

William Myers

From: Trish Lyons <Trish.Lyons@hertfordshire.gov.uk>
Sent: 23 July 2021 18:19
To: William Myers
Cc: Antony Proietti; Sarah Burgess
Subject: FW: Former Shredded Wheat Factory, Broadwater Road (north side) (6/2021/0181/MAJ)

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Good afternoon Will

Response by HCC's Growth & Infrastructure Unit to **Application Reference: 6/2021/0181/MAJ Proposed development at: Former Shredded Wheat Factory, Broadwater Road, Welwyn Garden City AL7 1RR Proposal: Hybrid planning application comprising: Detailed Planning Application for 399 Private Rented Sector (PRS) dwellings and 153 dwellings (Class C3), 250 units of residential care accommodation for the elderly (Use Class C2) with associated communal facilities, 15,247m2 of community and commercial hub (Use Classes E and F1) with associated cycling hub, car parking, access, landscaping, public art and other supporting infrastructure; and Outline Planning Application for up to 418 dwellings (Class C3) with all matters reserved except access**

I am writing in respect of planning obligations sought towards education, library, youth and waste 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 **970** dwellings, we would seek financial contributions towards the following projects set out below.

Please note that Hertfordshire County Council adopted new guidance in the form of the **Guide to Developer Infrastructure Contributions, on 19 July 2021**. Planning applications submitted on or after this date will be assessed and responded to against this revised guidance.

Furthermore, if this planning application is not determined within the statutory time limits from 19 July (of 13 weeks for applications for major development (therefore by the end of October), 10 weeks for applications for technical details consent, and 8 weeks for all other types of development (by mid-September), unless an application is subject to an Environmental Impact Assessment, in which case a 16 week limit applies) then Hertfordshire County Council reserves the right to reassess the planning application and provide a revised response based on the new guidance.

Please make us aware of any delays to the determination of the planning application which would mean that the statutory time limits for determining it are not met.

Pupil yield and indicative levels of contributions have been calculated using the development mix and trajectory set out below:

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			1	446	0
2			2	493	0
3			3	31	0
4+			4+	0	0
Total	0	0	Total	970	0

Year	Unit Numbers Only		Unit Numbers and Type	
	Overall (970 to enter)	Rolling Total	Houses (0 to enter)	Flats (970 to enter)
2023	242	242		242
2024	242	484		242
2025	242	726		242
2026	244	970		244

Primary Education

HCC can confirm that there is insufficient spare primary education capacity in the area. Therefore HCC are seeking a primary education contribution from this development. This should be through proportionate contributions towards the new 3FE Peartree Primary School.

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 3FE primary school (including nursery provision) is £13,842,900.

Based on the development mix set out above, the forms of entry of primary aged pupils (including nursery places) modelled to arise from the development (based on the Hertfordshire Demographic Model) is **0.58 FE**. This is 19.3% of the capacity of the new 3FE primary school (0.58FE/3FE).

Therefore, the primary education contributions (which include the cost of nursery provision at the new primary school) which are sought from this development are **£2,671,679** (£13,842,900 x 19.3%). These are based on costs as of 1Q2020 (BCIS All in TPI) so indexation will need to be applied from this date.

Secondary Education

HCC can confirm that there is insufficient spare secondary education capacity in the area. Therefore HCC would be seeking a primary education contribution from this development. This should be through proportionate contributions towards the expansion of an existing secondary school serving the development. The indicative level of contributions towards secondary education provision which HCC would be seeking from this development is **£291,841 this is based on Table 2 HCC Toolkit costs below index linked to PUBSEC 175)**

Nursery Education provision provided at the new 3FE Peartree Primary School

The County Council has a duty to secure sufficient Free Early Education places for eligible families of two year olds and all parents of three and four year olds who require a free early education place. The County Council works with the private, voluntary and independent sector as well as maintained schools to ensure sufficient childcare and free early education places. In addition a further 15 hours free childcare is also available to eligible working parents of children aged 3 and 4 years old.

Early Education facilities (Nursery) will be required for 2 - 4 year olds arising from this proposal. In instances where new primary school provision is required, the equivalent nursery provision should also be provided at the new school. Please see Primary Education section.

The indicative level of contributions towards Nursery provision which HCC would be seeking from this development are **£0** (as the cost of nursery education provision is included within the costs for the new primary school provision, see Primary Education section).

Childcare Service provision provided at the new 3FE Peartree Primary School

In addition to Nursery (free early education) provision the Local Authority has a statutory duty to ensure there is sufficient childcare for working parents, this duty covers 0 – 14 year olds (19 for children with S.E.N.D.). Childcare can take place in preschools, day nurseries, childminders and out of school provision such as holiday clubs and after school clubs depending on the age of the child and therefore can take place in school buildings or community use buildings. New schools should be designed to be able to offer childcare to all children (aged 2 years upwards).

The indicative level of contributions towards Childcare provision which HCC would be seeking from this development is **(£34,428 this is based on Table 2 HCC Toolkit costs below index linked to PUBSEC 175)**

Library Service towards increasing the capacity at Welwyn Garden City Library **(£103,023 this is based on Table 2 HCC Toolkit costs below index linked to PUBSEC 175)**

Youth Service towards Increased capacity at the Welwyn Garden City Young People’s Centre or its re-provision **(£9,018 this is based on Table 2 HCC Toolkit costs below index linked to PUBSEC 175)**

Waste Services:

A contribution towards the development of the Tewin Road Recycling Centre is sought from this development.

Cost of Tewin Rd development: £6,500,000 (These are based on costs as of 3Q2020 (BCIS All in TPI) so indexation will need to be applied from this date)

Contribution sought per dwelling: £124.23

Number of new homes at this development: 970

Total contribution sought from this development : 124.23 x 970 = **£120,503**

Fire Hydrants:

A separate response has been provided in respect of the requirement for fire hydrants.

Although the likely levels of contributions have been provided in this email it is important to note that those based on the Table 2 costs (secondary, childcare, youth and library services) are only indicative figures. Therefore HCC require mechanisms to be included in the legal agreement such that these contributions are based on the development mix that comes forward and if the number or mix of dwellings was to change then the level of contribution could easily be recalculated and without the need to enter into a Deed of Variation.

In order to facilitate this and enable a formulaic approach to be applied the contributions for Secondary, Childcare, Youth facilities and Library facilities have been set out by type, tenure and size of dwellings (in the form of Table 2 of the HCC Toolkit). These are as follows:

Table 2: Hertfordshire County Council Services planning obligations contributions table

Bedrooms*	1	2	3	4	5+	1	2	3
	HOUSES Market & other					FLATS Market & other		
Secondary education	£263	£802	£2,561	£4,423	£5,662	£47	£444	£1,677

Childcare	£14	£64	£138	£199	£244	£8	£57	£89
Youth facilities	£6	£16	£50	£82	£105	£3	£13	£41
Library facilities	£98	£147	£198	£241	£265	£77	£129	£164
	HOUSES					FLATS		
	Social Rent					Social Rent		
Secondary education	£62	£450	£1,676	£2,669	£2,405	£14	£261	£1,084
Childcare	£12	£121	£188	£226	£277	£4	£65	£113
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

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".

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 primary education requirements have been calculated using the national average costs per place published in the DfE school place scorecards, 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, 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

Trish



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