

**Director of Environment &
Infrastructure: Mark Kemp**



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Growth & Infrastructure Unit
Environment & Infrastructure Department
County Hall
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Respond to: growth@hertfordshire.gov.uk

Planning Application: S6/2015/1342/PP
Date: 11 August 2021

Dear Planning Officer

Response by HCC's Growth & Infrastructure Unit to Outline planning application for residential development of up to 121 dwellings, associated infrastructure and a change of use from agricultural land to an extension of the King George V playing field. All matters reserved except for new vehicular access to serve the site, the provision of surface water discharge points and the levels of development platforms at Land to the north east of King George V Playing Fields Northaw Road East Cuffley Hertfordshire EN6 4RD

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. In the absence of development mix for the 121 dwellings the financial contributions have been based on;

Houses

Affordable rent

1 bedroom x 8no
2 bedroom x 21no
3 bedroom x 4no
4 bedroom x 4no

Houses

Open market & Intermediate

1 bedroom x 9no
2 bedroom x 26no
3 bedroom x 32no
4 bedroom x 17no

We would seek financial contributions towards the following projects:

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

Nursery Education towards the provision of nursery places within Cuffley (£37,285 This contribution is based on Table 2 below (index linked to PUBSEC 175)

Primary Education towards the expansion of Woodside Primary School (£259,099 This contribution is based on Table 2 below (index linked to PUBSEC 175)

Youth Service towards the Waltham Cross Young People's Centre or its future reprovion (£3,976 This 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

Bedrooms*	1	2	3	4	5+	1	2	3
	HOUSES Market & other					FLATS Market & other		
Primary education	£231	£1,036	£2,469	£3,721	£4,692	£93	£816	£1,392
Nursery education	£35	£175	£340	£459	£545	£32	£195	£270
Youth facilities	£6	£16	£50	£82	£105	£3	£13	£41
	HOUSES Social Rent					FLATS Social Rent		
Primary education	£247	£2,391	£3,860	£5,048	£5,673	£44	£1,167	£2,524
Nursery education	£39	£453	£475	£503	£955	£9	£216	£313
Youth facilities	£2	£8	£31	£51	£55	£1	£6	£21

*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 figures have been calculated using 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

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).

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.

Hertfordshire County Council has, from the 19th July 2021, adopted new guidance in the form of the **Guide to Developer Infrastructure Contributions**. Planning applications submitted on or after this date will be assessed and responded to against this revised guidance. However as this is a re-consultation on an existing planning application it seems reasonable that we continue with the previous approach, however the expectation is that the if this planning application is not determined within the statutory time limits (of 13 weeks for applications for major development, 10 weeks for applications for technical details consent, and 8 weeks for all other types of development, 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.”

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
Sarah Burgess
Growth & Infrastructure Officer