

**Town and Country Planning Act 1990  
(as amended)  
S78 Appeals**

**Statement in support of planning obligations sought towards  
Hertfordshire County Council (non-highways) services**

Appeal by Canton Ltd under S78 of the Town and Country Planning Act 1990 (as amended) against the decision of Welwyn Hatfield Bough Council to refuse planning permission and the non-determination of St Albans City & District Council in respect of the outline applications for the erection of up to 100 dwellings, with all matters reserved except access

Land off Bullens Green Lane, Colney Heath

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On behalf of Hertfordshire County Council (non-highways) services

26/03/2021

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## 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 (S.106) planning obligations sought by HCC in order to mitigate the impact of the development on land off Bullens Green Lane, Colney Heath.
- 1.2 It is widely recognised that some developments may impact on infrastructure and services and that planning obligations should be made to offset those impacts. Hertfordshire County Council (HCC) currently seeks contributions on residential developments for education, youth, childcare, waste and library facilities. Provision of fire hydrants is also routinely sought. In the case of the above proposal for 100 dwellings, financial contributions are sought towards education, library and youth services together with the provision of fire hydrants.
- 1.3 It is considered that the requirements of HCC as indicated previously in correspondence with Welwyn Hatfield Borough Council and St Albans City & District Council 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: Implementation of the St Albans City & District Local Plan* (adopted in November 1994) and *Policy IM2: Planning Obligations* of the Welwyn Hatfield District Plan (adopted in April 2005).
- 1.4 HCC's Growth & infrastructure Unit acts on behalf of Education, Youth, Childhood Support, Library, Waste and Fire and Rescue Services. Highway matters are dealt with by Hertfordshire Highways.

## 2.0 Planning Policy Context

- 2.1 The following policy is relevant:

### Central Government Advice

- 2.2 The Government published a revised National Planning Policy Framework (NPPF) in February 2019. This sets out the Government's planning policies for England and replaces previous versions of the NPPF.
- 2.3 The NPPF sets out a "*presumption in favour of sustainable development*" which is seen as a thread running through both plan-making and decision-taking. The document states there are three overarching objectives to sustainable development; economic, social and environmental. The description of the first two objectives emphasise the need for development to be supported by and have access to infrastructure and local services (paragraphs 8a and 8b, page 5).
- 2.4 The importance of education infrastructure is set out within Section 8: 'Promoting Healthy and Safe Communities', paragraph 94 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 schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted."*

2.5 In Section 4: Decision-making, the NPPF also states "*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*" (paragraph 54, page 15). 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).

2.6 The CIL Regulations 2010 came into force in April 2010 and were subsequently amended in September 2019. They set out restrictions regarding the use of planning obligations within Regulation 122 which states:

*"A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:*

- 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.*

2.7 HCC therefore consider the provision of necessary infrastructure and community services to be an essential part of the Government's philosophy in relation to the creation of sustainable communities.

#### Development Plan Policy

2.8 The need for financial contributions is required under policy 143B of the adopted St Albans City & District Local Plan, policy IM2 of the Welwyn Hatfield District Plan and HCC's Planning Obligations Toolkit.

2.9 Policy 143B of the St Albans City & District Local Plan sets out that: "*The District Council will expect planning applications for the development of sites to include within them provision for the infrastructure consequences.*"

2.10 Policy IM2 of the Welwyn Hatfield District Plan takes a similar approach by stating that: "*development will be required to provide for the infrastructure, services and facilities which are directly related to it and necessary to the granting of planning permission.*"

*Developers will be required to provide or finance the cost of all such provision which is fairly and reasonably related in scale and kind to the development.”*

### Background to County Council Policy

- 2.11 The county council has for many years sought contributions from developers towards the provision of services across Hertfordshire. Until summer 2007, the saved structure plan policy was used to justify seeking planning obligations, together with local plan and other planning policies where appropriate. Given the changes to the planning system at that time and in an effort to clarify and simplify the county council’s requirements, it produced guidance for developers and local planning authorities on the subject of planning obligations which could be used to support and inform existing local development plan policies and to assist in the provision of planning obligations related supplementary planning documents. The current guidance is the *Planning Obligations Guidance – Toolkit for Hertfordshire*, (“The Toolkit”), which was published in January 2008 and is attached to Appendix A.
- 2.12 The production of the Toolkit reflected the advice which was provided at paragraphs B25-30 of Circular 5/05 “Planning Obligations”, which among other things required all tiers of government with legitimate land-use planning interests to be involved at an appropriate level and in a focused way in providing an evidence base and setting planning obligation policies.
- 2.13 Whilst the Toolkit provides education costs, in the form of a planning obligations contributions table (Table 2, on page 18), it is important to note that these costs are only for school expansions and not for new school projects. This is set out in paragraphs 10.6 and 12.4 of the Toolkit:

*“Contributions from developments of less than 300 dwellings can be calculated using the table calculators shown below. These tables illustrate the effect of threshold requirements for dwellings and the charges that could apply. Developments larger than 300 units will be considered individually and specific on-site or off-site provision may be sought for land or built facilities such as schools and other community facilities.” (paragraph 10.6)*

*“However, it should be noted that the indicative contributions table is not appropriate for larger developments, for instance, those giving rise to need for a new school.” (paragraph 12.4)*

- 2.14 When considering the cost of new schools, and the level of contributions which should be sought, HCC applies the Department for Education (DfE) scorecard costs. The rationale for this is the DfE guidance (Securing developer contributions for education, November 2019, Appendix B) which 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 (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.”*

- 2.15 The current DfE Scorecard costs, which form the basis of the level of contributions sought from this development, can be found in Appendix C.
- 2.16 HCC is currently consulting on updated guidance (known as the Guide to Developer Infrastructure Contributions), which applies the updated DfE Scorecard costs to the county council requirements. However, as this document has yet to be adopted the Planning Obligations Toolkit remains the currently adopted document in terms of setting out the county council’s need and justification for seeking financial contributions, with the DfE Scorecard providing the relevant costs that should be applied.
- 2.17 Table 2 of the Toolkit (copied below at paragraph 3.6) sets out the standard base figures which are usually applied to developments of this scale according to dwelling size, type and tenure. An explanation of how contributions are worked out is set out at Section 12 and Appendix A of the Toolkit. Developments larger than 300 dwellings have historically been considered on a more individual basis as this tends to be the point at which specific on-site or off-site provision may be necessary.
- 2.18 The CIL Regulations discourage the use of formulae to calculate contributions. However, the county council is not in a position to adopt a CIL charge itself. As a result, in areas where a CIL charge has not been introduced by the relevant charging authority, planning obligations in their restricted form are the only route to address the impact of a development on the services listed in section 1. In instances where the development is not large enough to require on-site provision such as a new school but is still large enough to generate an impact on a particular service, an evidenced mechanism is needed to form the basis of any planning obligation sought.
- 2.19 Therefore, HCC views the calculations and figures as an appropriate base for the obligations sought in this instance. This is particularly true in instances where an application has been submitted in outline allowing the number and mix of dwellings to change at the Reserved Matters, stage making estimates of the likely occupancy profile of the site difficult to calculate.
- 2.20 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 policy is to seek payment of financial contributions at the earliest trigger i.e. prior to commencement of development. This also reduces risks of later trigger points.

### **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.

- 3.2 As described within the Toolkit, the contributions sought from new development towards local service provision have been calculated on a per person basis. HCC has developed a census-based model which forecasts the number of people likely to emerge from a particular development (according to the size, type and tenure of each residential unit comprising the development) by age group. This information is then passed to service providers to establish whether or not the estimated additional people can be accommodated within existing service provision.
- 3.3 The cumulative impact of developments on local service provision is an important consideration. As set out in paragraph 10.2 of the Toolkit, the use of formulae and standard charges is a means of addressing the likely cumulative impact of development in a fair and equitable way and financial contributions will be sought where necessary to fund both on and off-site provision as appropriate.
- 3.4 The approach set out within the Toolkit, allowing planning applications to be dealt with in an equitable, fair and transparent manner, has been supported at appeals across the county, for example;
- Jane Campbell House, Waverley Road, St Albans  
APP/B1930/W/16/3148961  
31 October 2016 Paragraphs 38-45 (Appendix D)
  - Land to the East of Aspenden Road, Buntingford  
APP/J1915/A/14/2224660 (Secretary of State Called-in application) 26 May 2016,  
paragraphs 98-108 (Appendix E)
  - Sewell Park, Land rear of Nos 112-156B Harpenden Road, St Albans  
APP/B1930/A/12/2180486 & APP/B1930/A/13/2201728 (Secretary of State Called-in applications) 11 August 2015, Paragraphs 24 and 143 (Appendix F)
- 3.5 When applications are made in outline, HCC's standard approach is to request Table 2 of the Toolkit (as copied below in paragraph 3.6) is referred to and included within any Section 106 deed following identification of service requirements. This approach provides the certainty of identified contribution figures with the flexibility for an applicant and district council to agree or vary the dwelling and tenure mix at a later stage and the financial contributions to be calculated accordingly at that time, without the need to enter into a deed of variation in respect of these contributions. 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 (as amended 2019): "*fairly and reasonably related in scale and kind to the development.*"
- 3.6 The tenure has been split into two "open market and other" or "affordable/social rent" owing to the difference observed in the Census information between these two groupings. It is believed the difference results from the affordable/social rent dwellings

being used more efficiently (i.e. all the bedrooms will be used as bedrooms). The Toolkit calculations for this tenure incorporate a discount to take into account the possibility that some people moving into the dwellings will already be resident within the area and therefore using services. The discount is not based on evidence as none was provided to HCC following numerous requests to the development industry and affordable housing providers. The discount is lower for services for younger age groups (e.g. nursery and primary education age groups) than for older age groups (e.g. secondary school age groups) as it is assumed younger children are more likely to be new to the service even if already resident within the area however, pupils already at a secondary school are less likely to change school.

Bedrooms*	1	2	3	4	5+	1	2	3
	<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 Index Linked to PUBSEC 175

(The PUBSEC index is the Tender Price Index of Public Sector Non-Housing Smoothed All-In Index published by the Building Cost Information Service of the Royal Institution of Chartered Surveyors)

3.7 There was no development mix contained within the original outline application. HCC's calculations are based upon the information contained within the Welwyn Hatfield Borough Council's Case Officer's report. It is also assumed that all one bed dwellings are flats, and two bed dwellings are evenly split between flats and houses.

3.8 For the purposes of illustration only, the populace projections set out within this statement are based on the following mix of units:

<b>HOUSES</b>			<b>FLATS</b>		
Tenure	A) Affordable Rent	B) Open market & Intermediate	Tenure	A) Affordable Rent	B) Open Market & Intermediate
Number of bedrooms			Number of bedrooms		
1			1	10	3
2	2	8	2	3	9
3	3	38	3		
4		20			
5 +		4			
<b>Total</b>	<b>5</b>	<b>70</b>	<b>Total</b>	<b>13</b>	<b>12</b>
			<b>Total Affordable (rented)</b>		<b>18</b>
			<b>Total Private</b>		<b>82</b>
			<b>Overall total</b>		<b>100</b>



- 3.9 The base costs set out within Table 2 of the Toolkit incorporate a discount in relation to one bedroom flats to allow for the possibility that the number of people shown to reside in one bedroom properties within the census data could be an anomaly (referenced in paragraph 12.9 of HCC's Toolkit).
- 3.10 In terms of education contributions, the overriding principle which governs HCC'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 school places to be provided for the children requiring them.
- 3.11 In order to determine whether or not an education contribution is required, the county council firstly calculates the number of pupils arising from the development and then compares this to the capacity of the pupil planning area (PPA) 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 PPA, the county council considers the cumulative impact of any developments in the immediate area.
- 3.12 In order to calculate the number of pupils arising from developments, the county council has developed a census-based model (known as 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. 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 G.
- 3.13 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 survey (further information on the Hertfordshire County Council Pupil Yield Survey is included in Appendix H). This ensures that the Hertfordshire Demographic Model is based on the most up-to-date information and means that the Hertfordshire Demographic Model adheres to paragraph 8 of the DfE Guidance (Securing developer contributions for education, November 2019):

*'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.'*

- 3.14 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 pupil yield. Further justification and evidence on the use of the Hertfordshire Demographic Model is in section 1.1 of the Guide to the Hertfordshire Demographic Model.

- 3.15 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.
- 3.16 When considering whether or not there are surplus school places, the county council normally only considers the pupil planning area within 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. In addition, 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).
- 3.17 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.
- 3.18 The approach set out above clearly demonstrates that the principle and process of seeking education contributions applied by Hertfordshire County Council is both sound and reasonable.
- 3.19 Seeking education contributions as set out within this document also conforms to the three CIL tests (as set out within Regulation 122 of the CIL Regulations 2010 and paragraph 56 of the NPPF):
1. Through the process of analysing the capacity of the pupil planning area 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 children arising).
  2. Contributions are spent on the school(s) whose pupil planning area the development is in and are therefore ***directly related to the development***.
  3. The level of contribution is proportional to the number of children arising from it and is therefore ***fairly and reasonably related in scale and kind to the development***.

#### 4.0 Education Provision

- 4.1 The county council is the Local Education Authority and has statutory responsibility for the provision of education services. It has a duty to ensure that there are sufficient school places to meet the needs of the population. This provision includes nursery, primary, secondary and sixth-form education and special needs services and facilities.
- 4.2 The following financial contributions are sought towards education provision:

- £1,410,225 towards the proposed new two form entry (2fe) primary school at site HS11 (Hat11) in Hatfield (based on costs as of 1Q2020 – BCIS All in TPI, indexation to be applied).
- £1,494,006 towards the proposed new 8fe secondary school at site HAT1 in Hatfield (based on costs as of 1Q2020 – BCIS All in TPI, indexation to be applied).

4.3 The county council calculates education contributions towards new school provision based on pupil yield arising from the Hertfordshire Demographic Model. It is a common position that, in order to reflect the latest available data, the pupil yield model is updated periodically in order that the most relevant and appropriate information is used.

### Primary Education

4.4 Primary education services are assessed on the basis of primary education planning areas. The site falls into the Colney Heath PPA; however, due to the site’s location it is possible pupils will also look towards the Hatfield PPA. The Colney Heath PPA only contains one school, Colney Heath JMI, which provides 30 places at Reception. The Hatfield PPA contains ten schools across a much wider area, offering 480 places at Reception.

4.5 The latest forecast (Summer 2020) shows a close match between demand and available places in Colney Heath. Hatfield shows a close match between demand and the available places for the first two years, after which it starts to show a surplus. However, this forecast does not take account of the full level of housing proposed across Hatfield.

4.6 The current forecast data for the capacity of the schools in PPA13.4, is shown in Table below:

**Table 1: Pupil Planning Area (PPA) 13.4: Colney Heath Forecast Data**

13.4 Colney Heath		Places Available 2020-21	Actuals			Forecast			
School Code	School Name		2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
2102	Colney Heath Junior Mixed Infant and Nursery School	30	25	31	28				
<b>Total Year R Pupil Demand</b>			25	31	28	27	28	29	25
<b>Total Year R Places Available</b>		30				30	30	30	30
<b>Surplus or Shortage of Year R Places (No.)</b>						3	2	1	5
<b>Surplus or Shortage of Year R Places (%)</b>						10.0%	6.7%	3.3%	16.7%
<b>Surplus or Shortage of Year R Places (FE)</b>						0.1	0.1	0.0	0.2

4.7 The current forecast data for the capacity of the schools in PPA13.4, is shown in Table below:

**Table 2: Pupil Planning Area (PPA) 14.1: Hatfield Forecast Data**

14.1 Hatfield		Places Available 2020-21	Actuals			Forecast			
School Code	School Name		2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
2004	Hatfield Community Free School	60	60	60	62				
2007	Birchwood Avenue Primary School	30	48	28	31				
2039	Green Lanes Primary School	60	60	60	60				
2225	Howe Dell Primary School	60	59	60	60				
2391	The Ryde School	30	28	28	30				
3388	St Philip Howard Catholic Primary School	60	60	60	60				
3406	Countess Anne Voluntary Aided Church of England Primary School, Hatfield	30	30	30	30				
3976	St Mary's Church of England Primary School	30	23	14	16				
3982	De Havilland Primary School	60	72	62	58				
3989	Oak View Primary and Nursery School	60	56	57	59				
<b>Total Year R Pupil Demand</b>			<b>496</b>	<b>459</b>	<b>466</b>	<b>459</b>	<b>462</b>	<b>391</b>	<b>427</b>
<b>Total Year R Places Available</b>		<b>480</b>				<b>480</b>	<b>480</b>	<b>480</b>	<b>480</b>
<b>Surplus or Shortage of Year R Places (No.)</b>						<b>21</b>	<b>18</b>	<b>89</b>	<b>53</b>
<b>Surplus or Shortage of Year R Places (%)</b>						<b>4.4%</b>	<b>3.8%</b>	<b>18.5%</b>	<b>11.0%</b>
<b>Surplus or Shortage of Year R Places (FE)</b>						<b>0.7</b>	<b>0.6</b>	<b>3.0</b>	<b>1.8</b>

4.8 The closest school to the site is Colney Heath JMI School. The school, which meets the needs of families in Colney Heath is at or near capacity in all year groups. The forecast and pre-school population data indicates that the school is the right size to meet the current needs of the local community; therefore, it could not accommodate the additional demand arising. Although the school could potentially be expanded, this development would not justify the expansion of the school and therefore the additional demand must be accommodated elsewhere.

4.9 Currently, primary schools located in Hatfield are not completely full, although over the past two years there has been less than a form of entry available between them. HCC's forecasts show that there is expected to be a surplus within the Hatfield area in the short term. However, this does not fully account the proposed housing allocations within the emerging Welwyn Hatfield Local Plan and there are more children in Hatfield than there are school spaces. There has been a trend of migration out of Hatfield with pupils attending schools out of the area; however, once the new housing allocations in Hatfield and in the adjoining areas start coming forward, this is not expected to continue.

4.10 As part of the emerging Welwyn Hatfield Local Plan there is a proposal for a new 2fe primary school to be located at site HS11 (Hat11), which will become the nearest school to this development in Hatfield and is being brought forward to accommodate housing across the area. Any additional housing in the area would require additional educational capacity. Therefore as a result of this new residential development, and any others in the area, a financial contribution is sought towards primary education services, based on costs as of 1Q2020 (BCIS All in TPI), so indexation will need to be applied from this date, to be used towards the proposed new 2fe school at site HS11 (Hat11) in Hatfield.

4.11 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.

### Secondary Education

4.12 Secondary education services are assessed on the basis of secondary education planning areas. For those living within the area they predominately look towards St Albans and Hatfield for their secondary education. Secondary demand is rising in both areas with the latest forecast indicating that additional secondary capacity will be required. Additional capacity is being proposed within Hatfield which would be able to accommodate the additional demand from this development.

4.13 Any additional housing in the area would require additional capacity at secondary schools in the area which can be mitigated through the new 8fe secondary school proposed at site HAT1 in Hatfield, within the emerging Welwyn Hatfield Local Plan. Therefore, as a result of this new residential development, and any others in the area, a financial contribution is sought towards secondary education services, based on costs as of 1Q2020 (BCIS All in TPI) so indexation will need to be applied from this date, to be used towards the new 8fe secondary school proposed at site HAT1 in Hatfield.

4.14 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.

## **5.0 Youth Provision**

5.1 HCC's YCH Services for Young People is governed by the Education Act 1944. 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"*; *"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."*

5.2 Youth work is delivered through planned curriculum programmes which are based on identified need resulting in recordable personal and social development outcomes. HCC 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.

5.3 Based on the illustrative mix set out at paragraph 3.8 above the census-based model estimates that 16.37 additional young people may reside in this development.

5.4 A financial contribution is sought towards youth services as set out within Table 2 of the Toolkit, index linked to PUBSEC 175 (copied above at paragraph 3.6). For the purposes of illustration, applying Table 2 to the illustrative mix would result in a contribution of £4,351 towards youth services (index linked to PUBSEC 175).

5.5 In the original consultation response to this application, the county council stated that funding from this proposal would be towards the increase of provision at Hatfield Young People's Centre. Hatfield Young People's Centre is a busy and vibrant youth 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.

5.6 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.

## **6.0 Library Provision**

6.1 The county council has a duty to provide a comprehensive and efficient library service for everyone who lives, works or studies in the County. It believes that its libraries need to be updated to continue to improve the service offered and cope with additional demand brought about by new development.

6.2 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, Wi-Fi and the internet, online services, ICT-based and other learning opportunities. They also offer neutral places to promote community wellbeing. New residential development will result in additional pressure on the library service.

- 6.3 The migrant population and age profile information from the Census is incorporated into the model and allows for the residents in the development to change/age with time, as they grow older, as is seen in the education profiles for example. However, as all ages potentially use library services a single average number of total users is calculated, as opposed to the break down by Single Year of Age group used for calculating numbers in age subgroups e.g. 4-11 year olds.
- 6.4 Based on the illustrative mix set out at paragraph 3.8 above the census-based model estimates that 218.42 additional library users may reside in this development.
- 6.5 A financial contribution is sought towards library services as set out within Table 2 of the Toolkit, index linked to PUBSEC 175 (copied above at paragraph 3.6). For the purposes of illustration, applying Table 2 to the illustrative mix would result in a contribution of £17,170 towards library services (index linked to PUBSEC 175).
- 6.6 Hatfield library is the local library facility which serves this development. Hatfield is a vibrant Tier 1 library easily accessible to residents and visitors alike, given its geographical location in the middle of Hatfield town centre. The library is well used as demonstrated by the total number of visits in 2019/20 (87,938), which were comparable with Tier 1 libraries of a slightly larger size such as Borehamwood (99,728). Similarly, the issue figures also reveal how well the library is used. In 2019/20 the total number of issues were 70,217 compared with for example Borehamwood (79,967). Further evidence of how popular the library is within the local community can be seen by the number of new members. In 2019/20 the number of people who joined the library was 1,459. This is a very strong indicator in which Hatfield compares extremely favourably with libraries such as Borehamwood (1,396) and even larger Tier 1 libraries such as Welwyn Garden City (1,575).
- 6.7 Any funding from this proposal would be used to make improvements to the layout and develop the CreatorSpace Area in the library with the purchase of new equipment and furniture. This will give new residents the opportunity to access some of the latest technology individually or part of a group. This project is therefore required in order to accommodate the additional residents arising from the new developments in the area, including this site.
- 6.8 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.

## **7.0 Hydrants**

- 7.1 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 standard clauses set out in a legal agreement or unilateral undertaking. 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.

7.2 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.

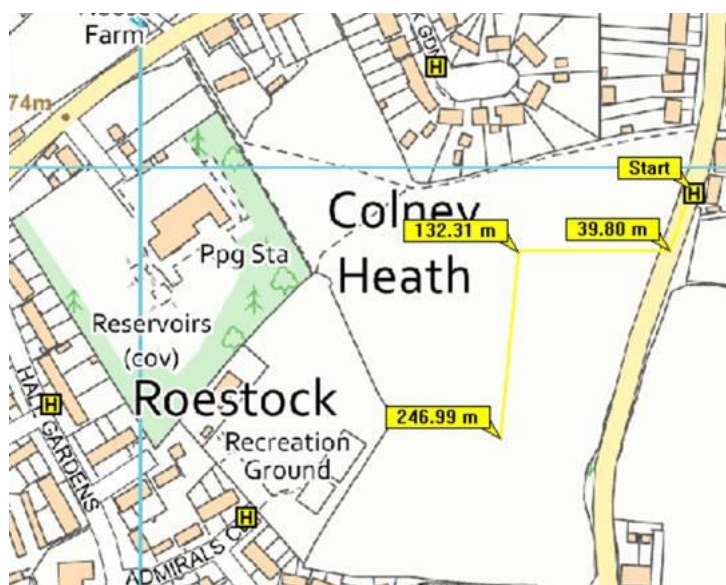
7.3 Paragraph 6.1(c) of BS 5588-5 2004 states that every building needs to have a suitable hydrant:

- 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).

7.4 The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22). 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'), see Appendix F.

7.5 Regardless of the location of existing public hydrants, it is considered that the layout of the site (due to the overall size of the development site in question) will necessitate the need for new hydrants to ensure that homes are served within the minimum required distance.

7.6 The Fire and Rescue Service have confirmed hydrants will be required from this proposal. The plan below shows the location of the existing hydrants (marked in black and yellow).



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7.7 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.

## **8.0 Audit Trails and Monitoring**

8.1 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 S.106 matters both internally to Members and service departments and externally to District/Borough Councils, developers and members of the public twice yearly. HCC related Section 106 matters are also subject to regular Internal Audit assessment.

8.2 When S.106 funding is received, each contribution is allocated an individual account enabling each one to be individually managed, monitored and reported on.

8.3 Before S.106 funding can be spent by a service provider a request needs to be submitted setting out amongst other details, the S.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 S.106 deed and the requirements of S.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.

## **9.0 Summary and Conclusions**

9.1 HCC is seeking financial contributions towards primary and secondary education provision, along with library and youth provision, together with fire hydrant provision to mitigate the impact of this proposed development.

9.2 It is considered that these requirements do meet the tests set out within Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended 2019). 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. The provision of community facilities is a matter that is relevant to planning.

The development plan background supports provision of planning contributions. Policy 143B of the St Albans City & District Local Plan (adopted in November 1994) and policy IM2 of the Welwyn Hatfield District Plan (adopted in April 2005) 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 approach to seeking contributions as set out within the Toolkit is consistent, fair and transparent, providing certainty to all involved in the process.

- Directly related to the development:–

The occupiers of new residential developments will have an additional impact upon local services. The financial contributions sought above are based on the size, type and tenure of the individual dwellings comprising this proposed 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 (as set out within HCC's Toolkit and template Section 106 deeds).

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 are calculated according to the size, type and tenure of each individual dwelling comprising the proposed development (based on the person yield) as set out above and within HCC's Toolkit. The financial contributions sought for primary and secondary education mitigation are based on the likely pupil yield arising from the development at Bullens Green Lane, Colney Heath. The pupil yield has been calculated using the Hertfordshire Demographic Model which allows the yield to be calculated based on the specific size, type and tenure of each individual dwelling or unit. Therefore, the level of contributions sought 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.