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

13 June 2022

Respond to: growth@hertfordshire.gov.uk

Dear Planning Officer

**Response by HCC’s Growth & Infrastructure Unit to 6/2022/1097/OUTLINE
 Land to the North of Bradmore Way, Bradmore Way, The Brookmans Estate,
 Brookmans Park**

I am writing in respect of planning obligations 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 **185 dwellings (including a 60 bedroom care home)** we would seek financial contributions towards the following projects:

HOUSES		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	10	
2	35	10
3	27	11
4+	8	
Total	80	31

FLATS		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	60*	14
2		
3		
4+		
Total	60	14

Trajectory						
Year	2022	2023	2024	2025	2026	2027
Units	0	92	93	0	0	0

* These units relate to the care home only

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

Note that planning obligations for Libraries have been sought for all 185 dwellings including the 60 place care home. All other obligations have been sought for the 125 dwellings excluding the care home.

Primary Education towards the expansion of Brookmans Park Primary School (£937,262 index linked to BCIS 1Q2020) or towards new primary school provision up to 2fe (£1,117,889 (£1,095,952 build costs + £21,937 land costs)) index linked to BCIS 1Q2020), with the County Council deciding which of the two projects/contributions will be applied.

It is reasonable that the land costs for the primary school are proportioned to those developments which are being mitigated by it, 0.25FE originates from this development, this is 13% of the new primary school of up to 2fe. As 13% of the need is arising from this development it is reasonable to increase the primary education contribution to include 13% of the land costs.

It should be noted that in a number of recent instances HCC have received land from developers, towards school provision, at nil value as without the facilities provided by the school expansion the development would not have been viable. The most recent example we have of valuing land for educational use valued at approximately £35,000 per acre (so approximately £86,450 per hectare, £35,000 x 2.47).

Based on a 2FE primary school site of 2.03ha the value of the land is £175,494 (£86,450 per hectare x 2.03ha) 3% of the costs are **£21,937** (£175,494 x 13%).

Secondary Education towards the expansion of Chancellor's Secondary School (£1,022,926 index linked to BCIS 1Q2020)

Childcare Service subject to further discussion with the applicant around feasibility, a planning obligation requiring the scout hut to be designed to facilitate childcare use and when completed marketed to providers and a contribution towards the equipment and set up costs (£30,867 index linked to BCIS 1Q2020)

Special Educational Needs and Disabilities (SEND) towards the delivery of new Severe Learning Difficulty (SLD) special school places (WEST) for pupils aged from 2 years to 19 years (£138,362 index linked to BCIS 1Q2020)

Library Service towards increasing the capacity of Brookman's Park Library or its future re-provision (£13,862 index linked to BCIS 1Q2020)

Youth Service towards the new centre in Hatfield or its future re-provision (£25,041 index linked to BCIS 1Q2020)

Waste Service towards the expansion at Potters Bar Recycling Centre or its future re-provision (£37,913 index linked to BCIS 1Q2020)

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”.

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

Charlie Thompson

Senior Planning Officer