshire.gov.uk/ehcp

Special School Forecasts 2020-2025

The County Council has produced special school forecasts to help understand short-term demand for special school places across Hertfordshire. These forecasts cover a 5 year period and will be updated annually.

They include an assessment of :

- the 3 year rolling average in numbers in a year group from the previous year to provide cohort forecasts moving forward;
- the number of year 6 pupils who will require a secondary special school place; and
- an assessment of additional pupils that may arise from housing growth.

The forecasts do not include any contingency or 'margin'. The County Council would normally plan for a small surplus across an area to allow for fluctuations in forecast demand and to ensure children can secure a local place.

The special school forecasts cannot be viewed in isolation. Short term demand can be more accurately assessed using awaiting placement data held by the County Council. The forecast can, however, help to prioritise medium to longer term strategic projects to ensure that the right capacity is built into the system at the right time to meet forecast need. This work will increasingly need to take account of the growth agenda in Hertfordshire, by meeting the demand for special school places arising from approximately 100,000 new homes planned in the longer term for Hertfordshire, the impact of which will extend beyond the range of the current special school forecast.

Sector analysis of the forecast need for special school places

The following section identifies the forecast for special school places, by sector. It also explores the needs of a specific cohort of children, whose needs will be met through the creation of a new Communication & Autism sector.

The SEND Special School Place Planning Strategy is one of several initiatives arising from the wider SEND Strategy 2018-2023. As previously mentioned, some of these other initiatives will have a bearing on the future demand for special school places. The impact of these initiatives is considered in the following sector strategies.



Severe Learning Difficulties (SLD) & Profound Neurological Impairment (PNI)

Profound Neurological Impairment (PNI)										
School Name	Places Available 2020-21	Actuals			NOR January 2020	Forecast				
		2017-18	2018-19	2019-20		2021-22	2022-23	2023-24	2024-25	2025-26
Lonsdale	95	81	86	104	108					
Meadow Wood	36	27	30	35	33					
Total PNI Demand		108	116	139	141	156	166	177	181	183
Total PNI Places Available	131					131	131	131	131	131
Surplus or Shortage of PNI Places (No.)						-25	-35	-46	-50	-52
Surplus or Shortage of PNI Places (%)						-19.1%	-26.7%	-35.1%	-38.2%	-39.7%

Severe Learning Difficulties (SLD)										
School Name	Places Available 2021-22	Actuals			NOR January 2020	Forecast				
		2017-18	2018-19	2019-20		2021-22	2022-23	2023-24	2024-25	2025-26
Breakspeare	91	76	78	86	85					
Woodfield	120	85	90	96	105					
Watling View	89	90	92	90	91					
Greenside	156	136	142	143	148					
Lakeside	75	67	68	70	70					
Amwell View	144	135	136	139	148					
Total SLD Pupil Demand		589	606	624	647	685	739	786	832	876
Total SLD Places Available	675					675	675	675	675	675
Surplus or Shortage of SLD Places (No.)						-10	-64	-111	-157	-201
Surplus or Shortage of SLD Places (%)						-1.5%	-9.5%	-16.4%	-23.3%	-29.8%

For strategic school place planning, the demand for these two sectors are combined: to understand the demand and potential strategies that could be employed to meet demand across these sectors.

PNI & SLD Combined										
School Name	Places Available 2020-21	Actuals			NOR January 2020	Forecast				
		2017-18	2018-19	2019-20		2021-22	2022-23	2023-24	2024-25	2025-26
Total PNI Demand		108	116	139	141	156	166	177	181	183
Total SLD Pupil Demand		589	606	624	647	685	739	786	832	876
Total PNI & SLD Demand		697	722	763	788	841	905	963	1,013	1,059
Total PNI & SLD Places Available	806					806	806	806	806	806
Surplus or Shortage of PNI & SLD Places (No.)						-35	-99	-157	-207	-253
Surplus or Shortage of PNI & SLD Places (%)						-4.3%	-12.3%	-19.5%	-25.7%	-31.4%

Currently there are six SLD schools across the county offering 675 places. There are two PNI schools offering a further 131 places. In total there are 806 places available across the SLD/ PNI sectors (Appendix 2).

Demand for SLD/PNI places has been rising and continues to do so at a significant rate. In January 2016 there were 697 pupils in these schools. This number had risen to 788 by January 2020, a rise of 13%.



The combined forecast indicates that demand for places from 2021 will exceed capacity and continues to do so for the life of the forecasts. There is a forecast deficit of 253 places by 2025.

This rising demand is partly due to demographic growth. However, medical advances in recent years have also led to more children surviving premature birth with PNI/SLD needs. Similarly, advances in trauma care have led to children surviving serious injuries but with PNI/SLD needs. The increased demand in this sector is consistent with growth seen nationally and the forecast indicates that demand will continue to rise for the life of the forecast.

To date, the County Council has managed the rise in demand in this sector by increasing capacity in existing special schools. In the past two years an additional 79 places have been created at the SLD and PNI schools. From September 2020, all schools in the sectors are at capacity and there is no further expansion potential.

Assessment of other initiatives that may influence demand

- The needs of children with SLD and PNI are mostly evident from birth or before the child starts school. There is little movement from this sector into other sectors or mainstream settings.
- The initiatives to increase the number of children with SEND who can be supported

in mainstream and the introduction of SRPs for children with autism and communication needs is unlikely to significantly affect demand in this sector.

- There is potential that *Early Years SEND* and *Post 16 SEND* and *Preparing for Adulthood* initiatives may free up some limited capacity in this sector. These initiatives are at an early development stage. It is assessed that the impact is likely to be relatively low in comparison to the number of places required in the SLD /PNI sectors.
- The number of independent placements will increase significantly, as all schools in the sector are at capacity.

SLD/PNI strategy

The delivery of additional local SLD/PNI capacity is a clear priority. All schools are now full and there is no further expansion capacity. It is important that new places are delivered appropriately across the county, to ensure equity of provision so that as many children as possible can be placed near to their home and local community.

Considering there is a forecast deficit of 253 places across the life of the forecast, it has been assumed that at least 300 places are required. This will allow for a level of capacity across the schools, ensuring that most children can be placed close to home and to allow for fluctuations in demand during the life of the forecast and beyond.

New SLD/PNI places will be distributed across the county, through the delivery of up to 3 new schools delivering at least 300 new places. These additional places will give children equity of access, wherever they live in the county.

The earliest that new places can be delivered is September 2023. In the interim, an increased number of children may need to be placed at special schools outside of Hertfordshire or at independent placements.

Social Emotional & Mental Health (SEMH)

Social Emotional & Mental Health (SEMH)										
School Name	Places Available 2021-22	Actuals			NOR January 2020	Forecast				
		2017-18	2018-19	2019-20		2021-22	2022-23	2023-24	2024-25	2025-26
Larwood	86	64	65	75	80					
Brandles	54	48	50	50	54					
Hailey Hall	70	65	64	69	70					
Haywood Grove	56	38	51	50	55					
Batchwood	72	68	72	72	78					
Falconer	85	79	90	86	83					
Total SEMH Demand		362	392	402	420	436	453	467	478	484
Total SEMH Places Available	423					423	423	423	423	423
Surplus or Shortage of SEMH Places (No.)						-13	-30	-44	-55	-61
Surplus or Shortage of SEMH Places (%)						-3.1%	-7.1%	-10.4%	-13.0%	-14.4%

Currently there are six SEMH schools across the county offering 423 places (Appendix 3).

There has been a steady increase in demand across the sector. In January 2016 there were 362 children in SEMH schools. This number had risen to 420 by January 2020, a rise of 16%. To date, the County Council has managed the rise in demand in this sector by using existing capacity in the schools and increasing capacity where needed. An additional 49 places have been created in the past two years.

The forecast indicates that demand for places from 2021 will exceed current capacity and continues to do so for the life of the forecasts. There is a forecast deficit of 61 places by 2025. This does not include the number of pupils who are placed out of county due to our inability to meet their needs currently.

Assessment of other initiatives that may influence demand

The *Behaviour and SEMH Workstream* is conducting a full review of Behaviour and SEMH provision across the county. The outcomes of this review are expected in the summer of 2021. The forecast demand for SEMH places is likely to be volatile going forward, as demand will be affected by a number of other initiatives.

- A recommendation from the Specialist Provision workstream, to develop Specialist Resourced Provision (SRP) in mainstream schools, would create up to 176 places to support children with communication needs, including autism. It is expected that some children, who would have been placed in an SEMH school, would have their needs better met in an SRP at a mainstream school, potentially reducing the future demand for SEMH places.
- Other recommendations arising from the Specialist Provision workstream aim to increase the support for children with SEND in mainstream schools. Any increase in the number of children remaining in mainstream would reduce the demand for SEMH places across the county.
- A review of the SEMH residential offer is underway. The outcomes of this review have an impact on the number of day places available.
- A new SEMH secondary school in Harlow is scheduled to open in 2022. This will reduce the current inflow to Hailey Hall SEMH school from Essex, freeing up SEMH places for Hertfordshire children in the east of the county.

- A new 60 place special school, for secondary aged children with Communication & Autism needs, is scheduled to open in Welwyn Garden City in September 2022. This school will meet the needs of a specific cohort of pupils. Due to the current lack of provision for children with these needs, some of the children have been placed in SEMH schools but their needs would be better met at the new school. Once this school opens some capacity will be freed up in the SEMH secondary schools.
- A new 60 place special school, for primary aged children with Communication & Autism needs, is planned for in this strategy. This school would mirror the designation of the secondary school above. Should this school open, some capacity would be freed up in the SEMH primary schools.

SEMH strategy

Any medium to long term strategic decisions to address the forecast shortage of places in this sector will be taken once the recommendations of the Behaviour and SEMH review are known in 2021. The recommendations will be incorporated into the next version of this strategy.

In the meantime, short term demand (2021 and 2022) will be closely monitored and the County Council will be working closely with special schools, specialist and alternative settings and mainstream schools to ensure that the short-term needs reflected in the forecast can be met locally wherever possible.



Learning Difficulties (LD)

Learning Difficulties (LD)										
School Name	Places Available 2021-22	Actuals			NOR January 2020	Forecast				
		2017-18	2018-19	2019-20	2021-22	2022-23	2023-24	2024-25	2025-26	
Woolgrove	125	125	125	125	124					
The Valley	150	120	133	142	153					
Middleton	90	86	88	93	95					
Pinewood	160	157	162	162	168					
Southfield	80	73	80	80	80					
St Lukes	160	105	121	149	160					
The Collett	128	126	128	127	127					
Colnbrook	110	100	101	101	99					
Garston Manor	140	131	139	143	141					
Total LD Demand		1,023	1,077	1,122	1,147	1,173	1,180	1,178	1,163	1,152
Total LD Places Available	1,143					1,143	1,143	1,143	1,143	1,143
Surplus or Shortage of LD Places (No.)						-30	-37	-35	-20	-9
Surplus or Shortage of LD Places (%)						-2.6%	-3.2%	-3.1%	-1.7%	-0.8%

Currently there are nine LD schools across the county offering 1,143 places (Appendix 4). There has been a steady increase in the number of pupils in LD schools in Hertfordshire. In January 2016 there were 1,023 children in LD schools. This number had risen to 1,147 by January 2020, a rise of 12%.

To date, the County Council has managed the rise in demand in this sector by using existing spare capacity in the schools and increasing capacity where needed. In the past two years an additional 102 places have been created in the LD sector.

The forecast indicates that demand for places from 2021 will exceed current capacity. Forecast demand peaks in 2022 at 35 places above capacity and then drops to show a close match between existing capacity and forecast demand.

Assessment of other initiatives that may influence demand

The actual demand for LD places is likely to be volatile going forward as demand will be affected by other initiatives.

- As with the SEMH sector, it is expected that some children who would have been placed

in an LD school would have their needs better met in an SRP at a mainstream school, thereby reducing the demand for LD places.

- As with the SEMH sector, any increase in the number of children with SEND being supported to remain in mainstream would also reduce the demand for LD places across the county.

LD strategy

It will be necessary to maintain and marginally increase capacity in LD special schools. Short term demand (2021 and 2022) will be closely monitored and the County Council will be working closely with special schools, specialist and alternative provisions and mainstream schools, to ensure that the short-term needs of children can be met locally wherever possible.

The planned rebuild of The Valley school will create an additional 15 secondary places in the LD sector from January 2023. This will increase capacity across the sector to 1,158. There would then be a close match between forecast demand and capacity for the life of the forecast, a forecast deficit of under 2% for the remainder of the forecast.

Hearing Impairment (HI)

Hearing Impairment (HI)										
School Name	Places Available 2021-22	Actuals			NOR January 2020	Forecast				
		2017-18	2018-19	2019-20		2021-22	2022-23	2023-24	2024-25	2025-26
Knightsfield	46	39	37	44	46					
Heathlands	110	102	97	109	113					
Total HI Demand		141	134	153	159	158	170	180	188	183
Total HI Places Available	156					156	156	156	156	156
Surplus or Shortage of HI Places (No.)						-2	-14	-24	-32	-27
Surplus or Shortage of HI Places (%)						-1.3%	-9.0%	-15.4%	-20.5%	-17.3%

The two schools in this sector admit significant numbers of pupils from other authorities: around a third at Knightsfield and over half at Heathlands (Appendix 5).

Both schools are at capacity and the forecast indicates a gradual rise in demand to 2024 and then a slight reduction from 2025. An additional 3 places have been created in the past 2 years.

Assessment of other initiatives that may influence demand

Due to the very specific needs of this cohort, it is unlikely that the other factors will have an impact on demand for HI places. It is, however, possible that the changes to funding for mainstream schools to support children with SEND may see demand for HI places reduce but any drop is likely to be minimal.

Due to the low numbers in the HI cohort it is possible that actual demand will vary considerably to the forecast demand. For example, the impact of pupils arising from housing growth may not impact on this sector as forecast.

HI strategy

The number of places forecast for 2021 is around the level of current capacity. With a slight deficit forecast at Knightsfield. Placement data will be closely monitored to identify actual short-term demand for 2021 and 2022.

The forecast will be monitored and the County Council will work closely with both schools to agree contingency plans, should additional places be required for Hertfordshire children in the short or medium term.



Communication & Autism - children whose needs fall between existing special school sectors (CA)

The County Council needs to respond to an increasing number of children with a specific need profile that can be described as including :

- Autism and/or social communication needs (diagnosed or otherwise)
- Academically able – working at age related expectations (ARE), above ARE or below ARE due to difficulties in accessing learning or gaps in education (not those with SEN recognised as Learning Difficulties)
- High levels of anxiety
- Mental health needs
- Sensory needs

These children are not included in the special school forecasts currently. However, Analysis of current pupil placement data indicates a significant and increasing demand for places to meet this specific need.

These children have often experienced trauma and show behaviour that is challenging. This behaviour inhibits their ability to access the curriculum and make good progress. These pupils may experience multiple exclusions from mainstream and specialist settings.

As, it is a priority of the SEND Strategy 2018-2023 to reduce the reliance upon the independent sector, by creating high quality provision close to the child's home and local community, the County Council has started to take action to meet the needs of this group of children.

A new 60 place special school, for secondary aged children with Communication & Autism needs, is scheduled to open in Welwyn Garden City, in phases from September 2022.

This new school will support children with this need profile.

Assessment of the demand for a primary special school for children with Communication & Autism needs

There are currently 15 primary age children in independent placements whose EHCPs indicate they meet this need profile.

There are also several children in Hertfordshire's primary SEMH schools whose SEMH needs stem from their autism and associated sensory needs/difficulties in accessing learning. Many of them experience difficulties in emotional regulation, which can manifest as behaviours which led to placement in SEMH settings. These children would benefit from attending a setting which is better suited to their underlying needs. It is estimated that there are at least 9 children in Haywood Grove School who would fall into this category and a further 10 children at Larwood School.

There are currently 3 primary age children receiving home tuition (through ESMA), as they are unable to attend school due their autism-related anxiety which has led to long-term school absence. They would benefit from a smaller school setting, which is equipped to support their anxiety and mental health needs. Often children who have reached this stage are unable to return to mainstream school resulting in children being placed at independent placements.

As demonstrated above, there are currently at least 37 children who meet the identified need profile.

In addition to these 37 children, there will be other children with this specific need in the following categories:

- children awaiting placement in specialist out of county placements
- those currently seeking independent placements
- those who are not attending school due to autism-related anxiety, but who do not meet the criteria for ESMA tuition (e.g. When CAMHS support is not in place/available)
- those in a mainstream or special school whose needs could be better met in a more suitable specialist school or setting
- children missing from education (CME)
- children who are currently Educated at Home (EHE) as parents feel that there is not a suitable school provision available locally
- children who have 'coped' in primary school with significant levels of intervention & support but are anticipated to struggle when reaching secondary school. Many of them may have benefitted from early intervention support in a specialist setting, either as a long-term placement or to better-prepare them for a mainstream secondary setting.

Many of the children in the categories above are supported through personalised educational support packages, funded 1:1 support and/or social care packages.

New Communication & Autism sector - for children whose needs fall between special school sectors – Strategy

As demonstrated above, there is a need to provide accessible primary special school places in Hertfordshire to meet the needs of these children. These places will form part of a new special school sector.

A planned new Communication & Autism special school in Welwyn Garden City will offer 60 places for secondary aged pupils. The earliest the phased opening of the school could be delivered is September 2022.

A second new Communication & Autism special school, which will be easily accessible from across the county, is now proposed. This special school will offer 60 places for primary aged pupils. The earliest the phased opening of the school could be delivered is September 2023.



SEND Special School Place Planning Priorities 2020-2023

As evidenced in this strategy, all Hertfordshire special schools are reaching capacity and demand for places continues to rise. Demand for special school places is forecast to rise by 364 places between January 2020 and January 2025.

While other initiatives are likely to have an impact on that demand it is clear that new capacity must be built into the system, particularly in some sectors, to ensure that Hertfordshire can continue to meet need locally now and into the future.

The proposals in this SEND Special School Place Strategy 2020-23 are informed by evidence-based analysis of need and demography which has identified the capacity needed now and in the future.

The recommendations in this strategy will improve the outcomes of children with SEND, building capacity to meet local need and achieving best value for money.

They are:

1 : Building capacity in SLD/PNI sectors

It is clear that there is sustained pressure for places in the SLD/PNI sectors, 229 places at SLD and a further 42 at PNI. This equates to 75% of the overall increase in demand. 300 new SLD/PNI places are needed to ensure that forecast demand can be met in Hertfordshire : with approximately 200 places planned for delivery by September 2023.

2. Maintaining and marginally increasing places in the LD sector:

Places in this sector will be maintained and marginally increase places via the planned rebuilding of The Valley Special School, Stevenage, with 15 additional places, from January 2023.

3. Ensuring that short-term demand for special school places is met locally wherever possible :

Working with special schools, specialist and alternative provision and mainstream schools, the County Council will develop contingencies to ensure that there are sufficient local places to meet need in the short term, as other initiatives that will affect demand are embedded.

4. Delivery of two new Communication & Autism schools to meet the needs of children whose needs fall between current special school sectors

It is a priority to focus on meeting the needs of children with autism (ASC), or a social communication difficulty, who have higher academic ability, but significant anxiety, mental health issues, and gaps in their education and associated underachievement. The needs of these children will be met through the development of :

- a new approved 60 place secondary special school in Welwyn Garden City, phased opening from 2022 at the earliest; and
- the provision of a new 60 place primary special school in the centre of the county, phased opening from 2023 at the earliest.

Appendix 1

Other factors that may have an impact on the demand for special school places
The development of the SEND Pupil Place Planning Strategy is one of many initiatives commissioned by the SEND Senior Leadership Group, through its various Workstreams.

Some of these initiatives are listed here :

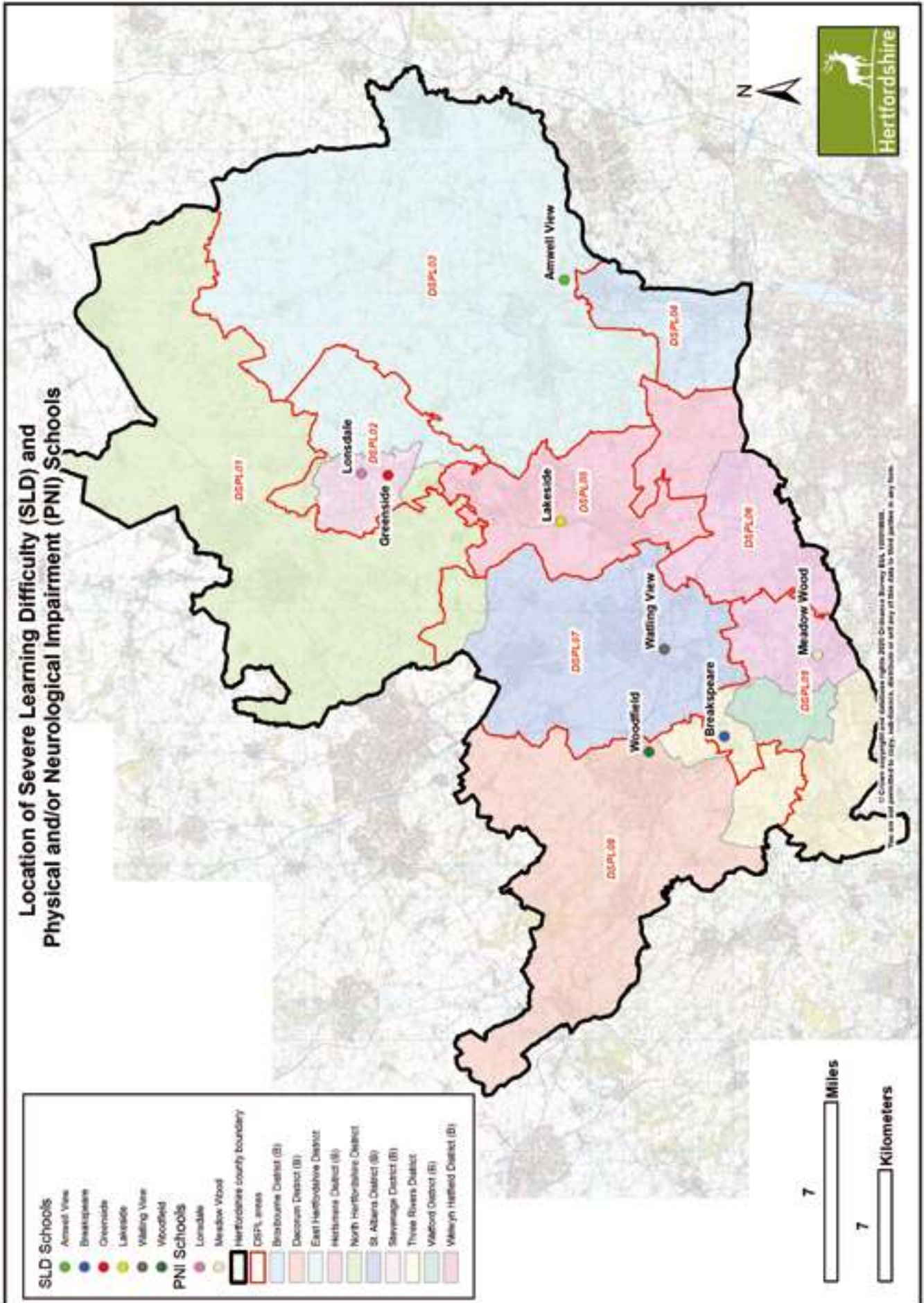
UNIVERSAL

- Further development of the universal offer in mainstream through Whole School SEND programme
- Changes to school funding through High Needs Funding in Mainstream Schools
- Development of banding descriptors

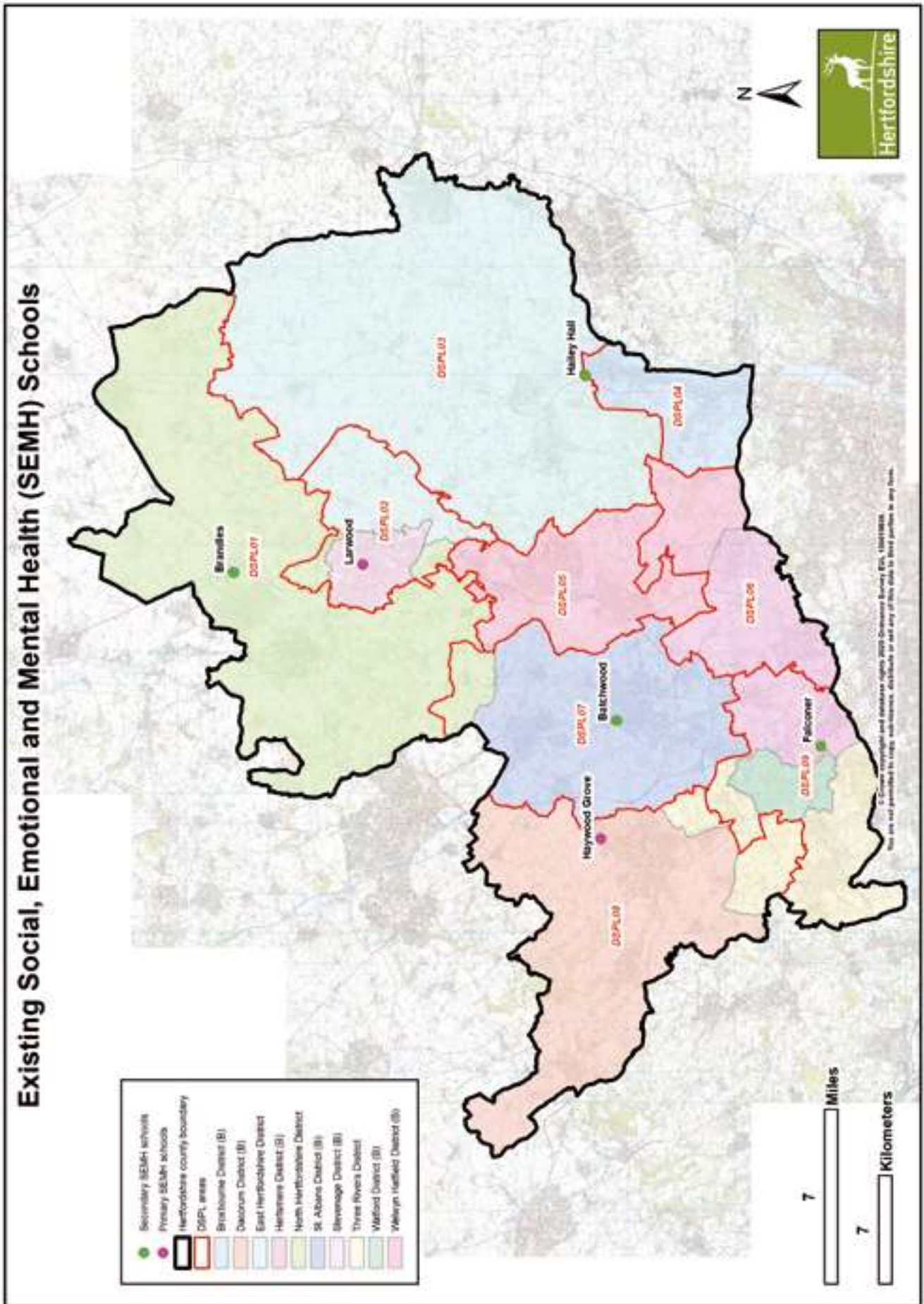
SPECIALIST PLUS (including special school initiatives)

- Development of Specialist Resource Provision in mainstream schools for children with communication needs
- SEMH & Behaviour review
- Review of SEMH residential offer
- Specialist nursery schools for children with SEND who are unable to access universal offer
- New schools planned for children whose needs currently fall between special school sectors
- Increasing the number of children who can access a local special school place and reducing the number of out of county independent placements
- Preparing For Adulthood - strategies including developing the Post 16 college offer for young people with SEND
- Children Looked After residential strategy
- Cross border activity – new schools and other strategies in other areas that may impact on inflows and outflows to HCC special schools

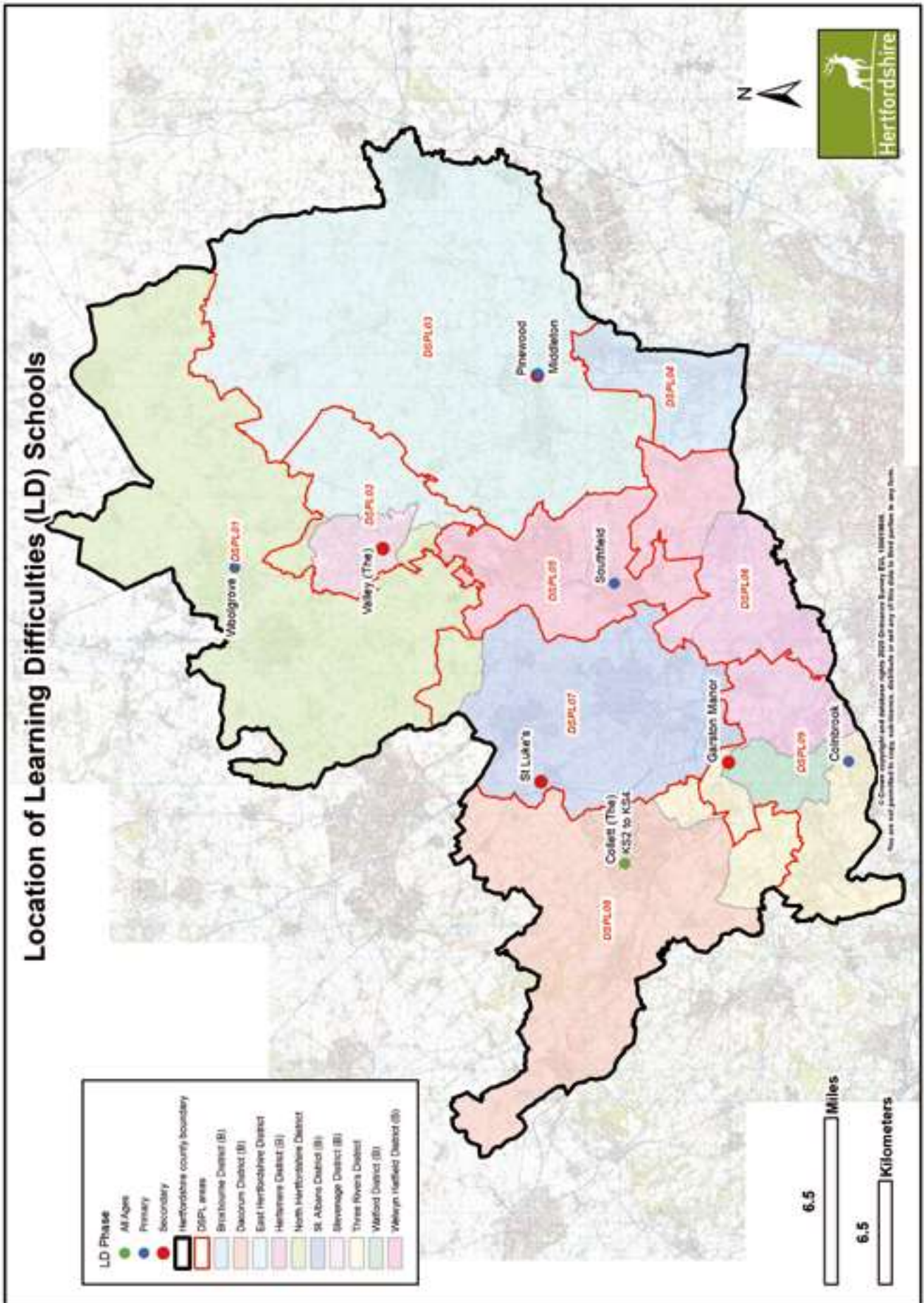
Appendix 2 : SLD/PNI



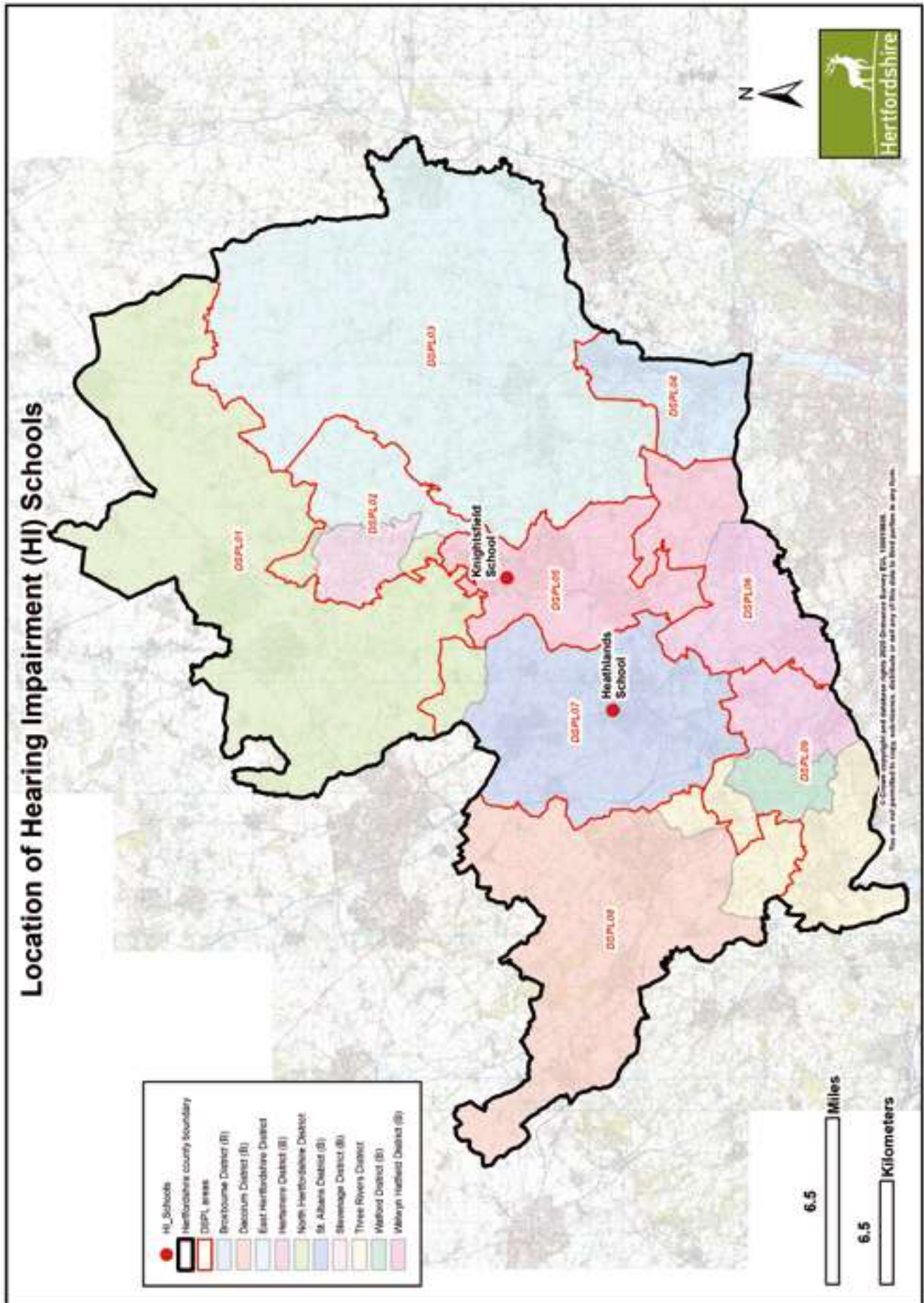
Appendix 3 : SEMH



Appendix 4 : LD



Appendix 5 : HI



Hertfordshire County Council Appendix N

Technical Appendix 4: Education – Special Schools and Specialist Provision

1.0 Service overview

1.1 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, including the duty to respond to parents' representations about school provision.

1.2 Special Educational Needs and Disabilities (SEND)

A child or young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for him or her.

A child or young person has a learning difficulty or disability if he or she:

- *Has a significantly greater difficulty in learning than the majority of others of the same age, or*
- *Has a disability which prevents or hinders him or her from making use of the facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post 16 provisions*
- *For children aged 2 or more, special educational provision is educational provision that is additional to or different from that made generally for other children or young people of the same age by mainstream schools, maintained nursery schools, mainstream post 16 institutions or be relevant early years providers. For a child under 2 years of age, special educational provision means educational provision of any kind.*

SEND Code of Practice (2015)

1.3 There are four broad areas of SEND, although many children and young people have needs that cut across more than one of the following areas of need:

- Communication and interaction
- Cognition and Learning
- Social, Emotional and Mental Health Difficulties
- Sensory and/or physical needs

1.4 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 with additional support. However, some children will need intensive support in a smaller environment and will be supported at specialist provision including for example specialist resource provision (SRP), Alternative Provision (AP), Education Support Centres (ESCs) and Primary Support Bases (PSBs). Others will need a special school place.

1.5 More information on the county council's SEND strategy can be found on our website at: www.hertfordshire.gov.uk/SEND

2.0 Assessing need and calculating contributions

2.1 Hertfordshire 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 or the creation of new provision.

2.2 Department for Education (DfE) guidance¹ 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, an ESC or other alternative provision.

2.3 The potential SEND pupil yield from an individual development site is assessed using a SEND education model, which projects the average number of children needing specialist provision that may emerge from different types of dwellings over time. This provides an assessment of the planning obligations necessary to mitigate the impact of a development site. The model is based on observed yields from recent new developments in Hertfordshire, which have been assessed as part of emerging data from a detailed Pupil Yield Study² (PYS).

2.4 The SEND education model does not include potential pupil yield from those SEND pupils who are accommodated within a mainstream school with additional support. An allowance for these pupils is included in the pupil yield calculations for, and contributions sought towards, mainstream education.

Per-Place Cost Calculations

2.5 In line with DfE guidance, the cost of SEND specialist provision places are, for the majority of projects, four times the national average cost for the relevant phase (i.e. primary or secondary) published by the DfE in the local authority school place scorecards adjusted to allow for the sustainability standards set out in the updated DfE School Output Specification but which are not yet reflected in the scorecard values³. The adjustment follows the current DfE approach to its basic need funding allocations to Local Authorities; the rate per place has been uplifted by 10%, based on its estimates of the costs associated with meeting improved sustainability standards for a typical school or college project, including considerations relating to buildings that are net zero carbon in operation and with additional climate resilience measures. These costs will be reviewed and updated as appropriate following the DfE's

¹ DfE - Securing developer contributions for education (April 2019)

² Further information regarding the PYS is available on the county council's website.

³ The DfE's scorecard costs are currently based on reported projects between 2015/16 and 2017/18

annual data release, or whatever schedule the department might adopt in future.

- 2.6 These per-place costs are combined with development-specific pupil projections from the model, to ensure that obligations sought are fair and reasonable, based on the number and type of units on an individual site. However, where it can be evidenced that the cost to deliver the project is in excess of funds to be achieved through the application of these charges (such as might be the case for projects with abnormal costs due to planning, highways or construction limitations), then the full cost of providing the new school or expanding the existing school and/or purchasing additional land to do so may be sought from the developer.
- 2.7 The county council will specify the date to which costs have been rebased (e.g. 1st quarter 2022) to allow future indexation against the Building Cost Information Service (BCIS) All-In Tender Price of Index (TPI) and BCIS Regional TPI.

Indicative Education Contributions

- 2.8 The following tables show indicative contributions for a new build project, by dwelling type⁴, which might be sought from development sites.

Indicative Cost Tables by Phase of Education

SEND: Primary

	HOUSES				FLATS			
	1 bed	2 bed	3 bed	4+bed	1 bed	2 bed	3 bed	4+bed
	All tenures							
County	£654	£654	£654	£654	£194	£194	£194	£194

SEND: Secondary

	HOUSES				FLATS			
	1 bed	2 bed	3 bed	4+bed	1 bed	2 bed	3 bed	4+bed
	All tenures							
County	£752	£752	£752	£752	£66	£66	£66	£66

- 2.9 All costs shown above are as at 1Q2022.

⁴ The indicative costs are not currently weighted according to different tenures and bed-sizes. However, once the PYS is complete this information will be incorporated into the cost table.

- 2.10 The illustrative tables above are included as a guide to help inform viability assessments and financial planning; the actual contribution for each development site will be calculated individually once a planning application has been made. This ensures the amount sought is fair, proportional and aligned with the impact of the specific development.
- 2.11 Both tables shown above relate only to construction⁵ costs and do not make any allowances for purchasing land. Where additional land is required to allow the delivery of a SEND project, the cost (or the relevant proportion of the cost) of acquiring the land will be added to the pupil place-led costs illustrated in the tables above. The tables are based on the cost of providing a new school. Contributions sought towards expansion of existing schools may be lower. Conversely, where abnormal site features or design requirements for a particular project mean that the cost of mitigating development is higher than standard, the amount charged may be increased proportionally.

3.0 Assigning contributions towards projects

- 3.1 Due the specialist nature of Hertfordshire Special Schools and Specialist Provision and the need for them to be of sufficient size to efficiently deliver a broad and specialist personalised curriculum, they draw pupils from beyond their immediate locality. The Department for Education's guidance sets out that travel distances to special schools and specialist provision should not affect consideration of whether a planning obligation meets the legal tests.
- 3.2 The potential SEND pupil yield for a particular development is not required to be disaggregated between different categories of complex need. The county council may therefore seek to apply the full SEND contribution from a particular development to a single SEND project covering the relevant age range. However, in some cases flexibility will be sought to allow contributions to be appropriately directed to a range of SEND projects.

⁵ Construction costs include fit out, furniture and equipment and ICT.

Hertfordshire County Council Appendix O

Technical Appendix 5: Services for Young People

1.0 Service Overview

- 1.1. The Education and Inspections Act 2006, Part 1, Section 6: Education Act 1996, Section 507B is the legislation which guides the Local Authority (LA). It states LAs have a *“responsibility to ensure young people have access to sufficient educational leisure-time activities which are for the improvement of their well-being and personal and social development, and sufficient facilities for such activities; that activities are publicised; and that young people are placed at the heart of decision making regarding the youth work / positive activity provision.”*
- 1.2. To clarify the Government’s expectations of LAs the Department of Education published the ‘Statutory Guidance for Local Authorities 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”, “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.*
- 1.3. Services for Young People 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.
- 1.4. Services for Young People supports young people by providing high quality informal education opportunities to promote their personal and social development, enabling them to make informed decisions; have a place in their community; and ultimately, to 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, thereby avoiding risky behaviour;
 - Be confident that they can present their views including those of others and influence decisions;
 - Develop resilience by knowing how they can help themselves and others;
 - Recognise when they need support and where they can go to access it;
 - Be able to recognise and develop healthy relationships thereby being less vulnerable to criminal exploitation; and
 - Develop a sense of purpose and self-belief and recognise what they contribute to society thus ensuring a sense of emotional wellbeing and positive mental health.

- 1.5. All Services for Young People youth work is delivered through planned curriculum programmes which are based on identified need resulting in recordable personal and social development outcomes. Needs are identified in a variety of ways: through an ongoing planning and evaluation process; ongoing consultation with young people; discussions with partners, Elected Members and district/ borough Youth Strategy Groups. Outcomes are identified, and a programme of work designed and delivered.
- 1.6. Delivery can be through a variety of media, depending on the needs and interests of the young people, such as sports, music, drama, art, peer mentoring, outdoor education etc. Outcomes are identified and will be linked to at least one of the curriculum areas: substance misuse, smoking, alcohol, sexual health, relationships, emotional wellbeing, child sexual exploitation, youth engagement, preparation for education, training or work, youth crime and personal safety, equality, diversity and culture, health and fitness, resilience, exploring identity, and independent living skills.
- 1.7. Services for Young People adopts a targeted approach to those most vulnerable and those at risk, while engaging as many young people from the wider community as possible in the informal education and prevention agenda. Any additional users resulting from new development will increase the pressure on facilities within the county, thereby limiting service provision and affecting their usability and attractiveness to young people.

2.0 Assessing need and calculating demand

- 2.1 In order to ensure young people have access to high quality youth work projects where they can learn a variety of skills, ideally all main young people's centres should have the following resources:
 - Large multi-purpose room that can be used for sports, drama and events.
 - A medium size meeting room that can be used to deliver specific training and group work sessions.
 - A medium size room in order to deliver art and be a creative space.
 - Two small one-to-one rooms for counselling, confidential conversations and to deliver provision such as condom distribution.
 - Life skills training kitchen where young people can learn independent living skills.
 - IT suite where young people can complete CVs, find out information, utilise more specialist media packages etc.
 - An informal area where young people feel relaxed and comfortable so that they can share their concerns.
 - For the larger centres the possibility for a music and media suite.
- 2.2 Given the varied nature of the premises in which Services for Young People operates, centres evolve over time. This enables Services for Young People to develop projects using a step-wise approach based on the identified needs of the young people.

- 2.3 Services for Young People also offers Access Point projects, to provide information, advice and guidance on a range of subjects. Detached and Outreach work is also a valued mode of delivery of services, where members of the team go and work with young people in areas where they congregate within the community. Specialist projects may also evolve where there is an interest.
- 2.4 Planning obligations towards youth services are assessed using the Hertfordshire County Council Demographic Model which forecasts the number of people able to access youth services likely to emerge from different types, sizes and tenures of dwellings. Details are available alongside this Guide.
- 2.5 Growth in the number of young people aged 11 to 17 years (the core age group) in a community will require increased resources to enable 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 or offer a wider range of activities.
- 2.6 Additional staff will be required to manage these activities and to maintain a safe and proportionate staff-to-young-people ratio. Start-up funding for the first two years allows the County Council the opportunity to develop working relationships with local partners and to develop strategies to sustain and ensure the future life of projects.
- 2.7 Examples of the resource requirements for increases in demand are currently:
- Increase of 10 to 15 young people - £4,400 per project pa as of Q1 2020 for start-up costs - based on 1 additional member of staff to support current activities for 1 session per week, all year.
- 2.8 This means that the funding required to cover staffing costs per user per annum equates to £293 (based on £4,400/15) and accordingly staffing costs to cover the 2-year set up period would be £586 (£293 x 2) per additional user. Indexing this figure to Q1 2022 means that the total is £610.49 per user.
- 2.9 The Pioneer Young People's Centre proposal in St Albans is used as a model of future youth provision in Hertfordshire. The intention is to provide a substantial centre of 1,480m², offering a range of activities and serving 11,040 potential users. The centre may be supplemented with detached or mobile provision at a later date. For this, new build costs are expected to be £2,818 per m². This equates to spending £377.78 per person. Indexing this figure to Q1 2022 gives a total cost of £393.57 per person. Thus, a new build with start-up staffing costs: £393.57 + £610.49 = £1,004.06 per user.
- 2.10 In some circumstances, when expansion is not possible, Services for Young People need to re-locate or reconfigure their existing premises, in order to meet the increased demands placed on the service. Reconfiguration projects are expected to cost £1,529 per m², based on relevant evidence. This equates to spending £204.95 per person (Q1 2022). Thus, a reconfiguration project with resource costs: £204.95 + £610.49 = £815.44 per user.

2.11 In circumstances where it can be evidenced that the cost to expand or redevelop a site is in excess of S106 funds to be achieved through the application of these charges, such as might be the case for sites located on brownfield sites, on constrained sites, or sites with planning limitations e.g. located on a flood plain, then a proportionate bespoke cost of providing the new site or expanding the existing site and/or purchasing additional land to do so may be sought from the developer.

2.12 An indication of estimated costs is provided in the tables below.

Project to increase resource requirements (£610.49 per user):

HOUSES				FLATS			
1 bed	2 bed	3 bed	4+ bed	1 bed	2 bed	3 bed	4+ bed
£81	£257	£386	£430	£96	£295	£283	£301

Project to reconfigure a centre (£815.44 per user):

HOUSES				FLATS			
1 bed	2 bed	3 bed	4+ bed	1 bed	2 bed	3 bed	4+ bed
£109	£347	£521	£581	£130	£398	£382	£406

Project to provide an expanded or new centre (£1,004.06 per user):

HOUSES				FLATS			
1 bed	2 bed	3 bed	4+ bed	1 bed	2 bed	3 bed	4+ bed
£133	£422	£635	£708	£158	£485	£466	£495

2.13 Where there is no scope to reconfigure the existing facility to improve service delivery and land is currently unavailable to extend the young people's centre, a new facility may be proposed. This could either be a new build or relocation project as mentioned previously. Proportionate contributions may be sought towards these projects.

Hertfordshire County Council Appendix P

Hertfordshire Libraries

2022-2032

APPENDIX 1



INSPIRING LIBRARIES:
My Place



Hertfordshire

Introduction

I am delighted to introduce our new 10 year strategy with ambitions that build on such strong foundations.



Cllr Terry Douris

Executive Member for Education,
Libraries & Lifelong Learning

We have one of the leading Library Services in the country with an impressive range of the highest quality stock, events and activities and a proven track record of innovation.

The previous Inspiring Library Strategy 2014-2024 has enabled Hertfordshire Library Service to thrive with over six million visits to Hertfordshire Library Service in 2019/20. In the past eight years we have opened six brand new library buildings and undertaken four major refurbishments along with improvements to twenty other libraries. We have also seen the exciting introduction of CreatorSpaces in four libraries with more in the planning pipeline with cutting edge technology such as 3D printing, green screen, laser printing and virtual reality experiences

along with the development of our roving CreatorSpace Out of the Box programme showcasing portable technology including robots, drones, and coding devices.

Our ambitious new 10 year strategy will build on these strong foundations and demonstrates Hertfordshire County Council's ongoing commitment to the Library Service. It positions libraries firmly at the heart of our communities, providing vital spaces for reconnection after the fragmentation and isolation of the pandemic, and supports a cleaner, greener, healthier Hertfordshire. This is a very exciting time for our Library Service and the new strategy ensures that our libraries will continue to flourish in the next decade by adapting and responding to the needs of local residents, communities and businesses.

Inspiring Libraries: Achievements 2014 – 2022

4 CreatorSpaces opened



Giving local communities access to innovative technology

6 BRAND NEW LIBRARY BUILDINGS

4 MAJOR REFURBISHMENTS



TRANSFORMED INTERIORS AT 20 LIBRARIES

Over **20,000** CHILDREN taking part in the Summer Reading Challenge each year



2,415 additional OPENING HOURS




Through Open+ swipe card technology

13 COMMUNITY LIBRARIES



Supported by 450 volunteers keeping services local

9 SOLAR PANELS installed at LIBRARIES



450 READING GROUPS



Exploring great books together

Our Vision & Values

Enriching the lives of individuals and communities by fostering knowledge, creativity, imagination and understanding

We improve Residents' lives

We put our residents at the heart of all we do by:

- Giving everybody access to high quality library services and resources
- Providing opportunities for active participation in community life
- Proactively improving the wellbeing of individuals and communities

We work with Integrity

We say what we do, and we do what we say by:

- Striving for excellence in everything we do
- Being honest and transparent
- Trusting and supporting staff to make the right decisions

We act Sustainably

We consider the impact of our actions on future generations by:

- Embracing new ideas and opportunities to make our service more sustainable
- Investing in the sustainable use of books, technology, buildings and resources
- Providing reliable and trusted information to residents so they can make sustainable choices

We champion Equality and Fairness

We are all equal and treat everyone fairly by:

- Providing safe, inclusive spaces, where everyone is welcome and treated with respect
- Fostering an environment of inclusiveness, celebrating and recognising difference
- Enabling individuals to experience diverse cultural experiences, knowledge, information and heritage

My Place to:

Explore innovative
technology

Discover
information &
learning

Connect

Experience
reading, art
& culture

Improve health
& wellbeing

Our ambition is

- To provide a network of vibrant modern libraries that are destination venues welcoming the whole community
- To enable opportunities for making real-world, social connections with other people, services, organisations and businesses



Staff are friendly and helpful. The Friday Knit and Natter is invaluable. The chance to meet like-minded people to relax and chat is great for body and soul.

Hoddesdon Library customer ”

My Place to Connect

We will

- Give people opportunities to shape the services on offer and to actively participate
- Ensure our libraries are as diverse and inclusive as our communities
- Seek opportunities to reprovide libraries that are not well located or suitable for delivering a vibrant modern service
- Support small businesses in the community

Which will

- Build a strong sense of local identity and community pride
- Ensure that people feel valued and that they belong here
- Build positive networks that combat loneliness
- Contribute to local economic growth



My Place to Connect

Imagine your place...

Jon and Peter are proud new fathers of a baby boy. They love taking their baby son to the weekend Baby Rhyme Time sessions at the library so they can be with other new parents in a friendly and inclusive environment.

16 year old Caren joins a new volunteering initiative at the library for young people. She is happy that her neurodiversity enables her to bring new ideas to the library that help her local community.

A Hertfordshire business group is experiencing difficulty finding locations to meet, network and showcase products. The group establishes a partnership to use libraries across the county to develop a thriving network which regularly explores its ideas with library customers.



Our ambition is

- To continue with investment in technology to connect, support, engage and inspire people of all ages
- To ensure our technology remains current and meets the needs of our communities
- To find sustainable solutions to our technology offer



This is my only chance to check emails & do internet related stuff, as we are not connected at home. Without computers at the library things would be tricky. ”

Cheshunt Library customer

My Place to Explore Innovative Technology

We will

- Provide self-service access to our libraries outside core opening hours using swipe card technology
- Extend our online offer, ensuring it can be accessed any time, from anywhere on any device
- Provide digital devices for loan in addition to 1:1 and group support.
- Develop and expand our CreatorSpaces and CreatorSpace Out of the Box programmes

Which will

- Make it easier and more convenient to access our services
- Give everyone the opportunity to experience emerging technologies
- Increase digital skills and confidence so that no-one gets left behind

My Place to Explore Innovative Technology

Imagine your place...

Terrell doesn't have time to visit the library during normal opening hours because he gets home late from work. He signs up for the library's Open+ service because it means he can use his library ticket as a swipe card to enter the library outside of staffed hours and at times that suit him.

Winnie is very infirm and loves her visits from the Home Library Service Volunteer. She has just borrowed an iPad from the library and is using it to take part in a new conversation group over Zoom that has been initiated by library staff.

Sandra is preparing for her interview with a design company. She pops into the library to use the 3D printer in CreatorSpace to print off some prototypes of her design ideas to show the company during her interview.



Our ambition is

- To make our libraries local cultural destination venues on the high street
- To extend our programme of events and increase our audiences, making best use of flexible spaces and online platforms

“

Absolutely loved the book folding workshop. Went home and shared newly learnt skill with 8 year old. Turning literary works of art into visual works of art - brilliant. Thank you - great teaching! ”

Ware Library customer

My Place to Experience Reading, Art & Culture

We will

- Deliver an exciting and eclectic programme of events throughout the year which appeals to diverse audiences of all ages
- Secure external funding to continually extend and develop our programme
- Build excellent partnerships with other creative organisations to increase opportunities for everyone

Which will

- Inspire individuals to discover and explore their own creativity
- Support the creative industries in Hertfordshire
- Showcase and nurture local talent





My Place to Experience Reading, Art & Culture

Imagine your place...

Chris and Terri regularly check the library's programme of arts and theatre events so they can introduce their young children to cultural activities at a low cost.

Bibi hasn't been living in the UK for long and wants to get to know more people. She thinks that the Library Service's regular programme of lunchtime activities and events has been a great way for her to take part in the cultural life of the community.

A young people's theatre group are struggling to find a safe place to meet, rehearse and perform their experimental productions. They are welcomed by the library and are able to make use of the improved flexible space. They later benefit from the library service's connections with other creative partners who provide coaching and advice that leads to funding and additional publicity for their great ideas.

Simone can't afford to buy her favourite magazines anymore and is delighted to discover that she can borrow them from her local library or download e-copies of her favourite titles for free via the library's online service.



Our ambition is

- To use our professional skills and trusted resources to help everyone find the accurate information they need
- To be recognised sources of support for small businesses and entrepreneurs in our community
- To become a premier community venue for learning for all ages



“

The library has given me a quiet safe environment where I can take a breather and really knuckle down with my studying. Having access to the computers and printing has been exceptionally useful.

Hitchin Library customer ”

My Place to Discover Information & Learning

We will

- Provide easy access to advice, expertise and business resources
- Provide tech-enabled spaces to suit a range of learning styles for both collaborative and individual learning
- Offer a range of learning opportunities for all ages and abilities by working with partners and other learning providers

Which will

- Improve opportunities for everyone to achieve their learning ambitions
- Contribute to improving educational attainment
- Enable small businesses to flourish and the local economy to grow

My Place to Discover Information & Learning

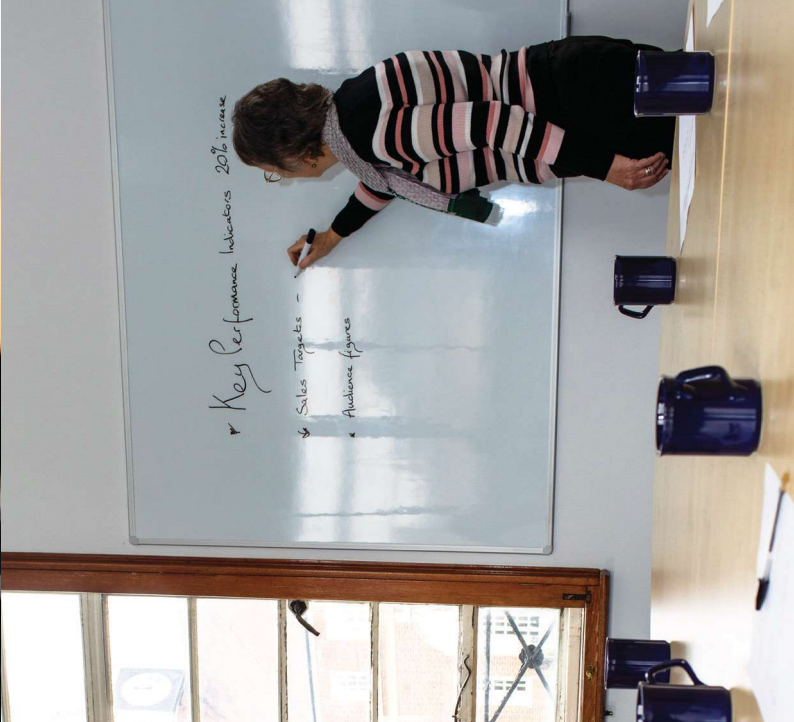
Imagine your place...

Alice wants to start a small business and makes the library her first stop for developing her idea. The library helps her to carry out market research and guides her to information and advice for business start-ups.

Sean is learning to drive and is finding the free access to the mock theory test on the online reference library a really helpful way of practicing his new skills.

Matthew is in the market for a new oven, so he pops into his local library to get free access to the online Which? consumer reports on the best models available.

Maxine is fascinated by alternative medicine and has decided to do a free course through the Library Service's online course programme.



Our ambition is

- To be the starting point for everyone wanting to actively improve their well-being and to reduce loneliness



“

I was looking for books to help with my child's anxiety. Thanks to this library I have found out about Empathy Day and books to read for all ages.”

Stevenage Library customer

My Place to Improve Health & Wellbeing

We will

- Connect with health professionals and organisations
- Develop strong and innovative Social Prescribing partnerships that take a holistic approach to managing well-being
- Provide signposts to trusted sources of health information
- Use our unique position in the heart of communities to reach target audiences

Which will

- Prevent more expensive long-term care by enabling positive early interventions
- Help people to live better lives for longer

My Place to Improve Health & Wellbeing

Imagine your place...

Laura is worried about her frail, elderly Mum, so she pops into the library to talk to the Community Nurse at her weekly health advice session. The Community Nurse signposts Laura to services and teams that can help her Mum, putting her mind at rest.

Jack has been struggling to cope with loneliness since losing his wife a year ago. He becomes a volunteer helping people in the library and now feels part of a team that is giving back to the community.

John has lost his job, is homeless and doesn't know how to turn his life around. He finds that getting guidance from the library staff about how to make the best use of the resources in the library helps to inspire him when he's finding life particularly tough.



Investing in Our Staff

To ensure libraries are a great place to work we will:

- Recruit and retain talented and motivated staff with a rich variety of skills and experience
- Celebrate and promote diversity & inclusion to ensure our teams reflect the communities that they serve
- Encourage opportunities for staff to shape the services we offer and recognise achievements
- Enable young people to develop their careers through meaningful apprenticeship opportunities
- Encourage staff development through our comprehensive and tailored Learning & Development Programme
- Support well-being with access to a comprehensive employee assistance programme



Thanks in part to the services you provide, I have secured full-time work and a place of my own to rent. Your building, facilities, and staff are of excellent quality and have helped change my life this year. ”

Borehamwood Library
customer



“

My Dad has appreciated the “wonderful” home library service which he said is a “lifeline”. He also asked me to pass on his thanks to his volunteer. ”

Home Library Service customer

Investing in Our Volunteers

To ensure libraries are a great place to volunteer we will:

- Welcome people who enjoy actively participating in their local community
- Provide opportunities to gain valuable work experience
- Offer a range of volunteering roles to appeal to all ages from all backgrounds
- Provide training and ongoing support for all our volunteers, both face to face and online
- Recognise the valuable contribution that our dedicated volunteers make to our services

Libraries supporting

Our County of Opportunity, 2022-2025

A cleaner and greener environment

- Adapt our library buildings with renewable and sustainable energy
- Minimise the use of plastics and seek plastic free alternatives
- Hold community engagement and library activities promoting environmental awareness and sustainable life choices
- Reduce the amount of waste that is sent to landfill by recycling more
- Encourage our suppliers to use recyclable packaging materials
- Seek the most energy efficient options for our library delivery vehicles

Healthy and fulfilling lives for our residents

- Enable residents to access cultural experiences, knowledge, and information to help them achieve their full potential and make healthy lifestyle choices
- Provide a wide range of activities to support reading, and literacy
- Provide access to extensive resources of trusted and authoritative information
- Provide resources and opportunities to support life-long learning
- Providing opportunities to participate in community life through a range of volunteering roles
- Deliver the national Bookstart programme gifting books to babies and young children

Libraries supporting

Our County of Opportunity, 2022-2025

Sustainable growth in our county

- Provide a network of modern, welcoming, flexible buildings with tech-enabled spaces in the centre of communities
- Support job seekers with access to information and technology and a range of volunteering opportunities to build experience
- Provide apprenticeship opportunities to improve access to employment
- Contribute to regeneration through our presence on Hertfordshire's High Streets
- Provide Business Information resources that support entrepreneurs and small enterprises and places for them to connect and innovate

Excellent council services for all

- Support our skilled and talented staff to deliver a leading library service with high career development opportunities
- Provide equal access for everyone to over one million items of stock for all ages
- Promote digital inclusion by providing opportunities to explore technology and build confidence to use it
- Provide 360 public access Internet PCs plus Wi-Fi access in all libraries
- Provide convenient access to online services making it simple to browse the catalogue, reserve items, renew loans and obtain authoritative information resources
- Ensure our service reflects the communities we serve

Delivering this strategy

This strategy sets out our ambitions for Hertfordshire Libraries for the next ten years.

The work required to achieve these ambitions will be reflected in our annual Service Plan, individual Library Plans, and the specific workplans covering all aspects of our service. We will also develop a commercial programme which will diversify our approach to generating additional income to invest in delivering these ambitions.

Performance will be measured using a range of Key Performance Indicators which measure service provision and activity both within libraries and across our online platforms, as well as qualitative feedback from customers and stakeholders. We will continue to benchmark our service within the national sector using data provided by organisations such as the Chartered Institute of Public Accountancy (CIPFA) and Libraries Connected (who represent and support library services across the UK).

We will continue to listen to customers, communities, partners and staff as we shape the delivery of this strategy. Progress will be reported annually to the Education, Libraries and Lifelong Learning Cabinet Panel.

“ This is truly the most excellent public service. It's like Christmas everyday. ”
Harpenden Library customer



Some facts and figures about our libraries

74,139

VOLUNTEER HOURS



Increasing capacity to deliver more local services

925,236

HOURS OF INTERNET ACCESS



Getting and keeping people online

5,062,116

ITEMS BORROWED



267,004

RESERVATIONS



Bringing you the books you want to read



3,436,835

VISITS to Library buildings

1,116,452

BOOKS



7,151,503

SOCIAL MEDIA

interactions



“

My mum reads constantly and relies on you! She is 88! Your libraries are lovely places to visit and very calming and peaceful. You really are a lifeline. ”

Bovingdon Library customer

“

The library helps me to cope with life in general. ”

St Albans Library customer

THIS IS A PLACE TO W
A PLACE TO SEEK AND EXP

WELCOME!
THIS IS
LIBRARY

IT'S A PLACE

IT'S A PLACE TO CARE, SHARE AN
A PLACE TO ASPIRE AND INSPIRE.

A PLACE TO

A PLACE TO THINK AND IMAGINE. IT

REFLECT AND

A PLACE TO BEGI

ANDER AND WONDER,
LORE, A PLACE TO DREAM

COME
YOUR
LIBRARY

TO DISCOVER

AND SMILE. IT'S A PLACE TO INVENT.
IT'S A PLACE TO RELAX AND ENJOY.

AND BELIEVE,

IT'S A PLACE TO BROWSE. A PLACE TO

AND PERUSE,

AND SUCCEED.

Hertfordshire County Council Appendix Q



Photo credit: Matthew Feeney

Libraries and the cost of living crisis

Briefing note
June 2022



**Libraries
Connected**

Introduction

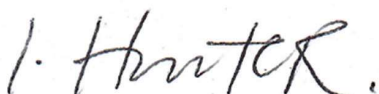
Libraries Connected represents, supports and promotes public libraries. Through constant dialogue with our members - all public library services in England, Wales and Northern Ireland - we can identify emerging challenges before they become apparent to government and local decision-makers.

The cost of living crisis is one such challenge. Libraries told us they were experiencing increased demand for information on personal finance and budgeting, for help reducing household bills and for practical support accessing food and clothing. They said that vulnerable people were increasingly using libraries to keep warm, to avoid paying for energy.

To quantify the impact of the crisis and get a clearer national picture, we surveyed heads of library services. The results of that snapshot survey are presented in this briefing note. Over 30 heads of service responded, representing almost a fifth of all our member library services.

The survey revealed that more than two-fifths of public libraries have already experienced increased demand for services related to the cost of living crisis. And the vast majority predict the problem to get worse - with over 80% expecting the number of people using libraries to keep warm to increase. The survey also shows the breadth of support provided by libraries: food and clothes banks, cooking on a budget classes, help with household bills coffee mornings and holiday activities for children are just some of the ways they are responding to the new economic reality.

The results show that public libraries are already playing a crucial frontline role in helping people navigate the cost of living crisis. As the crisis deepens, this role will only become more important and entrenched. Library services are ready and willing to respond but they must be adequately funded and supported to fulfil this vital community role.



Isobel Hunter MBE
Chief Executive
Libraries Connected

81%

of library services expect to see an increase in people using libraries to keep warm this coming winter

44%

of library services have already experienced increased demand for services to help people through the cost of living crisis

38%

of library services have already introduced new services specifically to help people through the cost of living crisis

What libraries leaders are saying

“ We are seeing increasing numbers of people in need through our doors.

“ We are being approached by partners to help them reach families and the vulnerable with specific support around warmer homes initiatives, mental health support and scam awareness as there are reports people are being offered bogus help with their financial situation.

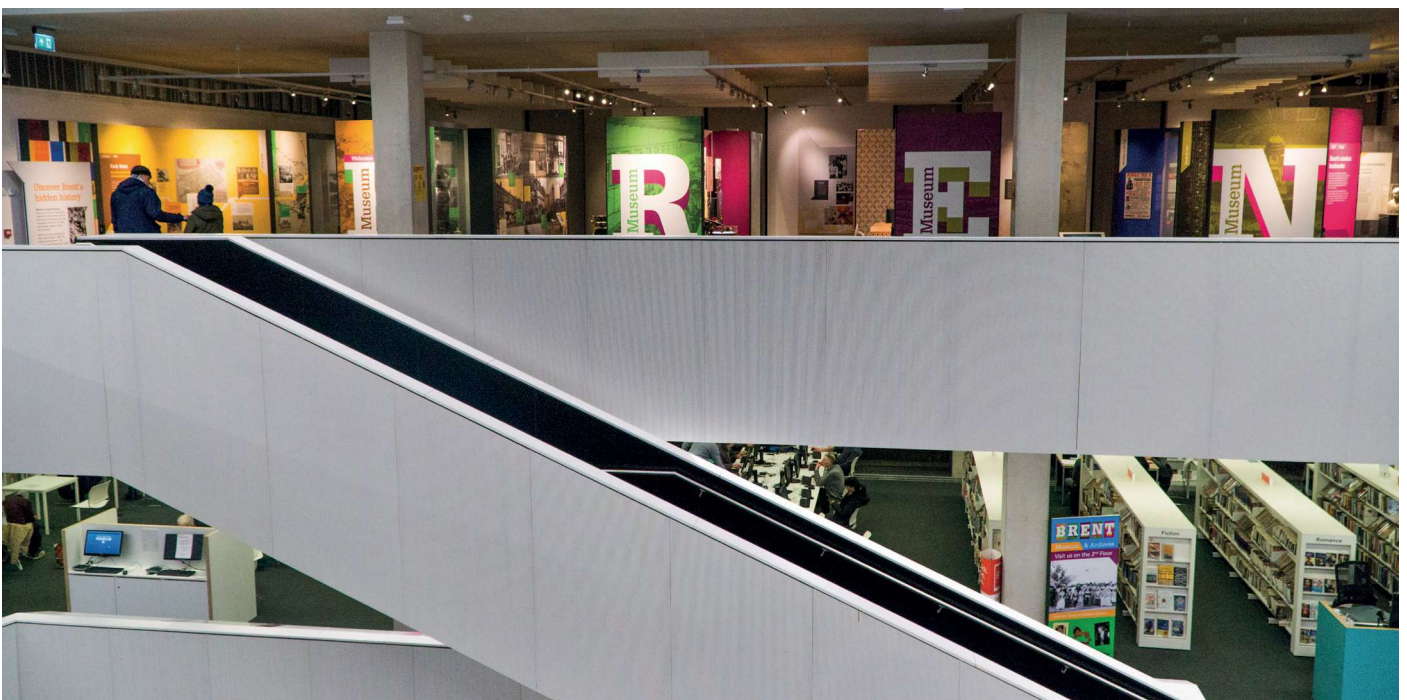
“ We have more people who are “just sitting” in the library - also increased numbers of homeless people using services.

“ Lots more use of the internet looking for money saving tips, whether they should change suppliers and where to access additional financial support.

“ We are already seeing an increase in people spending long periods of time in libraries, some of whom tell us they are avoiding using energy at home

“ Libraries have always been a safe haven. We are seeing increased homelessness and more people living at the margins.

“ Library staff have supported customers to use the public computers to access switching sites for utilities, online deals for energy efficient white goods and signposted to council services for help with housing and benefit enquiries. There has also been an increase in people seeking information about debt advice.



What libraries are doing

Our survey showed that libraries are delivering a very broad range of services to help people navigate the cost of living crisis. Some of these are part of the library service's core offer - others have been specially developed in recent months to address those struggling with rising prices and falling wages. These services fall into five broad areas:

Information and advice

A traditional way that libraries help people with the cost of living crisis is through books and resources on budgeting, personal finance and debt, along with fiction titles exploring these themes. Over a quarter (28%) had developed their stock on these topics in recent months. The vast majority (88%) also signpost users to advice and advocacy organisations such as Citizens Advice or Age UK. Many libraries also host advice sessions run by charities or local council service points.

Digital support

Every library in Britain offers free use of computers and free wifi, with most also offering one-to-one support with using PCs. Our survey suggests that libraries are increasingly being asked for help using the internet to switch utility suppliers, find the best deals on household goods and apply for the £150 council tax rebate to help with rising energy costs. Library PCs are also being used to claim and manage Universal Credit, which can only be done online.

Skilling up

Libraries have reacted quickly to programme a range of learning events to equip people with essential skills that could lessen the impact of the crisis. Examples include informal drop-in sessions on reducing household bills, budget cooking workshops and intensive support for rough sleepers looking for employment. The vast majority of these sessions are free and open to all.

Food, clothing and hygiene banks

Over half of library services surveyed host food, clothing or hygiene banks - or act as donation and distribution points for them. Libraries are a natural choice for this role as they are located in the heart of communities, are convenient to access, have high local recognition and, as they are used by a very wide range of people for many different purposes, may be perceived as less stigmatising than other venues. Examples of clothing banks hosted by libraries include school uniform swaps, winter coat rails and smart outfits to borrow for job interviews.

Clubs and cultural activities

Every library service in the country runs clubs and cultural activities. It could be scrabble club or "knit and natter" sessions aimed at older people, rhyme time for young children and their carers or a reading group for all ages. Libraries told us they have noticed an increase in people attending these events and then staying in the library for the rest of the day. Importantly, most libraries (59%) provide free drinks and sometimes food at these events. Many libraries also host Holiday Activity and Food (HAF) events, which support to children in receipt of free school meals through holiday periods.



47%

provide help using price comparison websites

88%

signpost users to advice and advocacy organisations

56%

host food, clothing or hygiene banks/ donation points

19%

offer personal budgeting classes and workshops

66%

offer help applying for and managing Universal Credit

Why libraries?

A trusted service

Librarians are among Britain's most trusted professions¹ and for many people libraries are the natural place to go to find high quality, independent advice and information. They know that books and information resources at their local library have been carefully selected by professionals.

A warm welcome

Libraries work hard to create welcoming and accessible spaces, with friendly staff. For this reason, people in need often feel more comfortable approaching a library than a council building. Users also know they can stay all day if they need to, use the toilet and charge their phone with no one asking intrusive or difficult questions.

An unrivalled reach

There are almost 4,000 public libraries across the UK². In fact, there are more libraries than branches of McDonalds³. Located in our town centres, high streets and villages, they are a constant presence in our lives, frequented by people of all ages and walks of life. As such they are ideally placed to reach those most affected by the cost of living crisis.

¹ www.ipsos.com/en-uk/ipsos-mori-veracity-index-trust-police-drops-second-year-row

² www.gov.uk/government/statistics/taking-part-201920-libraries/libraries-taking-part-survey-201920

³ www.mcdonalds.com/gb/en-gb/help/faq/18510-how-many-mcdonalds-restaurants-are-there-in-the-uk-and-the-world.html



Case studies

Barnet

Barnet's library service, in North London, has seen a much higher proportion of vulnerable adults - particularly those who are homeless or at risk of homelessness - visiting their libraries since the cost of living crisis began. "The needs that we are trying to meet seem to be more acute and it appears as if people have less support than before the pandemic," explains Hannah Richens, Barnet's Head of Libraries. In response, the service has teamed up with a local skills and employment organisation to provide regular weekly sessions focused on youth employment and supporting rough sleepers into work. The service is also about to embark on a coat donation scheme from Finchley Church End Library in partnership with a local Jewish charity.

Hampshire

In Hampshire, work started to facilitate the Household Support Grant in winter 2021, which included signposting customers to utility/food vouchers and, in areas of most need, giving out "warm boxes" and food packs. A number of libraries provide space for a community pantries or fridges which support cost of living challenges and help reduce food waste. Library teams have also developed engaging events using the Holiday Activity Fund to help families during school holidays – this includes snacks or meals, a creative activity and an introduction to libraries. Hampshire Library Service is developing further plans to offer practical support for its communities, including fuel poverty initiatives.

Norfolk

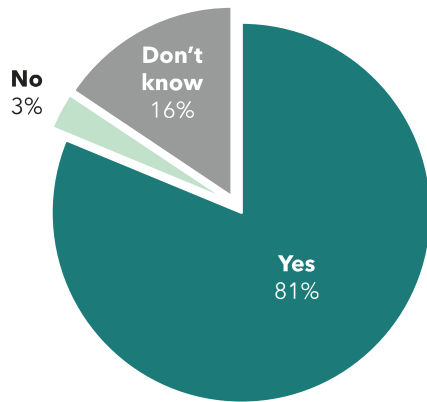
"We are seeing more ways to work with others to meet the needs of local people," says Sarah Hassan, Assistant Head of Service at Norfolk Libraries. Over the winter Norfolk County Council saw libraries as a natural pick-up point for free warm clothing, toiletries and period products. The service has gradually been increasing its stock of books and information resources on topics such as personal budgeting and debt management. It has also expanded its business information for people needing different income streams because of the economic situation. The service is now planning Feed and Read sessions at schools and community centres over the summer, which offer children a free healthy lunch while giving them access to books

Cheshire East

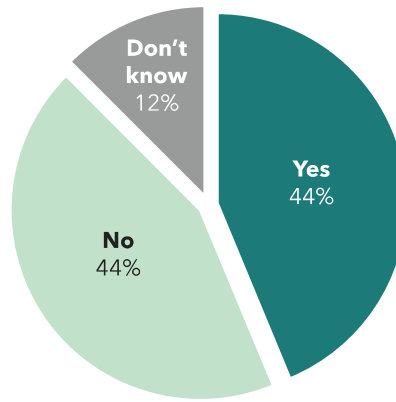
Libraries in Cheshire East have seen an increase in people asking about emergency assistance, food banks and help with heating costs. Over the winter library workers noticed more older people taking advantage of Winter Wellbeing resources, including duvets, throws, handwarmers and thermal socks. Some people attending regular activities have asked if they can stay for the entire day to save putting their heating on. In response, the service has organised Help With Household Bills coffee mornings in 14 of its libraries. These drop-in sessions offer practical advice on reducing costs and highlight how libraries, other council departments and charities can help. The service also hosts food and clothing banks, and has increased the number of free activities on offer.

Survey data

Do you expect to see an increase in people using your libraries to keep warm this coming winter?



Has your library service experienced increased demand for services supporting people through the cost of living crisis?



		Yes	No	Don't know
1	Has your library service experienced increased demand for services supporting people through the cost of living crisis?	14	14	4
2	Has your library service increased its provision of books or information resources on topics related to the cost of living crisis (eg personal budgeting, debt management)?	9	21	2
3	Do you expect to see an increase in people using your libraries to keep warm this coming winter?	26	1	5
4	Has your library service experienced increased demand from small businesses for meeting space, wi-fi, printing or other essential business amenities?	16	11	5
5	Does your library service provide free food and drink at events?	19	12	1
6	Is your library service considering increasing its provision of free food and drink in response to the cost of living crisis?	8	21	3
7	Has your library service introduced any other new services specifically to help people with the cost of living crisis?	12	20	0

Question 8

Does your library service offer any of the following?

Signposting to advice and advocacy organisations	28
Help with applying for and managing Universal Credit	21
Help with using price comparison websites	15
Food or hygiene banks/donation points	14
Clothes banks/donation points	7
Personal budgeting classes or workshops	5

Total responses: 32

About Libraries Connected

Libraries Connected is a membership organisation representing heads of library services in England, Wales and Northern Ireland. We take a leading role in the development of public libraries through advocating for the power of libraries, sharing best practice and helping to shape the public library service now and in the future.

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Hertfordshire County Council Appendix R

Technical Appendix 6: Libraries

1.0 Service Overview

- 1.1 As Local Libraries Authority, Hertfordshire County Council has a duty to provide a comprehensive and efficient library service for everyone who lives, works, or studies in the County under the 1964 Public Libraries and Museums Act. 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 [Inspiring Libraries Strategy](#).
- 1.2 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, public computers, new and emerging technologies, Wi-Fi, the internet and online services as well as ICT-based and other learning opportunities to ensure that no one gets left behind. They also offer neutral places to promote community wellbeing and enable people to connect within their communities.
- 1.3 In 2016 the Libraries Taskforce published Libraries Deliver: Ambition for Public Libraries in England 2016-21. This report sets out seven outcomes libraries deliver for their communities, placing libraries at the heart of 'stronger, more resilient communities':

“

Libraries are open to everyone. Their staff understand their community's needs and are trusted to provide reliable guidance and support on a wide range of issues when people need help. So they're vital to help public services reach out into communities. Libraries already bring people together in welcoming community hubs which host local events and provide a shared sense of place for their users - ever more important in an increasingly digital age.

They're uniquely placed to help local government and its partners deliver their strategic objectives, whether linked to community cohesion, health and wellbeing, economic growth, promoting independent living or increasing life chances. They also have an important role in reducing social inequalities; 35.8% of people living in the most disadvantaged areas visit their library.

”

- 1.4 “[Inspiring Libraries: A new strategy for Hertfordshire Library Service 2014-2024](#)” sets out the vision and direction for the service over the next ten years, and provides a framework for future decisions about service priorities. The strategy is based on three main themes:

- The library as a vibrant community asset;
- The digital library; and
- The library as an enhanced gateway to reading, information and wellbeing.

1.5 Hertfordshire's 46 library buildings are promoted in three different tiers in order to clarify the services available:

- **Tier 1** Centrally located in large towns, these offer the broadest range of stock and services, and are open for the longest hours. They are staffed by library staff, and Hertfordshire County Council invite volunteers to support the delivery of some services and activities.
- **Tier 2** Located in smaller towns, these provide core library services and offer a wide range of popular stock. Additional services will be tailored to meet local need/demand. They are staffed during core hours, and Hertfordshire County Council seeks to extend access through volunteer supervised self-service.
- **Tier 3** In smaller communities and villages, these libraries provide self-service access to library services, including the issue and return of books, access to computers/technology and study space and staff assistance via a video link to another library. Hertfordshire County Council invite local communities to add value to these self-service facilities through volunteer support and the provision of additional activities and services as decided by the local community. Seven of the larger Tier 3 libraries retain an element of paid library staff.

2.0 Library Projects

2.1 Hertfordshire County Council is committed to the provision of good quality library services to local communities and is continuously exploring new ways of delivering the service. Over the next ten years it is likely opportunities for improving library buildings will come through co-locating libraries with other services. Sharing buildings can provide increased opportunities for customers to access a number of services in one visit.

2.2 Hertfordshire County Council believes its libraries need to be updated to continue to improve the service offered and cope with additional demand brought about by increasing numbers of users resulting from new development. This will be carried out in the context of the Inspiring Libraries Strategy 2014-2024. New development puts pressure on services in a variety of ways and single or a combination of different solutions may be used in response.

2.3 Where additional capacity is required options to extend the public space available to deliver services will be considered where possible. This could be by the addition of an extension to the building however, this is often not possible so a variety of different approaches will be considered for example:

- Converting space previously used by staff into public space through the reduction in the number or size of office, workroom or storage space.
- Making staff space available for community use at certain times to meet demand for space for community groups.
- Libraries have been reconfigured to allow more flexible use of space so that areas become multifunctional and can be used by different customer groups at different times of the day.
- ICT suites have been configured so that they can be cordoned off to allow delivery of classes for part of the time in response to increased demand for ICT learning activities.
- Traditional large enquiry desks have been replaced with smaller enquiry “pods” with the use of more flexible ICT to increase space for public use.

2.4 Sometimes increased pressure on services can be alleviated through the use of innovative furniture solutions not previously available:

- Traditional shelving has been replaced with shelving on wheels which allows more flexible use of space and larger spaces to be created for activities. Examples of this include mobile shelving in children’s areas to enable increased numbers of children to attend regular story time activities or the introduction of wheeled shelving in the adult library to enable a space to be created to accommodate larger numbers for evening activities such as author’s talks.
- Seating has been improved to allow provision of compact comfortable seating, for example, sofas in children’s areas in response to demand from families for somewhere to sit to read with their children
- Desktop PCs have been replaced with more flexible benching and seating to accommodate increased demand for space for customers who wish to use their own devices on public Wi-Fi facilities

2.5 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. Most electronic resources are licensed on the basis of being available to only one user at any one time, increased demand means purchasing additional “copies” in the same way as we would with physical books. Increased pressure on stock can be across all stock areas but certain types of development may put more pressure on certain categories of stock. For example, sheltered housing will put pressure on large print books and audio books and the demand for the Home Library Service. Developments aimed at young families will increase demand for children’s stock. Affordable housing may see pressure on stock used to support learning activities as well as pressure on computers and printing to support job seeking.

2.6 Where it is not possible to meet increased demand through the above the Library Service can also respond by making services available in different ways or for longer periods of time, spreading the load and easing the pressure at busy periods.

- 2.7 One solution has been to make some the services available for longer periods of time where certain sections of the library are open on a self-service basis, with support from staff or volunteers. This sometimes requires some reconfiguration of the building and/or the addition of hardware and software to deploy an ICT solution.
- 2.8 Self service facilities can also be extended to enable customers to self-serve and reduce the need to queue for staff assistance, for example self-service printing from public PCs.
- 2.9 The development of online services also enables residents in new developments to access some services remotely, relieving pressure on the static service points.
- 2.10 On occasion the demographic of a new development may prompt the need to provide a service for which there was previously little or no demand. For example, a residential development of one bedroomed flats aimed at 20 to 30 year olds, will create demand for e-services. Whereas developments comprising larger family housing may bring more established families with teenage children, thereby prompting the demand for new services, such as a wider range of ICT facilities and access to emerging technologies.
- 2.11 Planning obligations will be determined on a case by case basis and may take the form of on-site provision (including build costs and land).

3.0 Assessing need and calculating demand

- 3.1 Provision for library services will be required from developments within the catchment area of the library that will be impacted upon by the development. Libraries in urban areas also serve surrounding rural areas and villages. Therefore, the need for contributions (and the expenditure of any library contributions received) from development in these locations may be based on the nearest library. However, contributions will be sought for the library that will be most affected by a proposed development. This may not necessarily be the local community library in all cases but a larger sub-regional library with a wider variety of library functions that draws its catchment from the geographical area of the proposed development.
- 3.2 Hertfordshire County Council has no current plans for additional libraries within the county although the promotion of very large strategic sites (in excess of 3,000 units) may require new library buildings to be considered. The drive for efficiencies and co-location of facilities is likely to influence overall space requirements and any opportunities for co-location will be actively explored. Such projects may also provide opportunities to increase publicly accessible library floor space.
- 3.3 Planning obligations towards library services are assessed using the Hertfordshire County Council Demographic Model which forecasts the number of people able to access library services likely to emerge from different types, sizes and tenures of dwellings. Details are available alongside this Guide.

- 3.4 Where the mitigation for a site impact might be met by the expansion or improvement of an existing facility, and additional land is not required, Hertfordshire County Council uses costs based on national standards for resources and costs from recently undertaken reconfiguration projects. These costs are combined with census data from the Hertfordshire County Council Demographic Model to ensure that obligations sought are fair and reasonable, based on the specific number and type of units on an individual site.
- 3.5 The county council contribution is essentially based on population and on three elements, a contribution towards book stock, library equipment and buildings.
- 3.6 New developments will always place additional demands on the stock in terms of physical (hard copy) books and eBooks/ eAudio books. The National Library Standard upper threshold cites a recommended stock level of 1532 items per 1000 population. As of Nov 2020, the average price is £18.96 per stock item. This includes an allowance for physical books, eAudio books and eBooks and totals £29,046 per 1,000 population.
- 3.7 The rapid changing pace of technology has seen user demand change with less reliance on static personal computers and increased demand for power and wi-fi enabled spaces for Bring Your Own Device users as well as a demand for the library to offer access to new technologies where people can experiment and test these out in a safe space. 'Creatorspace' and 'Creatorspace Out of the Box' offer these opportunities in addition to the standard IT offer in libraries. Based on current ICT provision, costs would be £778 per 1,000 population.
- 3.8 Fit out costs for shelving, furniture and display equipment are a further £301 per m² based upon current fitting out costs of new provision in Hertfordshire (£9,030 per 1,000 population).
- 3.9 There are a wide variety of potential reconfiguration projects that could be implemented to increase the capacity of an existing library to enable it to meet the demands of future growth. This will depend on the existing size and layout of each library and the amount of structural work required to implement the reconfiguration. Based on recent examples of reconfiguration projects at Welwyn Garden City and Hitchin libraries, completed in Q12022, reconfiguration projects are expected to cost £4,880 per 1,000 population.
- 3.10 Where new or expanded facilities are required, the capacity of the library will be determined based on a service requirement of 30m² of public library space per 1,000 population, based upon the Museums, Libraries and Archives (MLA) advice. Build costs are £2,823 per m² based on BCIS 1Q2019 (£84,690 per 1,000 population).
- 3.11 With indexation to Q12022, the five elements referred to above result in the following cost per person:

£173	£311	£452	£543	£173	£325	£395	£543
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3.15 Where there is no scope to reconfigure the existing facility to improve performance and land is currently unavailable to extend the library, a new facility may be proposed. A new library is only likely to be sought on major new housing sites although proportionate contributions may be sought towards a new build project.

Hertfordshire County Council Appendix S

Technical Appendix 7: Waste Management

1.0 Service Overview

- 1.1 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.
- 1.2 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.
- 1.3 In order to support this disposal function Hertfordshire County Council requires strategically placed waste transfer facilities to enable the bulking of waste for onward disposal. Currently the south and west of the county is served by the county council owned Waterdale waste transfer facility and the north of the county is served by Hitchin Transfer Station a leased facility. Additional waste transfer facilities are being sought to more sustainably support the north and east of the county. An increase in population within Hertfordshire as a result of new residential development is likely to require increased investment in waste disposal infrastructure.
- 1.4 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 those not collected at the kerbside by District and Borough Councils in their role as the WCA. The waste types accepted include residual waste, bulky waste, green garden waste and a wide range of recyclable materials. The recycling centre also has a statutory function as a Designated Collection Facility as part of a Producer Responsibility Scheme. The level of service provision at each centre differs as some sites have been constructed in recent years and other, more historic centres, are barely adequate in terms of suitability. An increase in population within Hertfordshire as a result of new residential development will require increased investment in the recycling centre network.
- 1.5 Several recycling centres within the network are identified as unsuitable and therefore are in need of expansion or relocation. Developer contributions will be sought in line with the County Council's most up to date [Local Authority Collected Waste Spatial Strategy - Recycling Centre Annex](#) which lists the suitability of existing centres and their infrastructure requirements.

2.0 Assessing need and calculating demand

- 2.1 The impact of additional dwellings on waste management infrastructure will vary depending on the size of the development and its location. It may be necessary to develop new infrastructure or improve existing infrastructure. For

example, should an existing centre 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 recycling centre.

- 2.2 Planning obligations towards recycling centre infrastructure are assessed using the Hertfordshire County Council Demographic Model which forecasts the number of people able to access the recycling centre service likely to emerge from different types, sizes and tenures of dwellings. Further details are available alongside this Guide.
- 2.3 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.
- 2.4 The mitigation for service impact might be met by the expansion or improvement of an existing facility or the acquisition and development of a new facility. As these costs vary from location to location, Hertfordshire County Council will determine each application on a case-by-case basis. An example methodology for a recycling centre is shown below.
- 2.5 The contribution sought will be tailored to the specific recycling centre catchment area within which the development falls. Projected costs are to be shared equally across households. The following example is provided to explain how a S106 obligation might reasonably be calculated:
 - Cost of project, eg. to re-provide a recycling centre (based on BCIS 1Q2022 prices) = £6,087,209
 - Number of residents currently within the catchment area = 118,556
 - Projected future number of dwellings within the catchment area = 14,169
 - Projected additional number of residents within the catchment area = 34,006
 - Total projected number of residents within the catchment area = 152,562
 - Cost per person to re-provide the recycling centre = £39.90 (£6,087,209/152,562)
- 2.6 As the cost per project will rely on individual catchment areas, no single multiplier is appropriate across Hertfordshire. Costs will be provided on a case-by-case basis and will depend on need. Costs will be indexed to Q1 2022.
- 2.7 In circumstances where it can be evidenced that the cost to expand or redevelop a site is in excess of S106 funds to be achieved through the application of these charges, such as might be the case for sites located on brownfield sites, on constrained sites, or sites with planning limitations e.g. located on a flood plain, then a proportionate bespoke cost of providing the new site or expanding the existing site and/or purchasing additional land to do so may be sought from the developer.

2.8 Where there is no scope to reconfigure the existing operations to improve performance and land is currently unavailable to extend the facility, a new facility may be proposed.

Hertfordshire County Council Appendix T

Technical Appendix 8: Fire and Rescue Service

1.0 Service Overview

- 1.1 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.
- 1.2 FRAs also need to collect information to assess risk in their areas as well as protect the health and safety of their workers. The Fire and Rescue Services Act 2004 also gives the Government responsibility for producing the Fire and Rescue National Framework which outlines the Government's high level priorities and objectives for FRAs in England. The National Framework's priorities for FRAs are to:
- identify and assess the full range of foreseeable fire and rescue related risks their areas face, make provision for prevention and protection activities and respond to incidents appropriately
 - work in partnership with their communities and a wide range of partners locally and nationally to deliver their service
 - be accountable to communities for the service they provide

The Civil Contingencies Act 2004 sets out FRAs responsibility to react to emergencies as a category 1 responder.

- 1.3 The Service operates from 29 fire stations, a headquarters building, training and development centre, and a number of additional sites providing support services.
- 1.4 Underpinned by statutory obligations within the Fire and Rescue Services Act 2004, the Fire and Rescue National Framework for England provides the overall strategic direction for Fire and Rescue authorities. Within the framework, each authority is required to produce an Integrated [Risk Management Plan \(IRMP\)](#) that identifies and assesses all foreseeable fire and rescue related risks that could affect its community. Each IRMP must demonstrate how prevention, protection and response activities will best be used to mitigate the impact of risk on its communities. Through local determination of risk and local determination of response standards, it is expected that this will:
- Reduce the number of emergency incidents occurring;
 - Reduce death and injury from fire and other emergency incidents;
 - Ensures emergency response standards of 10 minutes are met;
 - Reduce the socio-economic impacts of fire;
 - Protect heritage;
 - Safeguard the environment;

- Contribute to the development of stronger, more self-sufficient and cohesive communities;
 - Provide value for money.
- 1.5 Section 17 of the Crime and Disorder Act 1998 requires local authorities and other agencies to consider crime and disorder reductions and community safety in the exercise of all their duties and activities.
- 1.6 The above legislation imposes a requirement on Fire and Rescue Authorities to ensure efficient and effective fire and rescue provision, and to ensure that the Service contributes effectively to the wider community safety agenda. Increases in population place additional demand on fire and rescue resources, both in terms of the need for additional capital investment in new facilities and funding for additional equipment, and on revenue budgets for firefighters, officers and support staff.
- 1.7 It is, therefore, reasonable for fire and rescue service needs to be considered by local planning authorities when determining planning applications relating to the provision of new development which brings forward an increased risk of incidents; changes the risk profile for the area and increases attendance times to incidents.
- 1.8 The capability and availability of water resources to fight fires is also a key consideration for the Service. 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.

2 Assessing need and calculating demand

- 2.1 The demands on fire and rescue resources manifest themselves in a variety of forms, dependent on the scale and nature of the proposed development, including the need to:
- acquire land and the capital costs of fire and rescue service buildings and associated facilities for the provision of new fire stations;
 - extend existing fire stations;
 - replace any temporary structures with permanent accommodation;
 - provide additional vehicles and other resources for response;
 - extend communication infrastructures;
 - reduce risk and demand through advice and the provision of equipment e.g. improve fire suppression (sprinklers) systems in existing and/or new premises;
 - enforcement: the fire and rescue service is a regulator of fire safety compliance in many businesses and this includes a requirement to inspect plans and high risk premises; in some instances this leads to the requirement for formal action / prosecution of businesses who neglect their duties to provide fire safe buildings;
 - hydrants: we employ staff to inspect water hydrants and ensure they are in good working order in advance of them being required to fight

fires; additions to premises numbers increases ongoing revenue costs in this area;

- review staffing levels.

- 2.2 The provision of effective fire and rescue services is dependent upon maintaining both a local and strategic approach. The value of the contribution required to mitigate the impact of development on fire and rescue resources will, therefore, need to take account of both these factors.
- 2.3 The matrix provided below outlines the fire and rescue service capital calculation of a Section 106 requirement for development of new dwellings across Hertfordshire. The fire and rescue service calculate its capital requirement to be £365.32 per new residential unit and £115.35 per m² for commercial floorspace.
- 2.4 Individual multipliers are not required as the service assess demand on a per dwelling basis, irrespective of household occupations.
- 2.5 Ten-minute response time isochrone maps are used to model service provision. This ensures that there is adequate capacity at fire stations and that the ten-minute response time standard is met.
- 2.6 In practice, the number and location of hydrants is determined at the time the water services for the development are planned in detail, which is usually after planning consent is granted. In instances where adequate hydrants are available at the time the water mains are planned, then no extra hydrants will be needed.
- 2.7 Fire hydrants should be designed into the development at the masterplanning stage and implemented through a planning condition. Condition wording is provided below:

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.

- 2.8 The developer, promoter, and/or local planning authority should coordinate with the Water Officer to confirm the requirement for a condition, and any subsequent need to discharge, remove or change the condition. The Water Officer is contactable at water@hertfordshire.gov.uk.

Calculation of costs: Residential

Item	Description	Data
	Activity factor	
1	Residential fires as a percentage of all property fires (3-year average) ¹	74.48%
	Cost of new additional fire stations, appliances and equipment	
2	Number of Households in Hertfordshire ²	485,041
3	Divide by the number of fire stations	29
4	Average number of dwellings per fire station (2 ÷ 3)	16,725
5	Estimated build cost per fire station (Q1 2020)	£5,750,000
6	Average cost of new fire appliance plus equipment ³	£360,000
7	Average cost per new dwelling towards buildings, appliances and equipment ((5 + 6) ÷ 4) by new build increase	£365.32
8	Indexed to Q1 2022	£380.59
	Annual lease costs of additional firefighters personal protective equipment (PPE)	
9	Averaged establishment per fire station (FTE)	28
10	Total PPE cost per new fire station (Leased)	£15,732

Calculation of costs: Commercial

Item	Description	Data
	Activity factor	
1	Non-residential fires as a percentage of all property fires (3-year average) ⁴	21.76%
	Cost of new additional fire stations, appliances and equipment	
2	Number of non-residential businesses in Hertfordshire ⁵	34,303
3	Divide by the number of fire stations	29
4	Average number of non-residential buildings per fire station (2 ÷ 3)	1,182
5	Estimated build cost per fire station	£5,750,000
6	Average cost of new fire appliance plus equipment ³	£360,000
7	Average cost per new non-residential unit towards buildings, appliances and equipment ((5 + 6) ÷ 4) by new build increase	£5,169
8	Average floorspace sampled ⁵	44.81m ²
9	Cost per non-residential building per m2 (7+8)	£115.35
10	Indexed to Q1 2022	£120.17
	Annual lease costs of additional firefighters personal protective equipment (PPE)	
11	Averaged establishment per fire station (FTE)	28
12	Total PPE cost per new fire station (Leased)	£15,732

¹ Data from HFRS Vision incident recording system

² Data from CIPFA Fire and Rescue Service Statistics – 2019 Summary

³ Data from HFRS procurement department

⁴ Data from HFRS Vision incident recording system

⁵ LEP - <https://www.hertfordshirelep.com/media/7128/loss-of-employment-space-in-hertfordshire-february-2019.pdf>

Building new fire stations

- 2.9 When building a new fire station, it is essential that all factors are considered within the design to ensure that both operational and local community needs are met.
- 2.10 There are various staffing models in operation across Hertfordshire Fire and Rescue Service (HFRS) which directly influence the size of, and range of facilities required. Table 1, below, gives examples of both the total Gross Internal Area (GIA) and land area requirement for new fire stations based on the duty system type. These are based on current Whole-time and Day Crewed/On-call crewing station models within HFRS. These illustrative examples would form the basis of discussions for future new builds.

Examples of station areas within HFRS by duty system type

Duty system type	Station Area (Sq.m)	Site Area (Sq.m)
Whole-time Station	1,300	4,400
Day crewed Station	620	2,340
On-call Station	240	2,000

- 2.11 In addition, any new station will require certain facilities as standard specifications. A summary of the main requirements is listed below but, again, these would be discussed on a case by case basis dependent on the requirements of the Service:
- Minimum of 3 appliance bays for Whole-time Stations;
 - Minimum of 2 appliance bays for Variable/On-call Stations;
 - bay ancillary garage (at Whole-time stations only);
 - Training ground / drill yard (to be suitable for Breathing Apparatus and line working training);
 - Training Tower;
 - Breathing Apparatus maintenance room (including air compressor);
 - Kitchen facilities;
 - Rest area;
 - Watch room;
 - Lecture Room;
 - Office space;
 - Specific room/facility for community use;
 - Safe access and egress for appliances;
 - An area suitable for removal of demountable pods from prime movers;
 - Facilities for East of England Ambulance Service*
 - Diesel pump (above ground as per Engineering Manager request).

Fire Suppression (Sprinkler) systems

- 2.12 The emphasis for the Fire and Rescue Service is changing from that of reacting to fires and other emergencies, to preventing and reducing their impact on individuals, communities and organisations. In developing prevention strategies, Fire Authorities are including the use of fire suppression

systems, particularly sprinklers, to protect the most at risk and vulnerable in society.

- 2.13 The expansion of Hertfordshire through development provides an opportunity to take a lead by applying a proactive approach towards protecting the community and infrastructure through in-built fire suppression systems.
- 2.14 A sprinkler installation can significantly help to mitigate the loss of life and damage to property caused by fire and the ongoing financial and social disruption to the householder or community. Click for more information about [Efficiency and Effectiveness of Sprinkler Systems in the United Kingdom](#).