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Hertfordshire County Council
Growth & Infrastructure Unit
Environment & Infrastructure Department
County Hall
Hertford
Hertfordshire
SG13 8DN

5 May 2023

Respond to: growth@hertfordshire.gov.uk

Dear Planning Officer

Response by HCC's Growth & Infrastructure Unit to 5/2022/0599
Land To Rear Of 96 To 106 High Street Colney Heath Hertfordshire

You will be aware that Hertfordshire County Council adopted new guidance in the form of the 'Guide to Developer Infrastructure Contributions' on 19th July 2021. Planning applications submitted on or after this date will be assessed and responded to against this revised guidance. Furthermore, if an existing planning application is not determined within the statutory time limits then HCC reserves the right to reassess the planning application and provide a revised response based on the new guidance. This application is currently undetermined.

Please see below revised contributions sought towards non-transport 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 **45 dwellings** we would seek financial contributions towards the following projects:

HOUSES		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	0	0
2	13	5
3	18	3
4+	2	2
Total	33	10

FLATS		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	0	2
2	0	0
3	0	0
4+	0	0
Total	0	2

Trajectory						
Year	2023	2024	2025	2026	2027	2028
Units	0	20	25	0	0	0

PLEASE NOTE; 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 Colney Heath Primary School and/or provision serving the development (£459,868 index linked to BCIS 1Q2022)

Secondary Education towards the expansion of Samuel Ryder Academy and/or provision serving the development (£502,475 index linked to BCIS 1Q2022)

Special Educational Needs and Disabilities (SEND) towards providing additional Severe Learning Difficulty school places (West) through the relocation and expansion of Breakspeare School and/or provision serving the development (£60,969 index linked to BCIS 1Q2022)

Library Service towards increasing the capacity of Marshalswick Library or its future re-provision (£9,714 index linked to BCIS 1Q2022)

Youth Service towards the re-provision of the St Albans Young People's Centre in a new facility and/or provision serving the development (£11,787 index linked to BCIS 1Q2022)

Waste Service Recycling Centre towards increasing the capacity of the Recycling Centre at Potters Bar and/or provision serving the development (£13,688 index linked to BCIS 1Q2022)

Waste Service Transfer Station towards increasing the capacity of Waterdale Transfer Station or provision serving the development (£2,649 index linked to BCIS 3Q2022)

Monitoring Fees – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

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 Guide to Developer

Infrastructure Contributions as an appropriate methodology for the obligations sought in this instance.

The county council methodology provides the certainty of identified contribution figures based on either a known or estimated dwelling mix, the latter of which might be agreed with the local planning authority based on expected types and tenures set out as part of the local plan evidence base. This ensures the contributions are 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”.

Outline applications will require the ability for an applicant to recalculate contributions at the point of a reserved matters application and as such a calculation Table will be provided as part of the S106 drafting process. 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.

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 Guide to Developer Infrastructure Contributions (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet 12 July 2021 and is available via the following link: [Planning obligations and developer infrastructure contributions | Hertfordshire County Council](#)

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. The NPPG states “No payment of money or other consideration can be positively required when granting planning permission.” 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.

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

Terri Brooks
Growth & Infrastructure Officer