

**From:** [Sarah Burgess](#)  
**To:** [Planning](#)  
**Date:** 28 January 2021 15:45:26  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[20210112-620203222MAJ-118 units-Jan 2021.pdf](#)

---

**\*\* WARNING: This email originated outside the WHBC Network. Please be extra vigilant when opening attachments or clicking links \*\***

**FAO Mr Sukhdeep Jhooti**

Good afternoon

**Response by HCC's Growth & Infrastructure Unit to Application Reference: 6/2020/3222/MAJ Proposed development at: Former Volkswagen Van Centre Comet Way Hatfield AL10 9TF Proposal: Demolition of existing buildings and construction of new building comprising 118 residential apartments, layout of parking areas, landscaping, electricity substation and ancillary development**

I am writing in respect of planning obligations sought towards education, library and youth 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 **118** dwellings, we would seek financial contributions towards the following projects:



The table above shows the breakdown taken from the application form, however 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 Green Lanes Primary School by 1 form of entry (**£59,415 contribution is based on Table 2 below index linked to PUBSEC 175**)
- **Secondary Education**

HCC can confirm that there is insufficient secondary education capacity in the area. Given that there is insufficient spare secondary education capacity in the area, HCC are seeking a proportionate financial contribution from this development towards a new 8FE secondary school in Hatfield. The recent DfE guidance (*Securing developer contributions for education*, Nov 2019) is clear that when calculating the cost of education provision the assumed cost of mainstream school places should be based on the national average costs published in the DfE school place scorecards. The DfE scorecard costs can be found at the following link –

<https://www.gov.uk/government/statistics/local-authority-school-places-scorecards-2019>. Based on the DfE scorecard the cost of a new 8FE secondary school is **£38,889,240** (based on costs as of 1Q2020 (BCIS All in TPI) so indexation will need to be applied from this date).

Based on the development mix set out above, the secondary yield which is modelled to arise from the development (based on the Hertfordshire Demographic Model) is **0.08FE**. This is 1% of the capacity of the new 8FE secondary school (0.08FE/8FE).

Therefore, the secondary school contribution which is sought from this development is £388,892 (£38,889,240 x 1%). These is based on costs as of 1Q2020 (BCIS All in TPI) so indexation will need to be applied from this date.

It is reasonable that the land costs for the secondary school are proportioned to those developments which are being mitigated by it, which includes this site. The preferred approach is for the secondary education contributions paid by the sites in the area to be increased by the relative % of the secondary school land costs. This development is generating **0.08FE** of secondary education yield which is **1%** of the overall capacity of the new 8FE secondary school. The secondary education contribution paid by this development therefore needs to be increased by 1% of the

secondary school land costs.

It should be noted that in a number of recent instances HCC have received land from developers, towards school provision, at nil value as without the facilities provided by the school expansion the development would not have been viable. The most recent example we have of valuing land for educational use valued at approximately £35,000 per acre (so approximately £86,450 per hectare, £25,000 x 2.47).

Based on a 8FE secondary school site of 11ha the value of the land is £950,950 (£86,450 per hectare x 11ha) 1% of the costs are £9,509 (£950,950 x 1%).

Therefore the total level of secondary education contributions which are sought from this development are **£398,401** (£388,892 + £9,509). These are based on costs as of 1Q2020 (BCIS All in TPI) so indexation will need to be applied from this date.

- **Library Service** towards Hatfield Library **£12,570 (contribution is based on Table 2 below-index linked to PUBSEC 175)**
- **Youth Service** towards increasing provision at Hatfield Young People’s Centre **£1,024 (contribution is based on Table 2 below-index linked to PUBSEC 175)**

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 Toolkit as appropriate base costs for the obligations sought in this instance.

HCC’s standard approach is to request Table 2 of the Toolkit (below) is referred to and included within any Section 106 deed. 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. 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 (amended 2019): “fairly and reasonably relates in scale and kind to the development”.

**Table 2: Hertfordshire County Council Services planning obligations contributions table**

<b>Bedrooms*</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5+</b>	<b>1</b>	<b>2</b>	<b>3</b>
	<b>HOUSES Market &amp; other</b>					<b>FLATS Market &amp; other</b>		
Youth facilities	£6	£16	£50	£82	£105	£3	£13	£41
Library facilities	£98	£147	£198	£241	£265	£77	£129	£164
	<b>HOUSES Social Rent</b>					<b>FLATS Social Rent</b>		
Youth facilities	£2	£8	£31	£51	£55	£1	£6	£21
Library facilities	£48	£91	£130	£156	£155	£38	£82	£107

**\*uses an assumed relationship between bedrooms and habitable rooms**

**All figures are subject to indexation and will be indexed using the PUBSEC index base figure 175**

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 secondary education requirement have been calculated using the national average costs per place published in the DfE school place scorecards for the, available via the following link:

<https://www.gov.uk/government/statistics/local-authority-school-places-scorecards-2019>). Whilst the amounts and approach set out within the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008 and is available via the following link:

[www.hertfordshire.gov.uk/planningobligationstoolkit](http://www.hertfordshire.gov.uk/planningobligationstoolkit), have been used for calculating the other requirements.

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 (Circular 11/95: Use of conditions in planning permission, paragraph 83). In addition, for education requirements, paragraph 94 of Section 8 of the NPPF states: " 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."

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).

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.

Kind regards

**Sarah**



**Sarah Burgess**  
**Growth & Infrastructure Officer | Growth and Infrastructure Unit |**  
**Environment and Infrastructure**  
**Hertfordshire County Council**

County Hall, Pegs Lane, Hertford, SG13 8DE, Postal Point: CHN114

**T:** 01992 588303 (**Internal:**28303)

**E:** [sarah.burgess@hertfordshire.gov.uk](mailto:sarah.burgess@hertfordshire.gov.uk)



\*\*\*\*Disclaimer\*\*\*\*

The information in this message should be regarded as confidential and is intended for the addressee only unless explicitly stated. If you have received this message in error it must be deleted and the sender notified. The views expressed in this message are personal and not necessarily those of Hertfordshire County Council unless explicitly stated. Please be aware that emails sent to or received from Hertfordshire County Council may be intercepted and read by the council. Interception will only occur to ensure compliance with council policies or procedures or regulatory obligations, to prevent or deter crime, or for the purposes of essential maintenance or support of the email system.