

**Statement on behalf of Hertfordshire County Council services to
the Examination of the St Albans Draft Local Plan to 2041**



Matter 8: Community Infrastructure

1. Background

- 1.1.1. Hertfordshire County Council (HCC) is the upper tier authority covering the area of St Albans City and District Council (SACDC) and Dacorum Borough Council (DBC). HCC has statutory responsibility for multiple local government services, including transport, school place planning, adult and children's social care, and advising on surface water drainage.
- 1.1.2. HCC has made representations to the most recent Regulation 18 and 19 consultations to the SACDC local plan. HCC also has two agreed Statements of Common Ground with SACDC [SADC/ED3, and another SOCG that is not yet referenced].

2. Issue 1: Community Infrastructure – Policies SP7, SP14 and COM1-COM4

2.1. *Q1 Are Policies SP7 and SP14 justified, effective and consistent with national planning policy? Will they enable the timely provision of new or enhanced infrastructure where needed to support growth proposed in the Plan?*

- 2.1.1. Strategic Policy SP14, in the final paragraph, lists a range of community infrastructure items.
- 2.1.2. The inspectors' attention is drawn to the HCC's objection to the viability evidence base in part on the basis it is not clear whether sufficient allowance is made in the planning obligation viability input that to incorporate all the infrastructure that is identified in the SACDC IDP and/or HCC, SACDC, and third parties such as the NHS, would seek at development management stage. Information on HCC's approach to securing planning obligations for the relevant services is set out in Hertfordshire County Council's Guide to Developer Infrastructure Contributions (see [HCC Guide to Developer Infrastructure Contributions](#)).
- 2.1.3. An understanding of how the BNP Paribas planning obligation inputs were derived, and if they remain in date in relation to both the IDP and the planning obligations that HCC, SACDC, and third parties would likely seek and justify at development management stage, would potentially give HCC greater comfort that infrastructure could be viably delivered in accordance with policy expectations.

2.2. *Q3 What is the justification for stating through Policy COM1 that playing pitches must be for community use?*

- 2.2.1. It is common practice for mainstream schools to offer their facilities to the public through Community Use Agreements (CUAs). At development management stage Sport England will request a CUA be secured by condition to secure community access to sports facilities such as playing pitches and MUGAS. The LPA as authority with leisure responsibilities may also request a CUA to secure community access to school halls.

2.2.2. Sport England's template condition securing a CUA is reproduced below:

Use of the development shall not commence [or no development shall commence or such other timescale] until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to [describe facilities forming part of the development] and include details of pricing policy, hours of use, access by non-[educational establishment] users [/non-members], management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement."

*Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy **.*

Informative: Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications/> For artificial grass pitches it is recommended that you seek guidance from the Football Association/England Hockey/Rugby Football Union on pitch construction when determining the community use hours the artificial pitch can accommodate.

- 2.2.3. The CUA secured by the above condition ensures community access to school facilities as they are built for education purposes and subject to them being first and foremost for education use. However, facilities built for education purposes may have only limited community use in practice. This is particularly relevant to primary school playing pitches, as these are built only to a junior size and layout, and do not require floodlighting or changing facilities for education purposes. This makes them unattractive to the community and unsuitable for formally organised sport and therefore demand for community access is limited.
- 2.2.4. This contrasts to the explicit policy wording, subject to main modifications agreed between HCC and SACDC, that secures the delivery of a junior 3G pitch at allocations B1 and B2. As per HCC's representations made at Regulation 19 stage and supporting text agreed between HCC and SACDC as main modifications, these are needed to deliver on a wider community sports and leisure requirement rather than an education purpose. This would require additional s106 funding as 3G pitches are not included in standard school per place costs.
- 2.2.5. HCC's reading of policies COM1, B1, and B2 alongside the supporting text (subject to agreed main modification between HCC and SACDC) taken as a whole is that the sports and leisure strategy includes the delivery of a junior 3G pitch at allocations B1 and B2, but does not require the delivery of enhanced facilities at other schools. Therefore, the requirement to deliver playing pitches for community use at policy COM1 b) only requires school playing fields built to education only standards to have a CUA including access to playing fields, as per existing practice outlined above, except where the plan expressly says otherwise.

- 2.2.6. Policy COM1 b) could be interpreted to restrict the delivery of schools without playing pitches, which is required in some urban locations, but HCC has no plans to deliver these in St Albans district.
- 2.2.7. However, should the inspectors or SACDC may take an alternate view that policy COM1 b) could or should facilitate the delivery of enhanced facilities on all school sites to enable a more intensive community use than that enabled by facilities built to education standards. If so, policy should be clarified to ensure that the requirement for schools, other than those at allocations B1 and B2, to deliver playing pitches for community use only requires schools to enter into a CUA to enable access to playing pitches built to an education standard.