

CIL COMPLIANCE STATEMENT

Appeal By: Stackbourne Limited

LPA Ref: 5/2019/3022

PINS Reference: APP/B1930/W/20/3260479

Site: Smallford Works, Smallford Lane, Smallford, St Albans AL4 0SA

Description:

1. The proposal is for residential development on a site in the Green Belt, it is proposed to demolish existing buildings and erect up to 100 dwellings.

Background

2. Regulation 122 of the Community Infrastructure Levy Regulations 2010 Statutory Instrument 2010/948 makes it unlawful for any planning obligation to be taken into account as a reason to grant a planning permission if it does not meet the 3 tests set out in the Regulation.

3. The Framework sets out at paragraph 54, 3 policy tests which mirror the tests in the Regulations.

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

4. This statement should also be read in conjunction with the statement of Martin Wells, of Hertfordshire County Council

Contributions sought

5. The following contributions are sought:

Community Facilities	Secondary Education	Expansion of Samuel Ryder Secondary School by 1FE
	Library Service	Enhancements of the children's area at Marshalswick Library
	Youth Service	Increasing capacity at Pioneer Young People's Centre
	Calculated as follows:	

	Table 2: Hertfordshire County Council Services planning obligations contributions table																																																																																																											
	<table><tr><td>Bedrooms*</td><td>1</td><td>2</td><td>3</td><td>4</td><td>5+</td><td>1</td><td>2</td><td>3</td></tr><tr><td></td><td colspan="5">HOUSES Market & other</td><td colspan="3">FLATS Market & other</td></tr><tr><td>Secondary education</td><td>£263</td><td>£802</td><td>£2,561</td><td>£4,423</td><td>£5,662</td><td>£47</td><td>£444</td><td>£1,677</td></tr><tr><td>Youth facilities</td><td>£6</td><td>£16</td><td>£50</td><td>£82</td><td>£105</td><td>£3</td><td>£13</td><td>£41</td></tr><tr><td>Library facilities</td><td>£98</td><td>£147</td><td>£198</td><td>£241</td><td>£265</td><td>£77</td><td>£129</td><td>£164</td></tr><tr><td></td><td colspan="5"></td><td colspan="3"></td></tr><tr><td></td><td colspan="5">HOUSES Social Rent</td><td colspan="3">FLATS Social Rent</td></tr><tr><td>Secondary education</td><td>£62</td><td>£450</td><td>£1,676</td><td>£2,669</td><td>£2,405</td><td>£14</td><td>£261</td><td>£1,084</td></tr><tr><td>Youth facilities</td><td>£2</td><td>£8</td><td>£31</td><td>£51</td><td>£55</td><td>£1</td><td>£6</td><td>£21</td></tr><tr><td>Library facilities</td><td>£48</td><td>£91</td><td>£130</td><td>£156</td><td>£155</td><td>£38</td><td>£82</td><td>£107</td></tr><tr><td></td><td colspan="5"></td><td colspan="3"></td></tr></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	Youth facilities	£6	£16	£50	£82	£105	£3	£13	£41	Library facilities	£98	£147	£198	£241	£265	£77	£129	£164											HOUSES Social Rent					FLATS Social Rent			Secondary education	£62	£450	£1,676	£2,669	£2,405	£14	£261	£1,084	Youth facilities	£2	£8	£31	£51	£55	£1	£6	£21	Library facilities	£48	£91	£130	£156	£155	£38	£82	£107									
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																																																																																																				
Youth facilities	£6	£16	£50	£82	£105	£3	£13	£41																																																																																																				
Library facilities	£98	£147	£198	£241	£265	£77	£129	£164																																																																																																				
	HOUSES Social Rent					FLATS Social Rent																																																																																																						
Secondary education	£62	£450	£1,676	£2,669	£2,405	£14	£261	£1,084																																																																																																				
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																																																																																																											
Travel Plan	Enter into a Travel Plan for the site. £6,000 towards the County Council’s costs of administrating and monitoring the objectives of the Travel Plan and engaging in any Travel Plan Review.																																																																																																											
Footpath Improvements	Improvements at the access of Sleepshyde Lane in the form of dropped kerbs and tactile paving and at the access of Sleepcross Gardens in the form of tactile paving.																																																																																																											
HCC Property	Fire Hydrants. The number and location 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. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.																																																																																																											
Health Services	£752 per dwelling for provision of additional health facilities in the area. In addition, consideration of the impact on NHS community, mental health and acute care services. Cost per dwelling is summarised below: <table><tr><td></td><td>Cost Per Dwelling</td></tr><tr><td>Acute Care</td><td>£2,187.69</td></tr><tr><td>Mental Health</td><td>£201.38</td></tr><tr><td>Community Services</td><td>£182.03</td></tr></table>										Cost Per Dwelling	Acute Care	£2,187.69	Mental Health	£201.38	Community Services	£182.03																																																																																											
	Cost Per Dwelling																																																																																																											
Acute Care	£2,187.69																																																																																																											
Mental Health	£201.38																																																																																																											
Community Services	£182.03																																																																																																											
Play Area	A toddler play area to be provided on site prior to first occupation of the development, together with details of its facilities, retention and future management.																																																																																																											
Affordable Housing	40% of the dwellings to be provided as affordable dwellings.																																																																																																											
Ecology	Sum of £5,000 to facilitate the undertaking of improvements of public rights of																																																																																																											

Contribution	<p>way within the Local Wildlife Site situated adjacent to the site, improvements may comprise:</p> <ul style="list-style-type: none"> - Stakes along the footpaths to improve legibility of routes; - Finger post signs to direct walkers to public rights of way; - Improvements to the surfaces of the public rights of way; - The provision of Information Packs to new residents informing them of the sensitivities of the Local Wildlife Site and how to avoid adding pressure.
---------------------	--

Relevant Policy

6. The Policy for seeking the contributions is set out in Hertfordshire County Council Obligations Tool Kit. See the statement of the Growth and Infrastructure Unit.

Justification for the contributions:

Community Facilities:

7. Secondary Education: Expansion of Samuel Ryder Secondary School by 1FE

8. Library Service: towards the enhancement of the children's area at Marshalswick Library.

9. Youth Service: Increasing capacity at Pioneer Young People's Centre

10. 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. 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.

11. HCC's standard approach to outline applications 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: "fairly and reasonably related in scale and kind to the development". This also allows contributions to respond to the housing mix that comes forward in any final reserved matters scheme.

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

Justification

12. 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

13. In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

14. 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.

15. 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.

16. The absence of such provision would lead to the Local Planning Authority inviting the Inspector to dismiss the appeal on the grounds that satisfactory infrastructure has not been provided (see Reasons for Refusal 5 and 6)

(ii) Directly related to the development;

17. 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.

18. 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). Therefore they directly reflect the demands on infrastructure that will arise from the proposed development.

Travel Plan

19. A Travel Plan is required to encourage sustainable transport modes and to reduce the reliance on private vehicles to ensure minimal impact to the highway safety and function as a consequence of the development.

20. A fee of £6000 would be required to support Travel Plan monitoring and review and would be secured via Section 106 Agreement.

Footpath Improvements

21. The development would result in increased need to have walking links to local amenities. Smallford village centre is approximately 1k north of the site and offers amenities such as a public house and bus stops that link to St Albans and Hatfield. The S106 would secure a pedestrian crossing facilities on Smallford Lane.

Fire Hydrants

22. All developments 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 firefighting facilities are provided on new developments. HCC requires the provision of hydrants ensure the development is safely serviced in the event of an emergency through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

23. The number and location 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. However it is important that such provision is made and agreed prior to the development advancing to occupation or settled layout as retrospectively seeking to provide adequate provision could be difficult and compromise safety. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed

Health Services

24. Herts Valley Clinical Commissioning Group (CCG) have advised on the impact of the development upon the provision of health services.

25. Several GP practices in East of St Albans will be impacted by this development, some of which whilst having capacity; some are operating in cramped conditions and therefore their ability to absorb any increase in patient population is very limited.

26. Despite the fact that one of the surgeries has some capacity to absorb growth in patient numbers, there are factors, which intensify the impact:

- Firstly, there is a major housing growth planned in the area (according to draft Local Plans for the next planning period up to 2036) and any capacity that there is, is likely to be exhausted in the very near future.
- Secondly, there are significant changes taking place within the NHS in the way the healthcare is being delivered.

27. For some time, the Herts Valleys CCG has been commissioning a number of services from the general practice in addition to their “core” activity. This aspect of the general practice work is now due to increase substantially. Namely, the NHS Long Term Plan set out a requirement for practices to form Primary Care Networks (PCNs). NHS England has agreed an Enhanced Service to support the formation of PCNs, additional workforce and service delivery models for the next 5 years and CCGs were required to approve all PCNs within their geographical boundary by 30 June 2019.

28. In Herts Valleys CCG there are now 16 PCNs across the 4 localities; each covering a population of between circa 30,000 and 76,000 patients.

29. These PCNs are expected to deliver services at scale for its registered population whilst working collaboratively with acute, community, voluntary and social care services in order to ensure an integrated approach to patient care.

30. This means increasing pressure and demand on local GP practices as more services are being brought out of hospitals into the community. The capacity that may be there now, is likely to be taken up by additional services that practices are required to deliver.

31. Closest practices to the proposed development are:

- The Highfield Surgery – a branch surgery of the Lodge Practice Group, which has a patient list of 20,811 as of 1 April 2019 and total combined floor area of 1,357.50 m².

32. Department of Health’s Principles of Best Practice stipulate that a surgery with 21,000 patients is recommended to have approx. 1,100 m² NIA (net internal area) of floor space, which is circa 257m² less than this practice currently occupies, therefore indicating capacity.

33. However, considering that there is a large development of circa 1,250 houses planned to the East of St Albans (although it should be noted that the Draft St Albans Local Plan which proposed this settlement has been withdrawn) and also a new settlement of at least 6,000 new homes across the border in Hertsmere BC’s jurisdiction (Tyttenhanger Garden Village), which will have an effect on this surgery, any existing capacity will be exhausted.

- Jersey Farm Surgery – another branch surgery of the Lodge Practice Group, which has a patient list of 13,638 as of 1 April 2019 and total combined floor area of 508 m².

34. According to the Principles of Best Practice a surgery with 14,000 patients is recommended to have 870 NIA (net internal area) of floor space, which equates to almost 360 m² of current shortfall.

- Hatfield Road Surgery – 250 m² NIA – patient list 4,327. A surgery with 4,000 patients is recommended to have circa 290 m² NIA (net internal area) of floor space, which is circa 40 m² more than they currently have.

35. It should also be noted that the Principles of Best Practice is only concerned with the GP core services and does not provide size guidance for extended services, which most surgeries are offering and the volume of which is set to increase as explained above.

36. For this reason a contribution would be sought to make this scheme favourable to the NHS services commissioner and we would like to propose that a charge is applied per dwelling towards providing additional health facilities in the area.

37. Below is our calculation based on the number of dwellings proposed:

- a) $100 \text{ dwellings} \times 2.4 = 240 \text{ new patients}$
- b) $240 / 2,000 = 0.12 \text{ GP}$ (based on ratio of 2,000 patients per 1 GP and 199m² as set out in the NHS England "Premises Principles of Best Practice Part 1 Procurement & Development")
- c) $0.12 \times 199\text{m}^2 = 23.88 \text{ m}^2 \text{ additional space required}$
- d) $23.88 \times \text{£}3,150 \text{ (build costs including land, fit out and fees)} = \text{£}75,222$
- e) $\text{£}75,222 / 100 = \text{£}752.22 \sim \text{£}752 \text{ per dwelling}$

38. These calculations above are based on the impact of this development only, on the number of dwellings proposed.

39. In addition to the above, we would like you to consider the impact on NHS community, mental health and acute care services. Detailed calculations of the capital impact can be provided and I have summarised the cost per dwelling based on 2.4 occupancy below:

	Cost per dwelling
Acute Care	£2,187.69
Mental Health	£201.38
Community Services	£182.03

Play Area

40. Policy 70 sets out the requirements for play areas. Based on the proposed housing mix, toddler's play areas should be provided totalling 55sqm.

41. As this application is in outline it is considered that its provision and maintenance should be secured by way of a legal agreement.

Affordable Housing

42. Policy 8 of the Local Plan and the Supplementary Planning Guidance Affordable Housing, March 2004 seeks 35% affordable housing. The application proposes 40% and as such is assessed under NPPF para 145 (g). It is considered reasonable and necessary to secure the provision of 40% affordable housing by way of the legal agreement given the policy requirement and the level of proposed provision which is a central element of the Appellant's other considerations case.

43. A condition would not be capable of securing the provision and retention of the housing in line with an appropriate tenure mix and other detailed requirements.

44. It is considered that it has been demonstrated that the contributions sought are CIL compliant.

Biodiversity

45. The site is adjacent the grasslands of Smallford Pits Local Wildlife Site (LWS). This represents just one of a number of components of the county-wide LWS network including more gravel pits (Sleepshyde Gravel Pit, Tyttenhanger Gravel Pits North), woodlands (Home Wood, Knight's Wood and Ponds, Copse at Nast Hyde) and grasslands (Highfield Park North and Colney Heath Common). Particularly valued sites have also been designated as Local Nature Reserves (LNRs) which extend from within the urban areas into surrounding farmland including Colney Heath LWS/Local Nature Reserve and The Wick Wood, Howe Dell and Oxleys Wood. Slightly further beyond lie the SSSIs including the woodland of Redwell Heath and the sink hole of Water End Swallow Holes. Together these suggest a landscape of some considerable ecological importance.

46. The ecological value of these sites is reflected in policy, notably the National Planning Policy Framework paras 170 and 175. In essence, this encourages the safeguard of ecological assets firstly, by employing the mitigation hierarchy to avoid harmful effects and where this is not practical to mitigate or compensate for unavoidable losses via planning conditions or agreements. This is supported in contemporary MHCLG Guidance (para 013) which states '... 'Local Wildlife Sites' and 'Local Geological Suites' are areas of substantive nature conservation value and make an important contribution to ecological networks and nature's recovery ... National Planning Policy expects plans to ... secure their protection from harm or loss ...'

47. In the case of this proposed development, plausible threats are restricted to Smallford Pit LWS alone.

48. A sum of £5,000 to undertake the following measures be secured via the s106, this would satisfactorily mitigate for the anticipated increased recreational pressure at Smallford Pits LWS by encouraging greater use of the existing footpath network and so reduce erosion and trampling of the grassland communities:

1. Staked signposts at regular intervals along the paths supplemented by 'finger signs' at key junctions, such as the start of Footpath 11 and/or the junction of Footpaths 11 and 39 (to be implemented prior to occupation);
2. The addition of planings or other surfacing to sensitive points along the footpath (to be implemented prior to occupation); and
3. The production of an information pack for new residents (to be implemented prior to occupation).

49. It is considered that it has been demonstrated that the contributions and projects sought are CIL compliant.