

CIL COMPLIANCE STATEMENT PRODUCED BY EAST HERTFORDSHIRE  
DISTRICT COUNCIL

APPEAL BY Countryside Partnerships Ltd and Wattsdown Developments Ltd

Land East of the A10, Buntingford , Hertfordshire , SG9 9SQ

PLANNING INSPECTORATE REFERENCE: APP/J1915/W/24/3340497

LOCAL PLANNING AUTHORITY REF: 3/23/1447/OUT

## 1.0 Introduction

1.1 This statement addresses the planning obligations sought by East Herts Council and Hertfordshire County Council in association with the appeal scheme. This statement is provided without prejudice to the Council's case that the appeal should be dismissed.

1.2 It should be noted that East Herts Council has not adopted CIL and therefore does not have a CIL charging schedule and relies solely on Section 106 contributions and obligations.

## 2.0 Relevant Legislation and Policies

2.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010, as amended, sets out the tests for the use of planning obligations. Obligations should only be sought when they meet three criteria, namely that they are:

- 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.

2.2 The following policies of the Development Plan are relevant to the proposed contribution obligations that are sought by the Council. These policies are contained within the East Herts District Plan 2018, which can be found within the Core Documents (CD-3.02):

### DEL2 – Planning Obligations

This policy states that 'The Council will seek a range of planning obligations. Planning obligations will only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development'.

### HOU3 – Affordable Housing

This policy contains the affordable housing provision that will be expected on all development sites that propose development that falls within Class C3. In this

instance I (c) is relevant and seeks up to 40% on sites proposing 15 or more gross additional dwellings.

#### CFLR1 – Open Space, Sport and Recreation

This policy requires residential developments to provide open spaces, indoor and outdoor sport and recreation facilities to provide for the needs arising from the development. Local areas of play, informal and formal open spaces should be provided on site, while contributions towards off-site provision or the enhancement of existing facilities may be more appropriate for other types of provision.

#### CFLR7 – Community Facilities

This policy requires developers to provide either on-site provision, or where appropriate a financial contribution towards either off-site provision, or the enhancement of existing off-site facilities.

#### CFLR9 – Health and Wellbeing

This policy requires contributions towards new or enhanced health care facilities will be sought to ensure the health care requirements arising from new developments are met and to prevent a shortfall or worsening of provision.

### 2.3 Supplementary Planning Documents and Guidance

All East Herts Section 106 financial contributions are calculated in accordance with the current East Herts Local Plan and relevant Supplementary Planning Documents and the associated calculation spreadsheets - specifically the Planning Obligations SPD (Oct 2008), the Affordable Housing SPD (May 2020) and the Open Space, Sport and Recreation SPD (May 2020).

These SPDs detail the circumstances in which the Council would use planning obligations and the circumstances in which different obligations would be required. The individual SPDs set out the policy drivers and methods of calculation for each contribution required. Whilst the Council acknowledges that the Planning Obligations SPD refers to policies contained within the previous District Plan, the current Local Plan and associated SPD provide the policy foundation for the contribution and obligation requirements. Following the adoption of the District Plan 2018, the relevant policies are those of the current District Plan.

2.4 In relation to certain contributions sought by Hertfordshire County Council (HCC), HCC does so in its capacity as the provider of local fire and rescue services, waste and other infrastructure provision such as education, library and youth services as set out in the Planning obligations guidance – toolkit for Hertfordshire, January 2008 (Appendix 1). It should be noted that Hertfordshire County Council have submitted a statement in support of planning obligations (non-highways) directly to the Planning Inspectorate; this document is also included within the Core Documents (CD – 4.04).

### 3.0 Proposed Planning Obligations

3.1 The Statement of Common Ground sets out a table of obligations sought, however, there is a dispute over some obligations and the amount (Appendix 3). With further negotiations some obligations have been removed and the final contributions sought are below.

3.2 The table below assesses each of the obligations against the criteria in regulation 122, in order to demonstrate their compliance with the statutory tests. In addition, it should be noted that where changes to the name of the contribution have occurred within the Deed of Undertaking this is reflected in the table.

3.3 At the time of finalising this document, the Deed of Undertaking through which the obligations will be secured is in the process of negotiation between the Appellant, Council and County Council. Where necessary, further information will be provided in relation to any changes to the Deed of Undertaking.

- Affordable Housing – 40% to be delivered.
- Bowls – £84,298.00 for Buntingford Bowls Club or another local bowls club
- Tennis – £57,749 for tennis facilities at Ward Freman pool and/or the MUGA at Norfolk Road Playing Fields
- Playing Pitches – £208,867.00 for playing pitches at Luynes Rise Recreation Area and/or other public playing pitches in Buntingford
- Fitness Gym – £89,035 for Grand Paddocks Leisure Centre and/or provision of indoor sports and fitness at Seth Ward Community Centre
- Studio Space – £36,780 for Grange Paddocks Leisure Centre and/or the provision of indoor sports and fitness at Seth Ward Community Centre
- Swimming Pool – £204,870.00 for Grange Paddocks Leisure Centre and/or at the Ward Freman Pool
- Village and Community Centre – £242,504.00 for Seth Ward Community Centre and/or other community centre facilities in Buntingford
- Recycling – £76 (seventy six pounds) per Dwelling with communal bins and £72 (seventy two pounds) for all other Dwellings for provision of refuse and recycling containers
- Council Monitoring – £3,000 for Council's costs of monitoring the Development over the lifetime of the planning obligations

- Health Facilities GP Medical Services – £452,200 required by the Hertfordshire & West Essex Integrated Care Board (the council are the collecting authority for this contribution).

<b>Obligation</b>	<b>Test 1 - Necessity</b>	<b>Test 2 – Directly related to the proposed development</b>	<b>Test 3 – Fairly and reasonably related in scale and kind to the development</b>
Affordable Housing	The provision of affordable housing is required for compliance with Local Plan policies HOU3, DEL2 and the EHDC Planning Obligations SPD. This requirement arises as a result of the increase in gross additional dwellings on the site. Should this not be sought the development would fail to comply with the development plan and would fail to contribute to the provision of affordable housing in the District.	The extent of the provision of affordable housing at the site represents the maximum amount, established through viability testing, specific to the proposed development. The obligation is therefore directly related to the development.	The extent of the affordable housing provision is directly related in scale and kind to the development as it represents the maximum reasonable amount that this specific development can achieve.

Bowls	<p>The provision of bowls and green infrastructure contribution is required for compliance with Local Plan policies DEL2, CFLR1 and CFLR9 and the EHDC Planning Obligations SPD.</p> <p>This requirement arises as a result of the increase in gross additional dwellings and population on the site. Should this not be sought the development would fail to comply with the development plan and would fail to contribute to the provision of affordable housing in the District.</p>	<p>The future occupiers are likely to use Buntingford Bowls Club due to it being the nearest public facility. The financial contributions sought are based on the agreed occupation numbers of the dwellings compromising this development. The contributions will be used for maintenance and improvements to the clubhouse and/or upgrading and ongoing maintenance of the bowling green</p>	<p>The extent of the contribution is directly related in scale and kind to the development as it represents the maximum reasonable amount that this specific development can achieve.</p>
Tennis Contribution	<p>The provision of tennis facilities contribution is required for compliance with Local Plan policies DEL2, CFLR1 and CFLR9 and the EHDC Planning Obligations SPD.</p> <p>This requirement arises as a result of the increase in gross additional dwellings on the site. Should this not be sought the development would fail to comply with the development plan and would fail to contribute to the provision of tennis facilities in the District.</p>	<p>The future occupiers are likely to use the tennis facilities at Ward Freman pool and/or at the MUGA at Norfolk Road Playing Fields nearby, as both are within easy walking distance of the development. The financial contributions</p>	<p>The extent of the contribution is directly related in scale and kind to the development as it represents the maximum reasonable amount that this specific development can achieve.</p>

		<p>sought are based on the agreed individual occupation numbers of the dwellings. The contributions will be used towards the cost of improvement works to the tennis facilities at Ward Freman pool and/or the MUGA at Norfolk Road Playing Fields.</p>	
<p>Playing Pitches</p>	<p>The provision of playing pitches contribution is required for compliance with Local Plan policies DEL2, CFLR1 and CFLR9 and the EHDC Planning Obligations SPD. This requirement arises as a result of the increase in gross additional dwellings on the site. Should this not be sought the development would fail to comply with the development plan and would fail to contribute to the provision of playing pitches facilities in the District.</p>	<p>The future occupiers are likely to use Luynes Rise Recreation Area and/or other public playing pitches nearby, as it is within easy walking distance of the development. The financial contributions sought are based on the agreed individual occupation numbers of the dwellings. The contributions will be used for cost of improvement works at Luynes Rise Recreation Area and/or</p>	<p>The extent of the contribution is directly related in scale and kind to the development as it represents the maximum reasonable amount that this specific development can achieve.</p>

		other public playing pitches.	
Fitness Gyms Contribution	<p>The provision of fitness gyms infrastructure contribution is required for compliance with Local Plan policies DEL2, CFLR1 and CFLR9 and the EHDC Planning Obligations SPD.</p> <p>This requirement arises as a result of the increase in gross additional dwellings on the site. Should this not be sought the development would fail to comply with the development plan and would fail to contribute to the provision of fitness gym facilities in the District.</p>	<p>The future occupiers are likely to use Grand Paddocks Leisure Centre and/or the provision of indoor sports and fitness facilities at Seth Ward Community Centre. The financial contributions sought are based on the agreed occupation numbers of the dwellings compromising this development. The contributions will be used for improvements as part of the East Herts Council capital refurbishment programme to include the provision of new gym equipment and/or improvements to the existing gym at Grand Paddocks Leisure Centre and/or for the provision of</p>	<p>The extent of the contribution is directly related in scale and kind to the development as it represents the maximum reasonable amount that this specific development can achieve.</p>



		<p>indoor sports and fitness at Seth Ward Community Centre</p> <p>The contributions will be used for improvements to the fitness gym.</p>	
<p>Studio Space Contribution</p>	<p>The provision of studio space infrastructure requires is required for compliance with Local Plan policies DEL2, CFLR1 and CFLR9 and the EHDC Planning Obligations SPD.</p> <p>This requirement arises as a result of the increase in gross additional dwellings on the site. Should this not be sought the development would fail to comply with the development plan and would fail to contribute to the provision of studio space in the District.</p>	<p>The future occupiers are likely to use the studio space Grange Paddocks Leisure Centre and/or the provision of indoor sports and fitness facilities at Seth Ward Community Centre, both providing a wide range of classes available for all ages and fitness levels.</p> <p>The financial contributions sought are based on the agreed occupation numbers of the dwellings compromising this development.</p> <p>The contributions will be used for improvements as part of the East Herts</p>	<p>The extent of the contribution is directly related in scale and kind to the development as it represents the maximum reasonable amount that this specific development can achieve.</p>

		<p>Council capital refurbishment programme to include the provision of new studio equipment and/or improvements to the existing studio equipment and space at Grange Paddocks Leisure Centre and/or the provision of indoor sports and fitness at Seth Ward Community Centre</p>	
<p>Swimming Pool Contribution</p>	<p>The provision of a swimming pool contribution is required for compliance with Local Plan policies DEL2, CFLR1 and CFLR9 and the EHDC Planning Obligations SPD. This requirement arises as a result of the increase in gross additional dwellings on the site. Should this not be sought the development would fail to comply with the development plan and would fail to contribute to the provision of swimming and recreational facilities in the District.</p>	<p>The future occupiers are likely to use to the swimming pool at Grange Paddocks Leisure Centre as the flagship district-wide facility and/or Ward Freeman Pool as it is within easy walking distance of the development. The financial contributions sought are based on the agreed occupation numbers of the dwellings compromising this</p>	<p>The extent of the contribution is directly related in scale and kind to the development as it represents the maximum reasonable amount that this specific development can achieve.</p>

		<p>development. The contributions will be used for East Herts Council capital refurbishment programme for the provision of new and/or improvements to the existing swimming pool space at Grange Paddocks Leisure Centre and/or Ward Freeman Pool.</p>	
<p>Village and Community Centres – Community Facilities Contribution</p>	<p>The provision of village and community centres infrastructure contribution is required for compliance with Local Plan policies DEL2, CFLR1 and CFLR7 and the EHDC Planning Obligations SPD. This requirement arises as a result of the increase in gross additional dwellings on the site. Should this not be sought the development would fail to comply with the development plan and would fail to contribute to the provision of affordable housing in the District.</p>	<p>The future occupiers of the development are likely to use Seth Ward Community Centre and/or other community centre facilities in Buntingford. The financial contributions sought are based on the agreed individual dwelling occupation numbers compromising this development. The contributions will be used towards the cost of and to support the</p>	<p>The extent of the contribution is directly related in scale and kind to the development as it represents the maximum reasonable amount that this specific development can achieve.</p>

		provision of a destination community facility and/or to support any other community centre provision in the vicinity of the development.	
Recycling Contribution	The recycling contribution is required for compliance with District Plan policy, DEL2 and the EHDC Planning Obligations SPD.	For the council to provide refuse and recycling containers to the individual dwellings on the development (container provision as per the requirements of the current Waste Contract.  NOTE: Council Tax covers the actual collection of the refuse and recycling.	The recycling contribution is directly related in scale and kind to the development as the financial contribution has been calculated according to the requirement of each individual dwelling comprising the proposed development.
Monitoring Fee	The monitoring fee is required to ensure that the contribution obligations of the development will be delivered in accordance with District Plan policy DEL2 and Planning Obligations SPD	For the Council to monitor the collection and delivery of the necessary infrastructure requirements and contribution obligations of the legal agreement once agreed.	The fees are directly related to each obligation and need for resources to monitor the collection and delivery of the legal agreement obligations.

<p>Health Facilities GP Medical Services – required by the Hertfordshire &amp; West Essex Integrated Care Board (the council are the collecting authority for this contribution).</p>	<p>The Health Facilities GP Medical Services contribution is required by the Hertfordshire &amp; West Essex Integrated Care Board as per their consultation response letter dated 29/01/2024 (the council are the collecting authority for this contribution)</p>	<p>For additional primary healthcare provision to mitigate the impacts arising from the propose development.</p>	<p>The cost calculation are as the HWE ICB deem appropriate having regard to the formulated needs arising from the development.</p>
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*Please note information on HCC contributions is included within HCC's 'Statement in support of planning obligations sought towards Hertfordshire County Council (non-highways) services'*