

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

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

Appeal by Countryside Partnerships Ltd and Wattsdown Developments Ltd under S78 of the Town and Country Planning Act 1990 (as amended) against the decision of East Hertfordshire District Council to refuse planning permission in respect of the outline planning application for planning application (with all matters reserved except for access) for up to 350 dwellings, up to 4,400 sqm of commercial and services floorspace (Use Class E and B8), and up to 500 sqm of retail floorspace (Use Classes E) and other associated works including drainage, access into the site from the A10 and Luynes Rise (but not access within the site), allotments, public open space and landscaping.

**Land East Of The A10 Buntingford Hertfordshire**

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On behalf of Hertfordshire County Council (non-highways) services  
18/06/2024

Appeal Ref: **APP/J1915/W/24/3340497**

LPA Ref: **3/23/1447/OUT**

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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 (S106) planning obligations sought by HCC in order to mitigate the impact of the development at Land East Of The A10 Buntingford Hertfordshire (planning application reference number 3/23/1447/OUT).
- 1.2 It is widely recognised that some developments may impact on infrastructure and services and that planning obligations should be made to mitigate those impacts. Where applicable, HCC seeks financial contributions from residential developments towards county council services including; education, early years, youth, childcare, waste and library facilities. Provision of fire hydrants is also routinely sought through inclusion of relevant planning conditions. In the case of the above proposal for 350 dwellings, financial contributions are sought towards education, early years, waste, library and youth services together with the provision of fire hydrants.
- 1.3 It is considered that the requirements of HCC, as set out in this Statement, do meet the tests of Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended 2019) and are in accordance with policies CFLR7 Community Facilities, CFLR10 Education, DEL1 Infrastructure and Service Delivery, and DEL2 Planning Obligations of the East Herts District Plan 2018.
- 1.4 HCC's Growth and infrastructure Unit acts on behalf of education, early years, youth, childhood support, library, waste, and fire and rescue services. Highway matters are dealt with separately by Hertfordshire Highways.

## 2.0 Planning Policy Context

- 2.1 The following policy is relevant:-

### Central Government Policy

- 2.2 The Government published a revised National Planning Policy Framework (NPPF) in December 2023. This sets out the Government's planning policies for England and replaces previous versions of the NPPF.
- 2.3 The NPPF sets out, in paragraph 10, a "*presumption in favour of sustainable development*". As set out in paragraph 11, this is seen as a thread running through both plan-making and decision-taking. The document states, in paragraph 8, that there are three overarching objectives to sustainable development: economic, social and environmental:

*“Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

*a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*

*c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”*

2.4 The descriptions of the first two objectives, an economic objective and a social objective, emphasise the need for development to be supported by and have access to infrastructure and local services in order to achieve sustainable development.

2.5 The importance of education infrastructure is set out within paragraph 95 of the NPPF. This 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 school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.*

2.6 Paragraph 55 of the NPPF set out the position in terms of the use of planning obligations. This states that:

*“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.”*

2.7 Importantly, planning 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). Instead, financial contributions need to be secured through planning obligations.

2.8 Paragraph 57 of the NPPF sets out the tests associated with planning obligations. This states that:

*“Planning obligations must only be sought where they meet all of the following tests:  
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.”*

2.9 This paragraph reflects Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 which came into force in April 2010 and were subsequently amended in September 2019.

2.10 HCC therefore consider that the provision of necessary infrastructure and community services, as sought for this development, to be an essential part of the Government’s philosophy in relation to the creation of sustainable communities. Furthermore, securing planning obligations, in the form of financial contributions, which meet the statutory CIL tests is a legitimate approach to mitigating the impact this development.

#### Development Plan Policy

2.11 The need for financial contributions and to secure appropriate provision such as fire hydrants is currently required under CFLR7 Community Facilities, which states that *‘The provision of adequate and appropriately located community facilities will be sought in conjunction with new development’* and *‘Developers will be expected 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’; CFLR10 Education, which states that ‘Development that creates a potential increase in demand for education will be required to make appropriate provision for new facilities either on-site or by making a suitable contribution towards the improvement or expansion of nearby existing facilities. Applicants will be expected to work in partnership with Hertfordshire County Council and other neighbouring local authorities with a duty for ensuring that there are sufficient school places available to serve new housing developments, to ensure appropriate facilities are provided’; DEL1 Infrastructure and Service Delivery, which states that ‘The District Council will work in partnership with providers of infrastructure and services to facilitate the timely provision of infrastructure necessary to support sustainable development’; and and DEL2 Planning Obligations, which 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’, of the East Herts District Plan 2018.*

#### Background to County Council policy

- 2.12 Hertfordshire County Council is responsible for delivering and maintaining much of the large-scale infrastructure that its residents and businesses require, such as roads, schools, waste disposal services and libraries. The county councils position on obligations which may arise from a development are set out in the *Hertfordshire County Council Guide to Developer Infrastructure Contributions* (“the Guide”) (**Appendix A**).
- 2.13 The Guide provides a Hertfordshire overview of obligations which may be sought as part of the planning process followed by a focus on those obligations which might be sought by the county council to mitigate the impact of development. The technical appendices also provide information on the approach and justification for seeking planning obligations from new development on a service-by-service basis. They advise on thresholds, base charges and comment on the potential use of contributions.
- 2.14 The Guide reflects the changes brought about by the introduction of the Community Infrastructure Level (CIL) Regulations 2010. Updated guidance was also required to reflect changes to the county council’s service delivery, the increased costs of delivering infrastructure and mitigating the additional demand from proposed developments, and to provide a multi-service position statement for developers and local planning authority partners. The Guide replaces the previous county council policy document *Planning Obligations Guidance – Toolkit for Hertfordshire*, published in January 2008.



2.15 The Guide was approved by Hertfordshire County Council Cabinet on 12<sup>th</sup> July 2021 (**Appendix B**), following two periods of public consultation (in July 2019 and February 2021) of which the responses received from the consultations influenced the final form of the document. The Guide was subsequently adopted for use on 19<sup>th</sup> July 2021. Further updates were made to the Guide appendices on 31<sup>st</sup> October 2022, which included bringing the costs up to date and in line with indexation to 1Q2022. This Statement therefore sets out the current position and level of contributions required to mitigate this development.

2.16 Although the CIL Regulations discourage the use of formulae to calculate contributions, 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 by the relevant charging authority, planning obligations remain the only route to addressing the impact of a development where financial contributions or provision (e.g. land) is required. In instances where a development is not large enough to require on-site provision but is large enough to generate an impact on service provision, an evidenced mechanism is needed to form the basis of any planning obligation sought. The methodology for county council services, as set out within the Guide and its technical appendices, are considered to be an appropriate evidenced mechanism.

2.17 When the planning application for this development (3/23/1447/OUT) was refused under delegated authority on 15/02/2024 it referred to the following county council requirements, set out in pages 3 and 27 of the delegated officer's report (**Appendix C**):

- **First Education** towards the delivery of Buntingford First School and/or provision serving the development (£3,464,355 (which includes land costs of £277,858) index linked to BCIS 1Q2022)
- **Middle Education** towards the expansion of Edwinstree Middle School and/or provision serving the development (£2,101,001 index linked to BCIS 1Q2022)
- **Upper Education** towards the expansion of Freman College and/or provision serving the development (£2,618,787 index linked to BCIS 1Q2022)
- **Childcare Service** (0-2 year olds) towards the provision of a new early years setting within the development and/or provision serving the development (£24,855 index linked to BCIS 1Q2022)

The description of development includes Class E space at a local centre and an industrial estate. HCC would like a discussion with the LPA and the applicant on the possibility of an obligation to deliver some of that space to a standard that would allow a childcare provider to occupy it and for it to be marketed to childcare operators for a period. The contribution above would be used as a capital grant to the set up of the facility.

- **Childcare Service** (5-11 year olds) towards childcare provision at Buntingford First School and/or provision serving the development (£3,578 index linked to BCIS 1Q2022)
- **Special Educational Needs and Disabilities** (SEND) towards the towards the delivery of new Severe Learning Difficulty (SLD) special school places (EAST) for pupils aged 2 to 19 years old and/or provision serving the development (£426,725 index linked to BCIS 1Q2022)
- **Library Service** towards increasing the capacity of Buntingford Library and/or provision serving the development (£76,072 index linked to BCIS 1Q2022)
- **Waste Service Transfer Station Contribution** towards the new provision at Ware Transfer Station and/or provision serving the development (£36,897 index linked to BCIS 3Q2022)
- **Youth Service** towards increasing the capacity of Bishop's Stortford Young People's Centre and/or provision serving the development (£72,051 index linked to BCIS 1Q2022) (Note this contribution wording has changed as service provision in Buntingford is expected to change in the future)
- **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.

2.18 These requirements had previously been provided by Hertfordshire County Council in February 2024 in response to the planning application consultation (**Appendix D** and **Appendix E**).

2.19 However, the contributions amounts listed above were based on a development mix that has now been superseded with a more updated development mix. The strategy for the youth service has also changed (details of which are included in the youth section below).

2.20 This Statement therefore sets out the current HCC position in terms of contributions required from the development. The detailed justification and calculation for each requirement is outlined in the relevant sections of the Statement. However, a summary position is as follows:

- **First Education (Buildings)** towards the delivery of Buntingford First School and/or provision serving the development (£3,345,280 index linked to BCIS 1Q2022)
- **First Education (Land)** towards the cost of acquiring land at Buntingford First School (£290,601 index linked to BCIS 1Q2022)
- **Middle Education** towards the expansion of Edwinstree Middle School and/or provision serving the development (£2,200,775 index linked to BCIS 1Q2022)

- **Upper Education** towards the expansion of Freman College and/or provision serving the development (£2,731,537 index linked to BCIS 1Q2022)
- **Childcare Service (0-2 year olds)** towards the provision of a new early years setting within the development and/or provision serving the development (£26,470 index linked to BCIS 1Q2022) and class E space within the development to be marketed to a childcare provider
- **Childcare Service (5-11 year olds)** towards childcare provision at Buntingford First School and/or provision serving the development (£4,094 index linked to BCIS 1Q2022)
- **Special Educational Needs and Disabilities (SEND)** towards the towards the delivery of new Severe Learning Difficulty (SLD) special school places (EAST) for pupils aged 2 to 19 years old and/or provision serving the development (£426,725 index linked to BCIS 1Q2022)
- **Library Service** towards increasing the capacity of Buntingford Library and/or provision serving the development (£77,850 index linked to BCIS 1Q2022)
- **Waste Service Transfer Station Contribution** towards the new provision at Ware Transfer Station and/or provision serving the development (£36,897 index linked to BCIS 3Q2022)
- **Youth Service** towards detached youth work in Buntingford and/or provision serving the development (£61,727 index linked to BCIS 1Q2022)
- **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.

2.21 This is an updated position to those requirements and levels of contributions provided when the planning application was originally submitted and determined. If the appeal is allowed and planning permission is granted then HCC considers that the county council requirements and levels of financial contributions should be based on the this Statement.

2.22 This application is for outline planning permission. Therefore, the development mix is currently to be confirmed. Working with the appellant and East Hertfordshire District Council the indicative development mix set out in paragraph 3.20 of the Statement has been used to provide the indicative levels of contributions which are set out in this Statement. These provide an indication of the likely levels of financial contributions which will need to be secured. However, the county council would include the following table (**Table 1 – Table 7**) in the S106 legal agreement which allows the specific contributions to be calculated based on the actual development mix which is eventually agreed.

**TABLE 1: First education planning obligations contributions table for including in the S106 Legal Agreement**

Service	Type	Tenure	Bedrooms			
			1	2	3	≥ 4
First Education (Including Nursery Provision)	Flat	Affordable Rent and/or Social Rent**	£2,776	£18,292	£16,808	£18,495
First Education (Including Nursery Provision)	Flat	Open Market and/or Shared Ownership*	£2,972	£6,531	£6,043	£7,261
First Education (Including Nursery Provision)	House	Affordable Rent and/or Social Rent**	£935	£12,213	£16,542	£19,243
First Education (Including Nursery Provision)	House	Open Market and/or Shared Ownership*	£2,744	£5,240	£8,475	£10,323

The tenure terms set out in the tables reflect the terminology used with the submitted Application. Should alternative definitions/types of tenure of units be applicable in the future (e.g. at such time that Reserved Matters applications are submitted and/or as reflected in updated Hertfordshire County Council guidance) then they should be characterised and included as follows:

\* Tenure characteristics similar to open market dwellings and dwellings provided for sale that offers a route to ownership for those who could not achieve home ownership through the market (or other tenures which display these types of characteristics)

\*\* Tenure characteristics of 100% rented, reflecting needs assessed dwellings for which the rent is set below local market rents (or other tenures which display these types of characteristics)

**TABLE 2: Middle education planning obligations contributions table for including in the S106 Legal Agreement**

Service	Type	Tenure	Bedrooms			
			1	2	3	≥ 4
Middle Education	Flat	Affordable Rent and/or Social Rent**	£1,845	£12,323	£11,055	£11,819
Middle Education	Flat	Open Market and/or Shared Ownership*	£2,030	£4,429	£4,010	£4,798
Middle Education	House	Affordable Rent and/or Social Rent**	£607	£8,107	£10,968	£11,745
Middle Education	House	Open Market and/or Shared Ownership*	£1,821	£3,447	£5,553	£6,780

The tenure terms set out in the tables reflect the terminology used with the submitted Application. Should alternative definitions/types of tenure of units be applicable in the future (e.g. at such time that Reserved Matters applications are submitted and/or as reflected in updated Hertfordshire County Council guidance) then they should be characterised and included as follows:

\* Tenure characteristics similar to open market dwellings and dwellings provided for sale that offers a route to ownership for those who could not achieve home ownership through the market (or other tenures which display these types of characteristics)

\*\* Tenure characteristics of 100% rented, reflecting needs assessed dwellings for which the rent is set below local market rents (or other tenures which display these types of characteristics)

**TABLE 3: Upper education planning obligations contributions table for including in the S106 Legal Agreement**

Service	Type	Tenure	Bedrooms			
			1	2	3	≥ 4
Upper Education (Including Post-16 Provision)	Flat	Affordable Rent and/or Social Rent**	£2,370	£14,991	£13,197	£14,983
Upper Education (Including Post-16 Provision)	Flat	Open Market and/or Shared Ownership*	£2,580	£5,161	£4,653	£5,811
Upper Education (Including Post-16 Provision)	House	Affordable Rent and/or Social Rent**	£719	£10,282	£13,581	£15,559
Upper Education (Including Post-16 Provision)	House	Open Market and/or Shared Ownership*	£2,157	£4,264	£6,906	£8,251

The tenure terms set out in the tables reflect the terminology used with the submitted Application. Should alternative definitions/types of tenure of units be applicable in the future (e.g. at such time that Reserved Matters applications are submitted and/or as reflected in updated Hertfordshire County Council guidance) then they should be characterised and included as follows:

\* Tenure characteristics similar to open market dwellings and dwellings provided for sale that offers a route to ownership for those who could not achieve home ownership through the market (or other tenures which display these types of characteristics)

\*\* Tenure characteristics of 100% rented, reflecting needs assessed dwellings for which the rent is set below local market rents (or other tenures which display these types of characteristics)

**TABLE 4: Library and youth planning obligations contributions table for including in the S106 Legal Agreement**

Service	Type	Tenure	Bedrooms			
			1	2	3	≥ 4
Library Services	Flat	Affordable Rent and/or Social Rent**	£110	£198	£257	£274
Library Services	Flat	Open Market and/or Shared Ownership*	£126	£167	£221	£301
Library Services	House	Affordable Rent and/or Social Rent**	£118	£204	£268	£362
Library Services	House	Open Market and/or Shared Ownership*	£141	£173	£229	£284
Youth Services	Flat	Affordable Rent and/or Social Rent**	£17	£102	£303	£360
Youth Services	Flat	Open Market and/or Shared Ownership*	£14	£43	£129	£193
Youth Services	House	Affordable Rent and/or Social Rent**	£17	£152	£356	£617
Youth Services	House	Open Market and/or Shared Ownership*	£32	£49	£158	£297

The tenure terms set out in the tables reflect the terminology used with the submitted Application. Should alternative definitions/types of tenure of units be applicable in the future (e.g. at such time that Reserved Matters applications are submitted and/or as reflected in updated Hertfordshire County Council guidance) then they should be characterised and included as follows:

\* Tenure characteristics similar to open market dwellings and dwellings provided for sale that offers a route to ownership for those who could not achieve home ownership through the market (or other tenures which display these types of characteristics)

\*\* Tenure characteristics of 100% rented, reflecting needs assessed dwellings for which the rent is set below local market rents (or other tenures which display these types of characteristics)

**TABLE 5: SEND primary education planning obligations contributions table for including in the S106 Legal Agreement**

Service	Type	Tenure	Bedrooms			
			1	2	3	≥ 4
SEND Primary Education	Flat	NA	£194	£194	£194	£194
SEND Primary Education	House	NA	£654	£654	£654	£654

The tenure terms set out in the tables reflect the terminology used with the submitted Application. Should alternative definitions/types of tenure of units be applicable in the future (e.g. at such time that Reserved Matters applications are submitted and/or as reflected in updated Hertfordshire County Council guidance) then they should be characterised and included as follows:

\* Tenure characteristics similar to open market dwellings and dwellings provided for sale that offers a route to ownership for those who could not achieve home ownership through the market (or other tenures which display these types of characteristics)

\*\* Tenure characteristics of 100% rented, reflecting needs assessed dwellings for which the rent is set below local market rents (or other tenures which display these types of characteristics)

**TABLE 6: SEND secondary education planning obligations contributions table for including in the S106 Legal Agreement**

Service	Type	Tenure	Bedrooms			
			1	2	3	≥ 4
SEND Secondary Education	Flat	NA	£66	£66	£66	£66
SEND Secondary Education	House	NA	£752	£752	£752	£752

The tenure terms set out in the tables reflect the terminology used with the submitted Application. Should alternative definitions/types of tenure of units be applicable in the future (e.g. at such time that Reserved Matters applications are submitted and/or as reflected in updated Hertfordshire County Council guidance) then they should be characterised and included as follows:

\* Tenure characteristics similar to open market dwellings and dwellings provided for sale that offers a route to ownership for those who could not achieve home ownership through the market (or other tenures which display these types of characteristics)

\*\* Tenure characteristics of 100% rented, reflecting needs assessed dwellings for which the rent is set below local market rents (or other tenures which display these types of characteristics)

**TABLE 7: Childcare planning obligations contributions table for including in the S106 Legal Agreement**

Service	Type	Tenure	Bedrooms			
			1	2	3	≥ 4
Childcare Services 5 - 11 years-old	Flat	Affordable Rent and/or Social Rent**	£0	£5	£16	£17
Childcare Services 5 - 11 years-old	Flat	Open Market and/or Shared Ownership*	£1	£3	£7	£10
Childcare Services 5 - 11 years-old	House	Affordable Rent and/or Social Rent**	£0	£7	£29	£44
Childcare Services 5 - 11 years-old	House	Open Market and/or Shared Ownership*	£1	£3	£11	£18
Childcare Services Aged-2	Flat	Affordable Rent and/or Social Rent**	£4	£30	£61	£18
Childcare Services Aged-2	Flat	Open Market and/or Shared Ownership*	£3	£13	£16	£16
Childcare Services Aged-2	House	Affordable Rent and/or Social Rent**	£1	£33	£65	£55
Childcare Services Aged-2	House	Open Market and/or Shared Ownership*	£4	£13	£27	£39
Childcare Services Under-2	Flat	Affordable Rent and/or Social Rent**	£10	£79	£62	£81
Childcare Services Under-2	Flat	Open Market and/or Shared Ownership*	£10	£24	£24	£27
Childcare Services Under-2	House	Affordable Rent and/or Social Rent**	£4	£65	£74	£94
Childcare Services Under-2	House	Open Market and/or Shared Ownership*	£12	£26	£44	£49

The tenure terms set out in the tables reflect the terminology used with the submitted Application. Should alternative definitions/types of tenure of units be applicable in the future (e.g. at such time that Reserved Matters applications are submitted and/or as reflected in updated Hertfordshire County Council guidance) then they should be characterised and included as follows:

\* Tenure characteristics similar to open market dwellings and dwellings provided for sale that offers a route to ownership for those who could not achieve home ownership through the market (or other tenures which display these types of characteristics)

\*\* Tenure characteristics of 100% rented, reflecting needs assessed dwellings for which the rent is set below local market rents (or other tenures which display these types of characteristics)

2.23 This approach provides the certainty of identified contribution figures with the flexibility for an applicant/developer to confirm the dwelling mix at a later stage and the financial contribution to be calculated accordingly and without the need for a Deed of Variation to the legal agreement. 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”*.

### Triggers

2.24 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 position is, wherever possible, to seek payment of financial contributions at the earliest possible trigger date and in advance of the need being generated. This also reduces risks of later trigger points which may be significantly delayed or never reached although an element of the impact would have arisen. The triggers for payment of contributions for the various county council service requirements are included in the relevant sections in this Statement.

### Indexation

2.25 The county council requires financial contributions to be subject to indexation, to account for inflation and ensure their value is retained. Therefore, indexation will need

to be applied to the contributions required from this development. The required contributions are based on costs as of 1Q2022 based on the Building Cost Information Service (BCIS) All in TPI indices, apart from the county council monitoring fees (which are based on costs as of July 2021, based on the Retail Price Index (RPI) indices) and the waste transfer station contributions (which are based on BCIS 3Q2022).

- 2.26 Indexation should be applied from the date at which the costs are set (July 2021 for the county council monitoring fees, 3Q2022 for the waste transfer station contributions and 1Q2022 for all other contributions) not at the point of determination of the application or signing of the S106 legal agreement. Increases in indexation need to be applied from the finalised index figure published by the Royal Institution of Chartered Surveyors in its last quarterly publication prior to 1Q2022 (or July 2021 for the county council monitoring fees, or 3Q2022 for the waste transfer station contributions), to the finalised index figure published by the Royal Institution of Chartered Surveyors in its last quarterly publication published before the date of payment of the contributions.

### 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. This Statement should be considered in conjunction with the Guide (**Appendix A**) and its relevant technical appendices.
- 3.2 The overriding principle which governs Hertfordshire County Council's approach to seeking S106 financial contributions 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 population, and as such would necessitate the need for additional capacity to be provided for the new residents.
- 3.3 To determine whether or not a financial contribution is required, the county council firstly calculates the number of people arising from the development that will require access to that specific service, and then compares this to the capacity of current provision. This is a well-established process based on robust figures and information.
- 3.4 In order to calculate the likely population to arise from any given development, the county council has developed a census-based model, the Hertfordshire Demographic Model ("the Model"). The Model projects the average number of people, based on the specific service requirement, 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 F**.

3.5 In relation to education contributions, 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 study (further information on the *Hertfordshire County Council Pupil Yield Survey* is included in **Appendix G**). This ensures that the Hertfordshire Demographic Model is based on the most up-to-date information. In terms of education requirements, it also means that the Hertfordshire Demographic Model adheres to paragraph 17 of the Department for Education (DfE) Guidance (*Securing developer contributions for education*, August 2023, **Appendix H**):

*“Pupil yield factors should be based on up-to-date evidence from previous local housing developments, so you can predict the education needs for each phase and type of education provision arising from new development.”*

3.6 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 the impact of development. Further justification and evidence on the use of the Hertfordshire Demographic Model is set out in section 1.1 of *A Guide to the Hertfordshire Demographic Model* (**Appendix F**).

3.7 The DfE recognise in their guidance on estimating pupil yield from housing developments (**Appendix I**) that “some local authorities [...] already have substantial pupil yield data of their own”, and that “where local authorities have robust local evidence of different pupil yields than those shown in DfE’s data, these yields can be used instead of [DfE] pupil yield data”.

3.8 This guidance further states that “the use of [DfE] data is voluntary and [local authorities] can continue to rely solely on local pupil yield evidence if this is considered appropriate”, providing a definition of robustness as:

*“[...] The department considers local evidence of different pupil yields to be robust if it is transparent, based on a representative sample of housing developments, clearly explained and well-reasoned. When pupil yield evidence has been tested and validated through a local plan or CIL Charging Schedule examination, planning appeal, or Judicial Review, it should be accepted without further challenge unless there has been a significant material change in circumstances since that time.”*



- 3.9 The county council notes that both methods behind the Hertfordshire Demographic Model and Pupil Yield Study are available online, providing analytical context beyond the DfE's own publicly accessible Technical Notes
- 3.10 At present there is no confirmation from the DfE on whether they will be maintaining the dataset behind each pupil product ratio, and no new data has been published beyond the 2021/22 academic year.
- 3.11 Instead, local education planning authorities are actively encouraged to “[consider DfE data as] a starting point or baseline position, which local authorities can supplement or adjust according to local circumstances and evidence”. Local authorities are also recommended to “continue building on the DfE analysis by creating [their] own pupil yield data”, as well as to “update [DfE pupil yield factors] over time” (**Appendix I**).
- 3.12 This is in part because DfE recognise that “within five years of its publication, the DfE data should be considered up to date. After this time (or sooner if preferred), [local planning authorities are encouraged] to publish new equivalent pupil yield data at local authority level” (**Appendix I**).
- 3.13 It should be reiterated that the latest academic year within which a DfE pupil product ratio is available for all phases applicable to this site is 2020/21, as Post-16 pupil product ratios are not available for 2021/22. By DfE's own admission, these pupil product ratios may only be considered up to date for a maximum of two further academic years and are already older than the latest yields used to calibrate the HDM, which are from the 2022/23 academic year.
- 3.14 It must be noted that calculations within the Model use unrounded data as per analytical best practice. However, for accessibility and demonstrative purposes, pupil count figures referenced in this Statement (for first education, middle education, upper education, and nursery provision) have been rounded to the nearest two decimal places.
- 3.15 As such, the level of contributions, for first education, middle education, upper education and nursery provision, presented in this Statement may not correspond exactly with the final sum of contributions sought by the Model. On average, there is a +/-0.03% difference between the final contribution sought by the Model and the contribution calculation process demonstrated in the first education, middle education, upper education, and nursery provision sections below. This difference is not statistically significant.
- 3.16 Figures generated by the Model should be taken as the agreed value of contributions sought by the county council, with the tables in first education, middle education,

upper education, and nursery provision sections being for demonstrative purposes only.

- 3.17 The cumulative impact of developments on local service provision is an important consideration. The use of formulae and standard charges is a means of addressing the likely cumulative impact of development in a fair and equitable way. Therefore, where necessary and appropriate, the county council will seek financial contributions to fund both on-site and off-site provision arising from the cumulative impact of development in an area.
- 3.18 The approach set out above clearly demonstrates that the principle and process of seeking financial contributions applied by Hertfordshire County Council are both sound and reasonable. The county council considers that through the use of the Guide and the Model planning applications are dealt with in an equitable, fair and transparent manner.
- 3.19 Seeking financial contributions as set out within this Statement also conforms and complies to the three CIL tests (as set out within Regulation 122 of the CIL Regulations 2010 and paragraph 57 of the NPPF):
1. Through the process of analysing the capacity of existing provision in an area the financial 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 population arising).
  2. Contributions are spent on additional capacity and provision in facilities within the area that the development is located in and are therefore **directly related to the development**.
  3. Through use of the Model, the level of contributions sought are proportional to the population arising from the development and are therefore **fairly and reasonably related in scale and kind to the development**.
- 3.20 The populace projections set out within this Statement for each service are based on the indicative mix of units set out in **Table 1** below:

**TABLE 1: Indicative Development mix for Land East Of The A10 Buntingford Hertfordshire (3/23/1447/OUT):**

HOUSES		
Number of bedrooms	Market & Shared Ownership	Affordable Rent & Social rent
1	0	0
2	40	28
3	134	33

FLATS		
Number of bedrooms	Market & Shared Ownership	Affordable Rent & Social rent
1	7	21
2	15	14
3	0	0

4+	49	9
<b>Total</b>	223	70

4+	0	0
<b>Total</b>	22	35

#### 4.0 Education Provision – Background Information

- 4.1 The county council is the Local Authority with the statutory responsibility for the provision of education services. It has a duty to ensure that there are sufficient school places in an area, ensuring that every child has access to a school place and to meet the needs of the population. This includes; first education provision, middle education provision, upper education and sixth-form education provision, and special needs services and facilities.
- 4.2 As the county council has the statutory responsibility to ensure that there are sufficient school places available across the county, it remains the appropriate authority to assess the requirements for school place provision for any new housing developments, be a signatory to any S106 agreement which includes education provision and receive the appropriate financial contributions.
- 4.3 In terms of education contributions, the overriding principle which governs Hertfordshire County Council's approach is that development proposals which generate a net increase in 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 additional school places to be provided for the children requiring them.
- 4.4 To determine whether or not education contributions are required, the county council first calculates the number of pupils arising from the development. Then, it compares this to the capacity of the planning area 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 planning area, the county council considers the cumulative impact of any developments in the area.
- 4.5 The school capacity is considered when the development starts to yield children rather than any earlier date when dwellings have not been built or occupied. For first education provision, consideration is given to the school capacity over the next four years, as birth information is not known further into the future.
- 4.6 The capacity of local schools is informed by the county council's pupil forecasts. This forecast model has been developed for and is operated by HCC's Children's Services Department. These pupil forecasts are produced annually using up-to-date data of 0 to 4 years olds living in an area and historical migration patterns. The forecasts may also

take into account an element of known new housing developments which are proposed nearby.

- 4.7 Pupil forecasts are based on pupil planning areas. When considering whether or not there are surplus school places, the county council only considers the pupil planning area in 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. 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).
- 4.8 If there a need for more 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, as long as a suitable project exists and is deliverable. Not planning on this basis could give rise to issues of accessibility and additional congestion from car trips and would not align with the county council's sustainability aspirations and its adopted local transfer plan policies.
- 4.9 When considering the cost of new education provision and the level of contributions that should be sought, HCC applies the DfE scorecard costs. The rationale for this is that the DfE guidance (*Securing developer contributions for education*, August 2023, **Appendix H**) makes it clear that when calculating the cost of education provision, including primary education, secondary education, nursery and post-16 costs, the assumed cost of mainstream school places should be based on the national average costs published in the DfE school place scorecards (paragraph 32 of *Securing developer contributions for education*, August 2023):

*“We advise that you base the assumed cost of mainstream school places on the relevant average regional costs published in the DfE school place scorecards.”*

- 4.10 The current DfE Scorecard costs, for primary and secondary education provision, can be found in **Appendix K**. In addition, HCC includes an additional 10% contribution for improved sustainability measures. The DfE is committed to supporting the Government's targets on climate change, including achieving net zero carbon emissions by the 2050 target, as set out in the Climate Change Act 2008. The DfE has calculated within its *Basic Need Allocation 2023-24 and 2024-25: Explanatory note on methodology* (**Appendix K**) that to accommodate the additional cost of building sustainable schools, the per-pupil rate must be uplifted by 10% to meet improved sustainability standards for a typical school. This includes considerations relating to buildings that are net zero carbon in operation and with additional climate resilience

measures. Costs for improved sustainability measures are not yet reflected in the DfE school places scorecard values. Therefore, the county council will seek an additional 10% contribution per pupil place, towards provision of a new school or school expansion projects meeting the sustainability standards now expected of new education facilities. Not doing so would mean that new and/or expanded school facilities would not meet required sustainability standards.

- 4.11 As stated above, the DfE provides scorecard costs for primary and secondary education provision. However, Buntingford operates a three tier first, middle, and upper education system. HCC therefore applies the per place primary scorecard costs to first schools and the per place secondary scorecard costs to upper schools as these phases correspond. As middle schools cover both primary and secondary phases HCC applies the average of the per place primary and secondary scorecard costs to middle schools.
- 4.12 New housing tends to attract a greater proportion of young families than older housing, yielding higher pupil numbers particularly in the pre-school and primary age groups. The Model allows the pupil yield projection to change with time, as children grow older and age into different school phases and, in the longer term, the development starts to conform to an age structure in line with mature housing stock in the wider community. The result is often a peak in demand in the medium term as, for example, pre-school children age into the primary phase. The county council seeks contributions which reflect this change over time and recognise that an element of 'temporary' provision may be needed to meet peaks in demand.
- 4.13 Permanent per-place costs are sought for places needed for a period of five years or more at the first phase, four years or more at the middle phase, and three years or more at the upper phase. Temporary per-place costs will be sought for places which would be required for less than seven years at first phase, less than four years at the middle phase, or less than three years at the upper phase. Seven and five years represent the lifetime of one cohort at the primary and secondary phase respectively and provides a reasonable delineation between the requirement for permanent and temporary provision. Further information on assessing need and calculating education contributions is set out in Section 2 of the technical appendix to the Guide, *Technical appendix 3: Education (Mainstream Schools)* (**Appendix L**).
- 4.14 It is important to note that the approach highlighted above (using the Model and DfE scorecard costs to calculate the financial contributions) was also used to calculate the primary education contributions which were sought for the development at Land to the west of Lytton Way, Stevenage (planning application reference number 19/00474/FPM). Planning permission for that application was refused and the decision was appealed (appeal reference number APP/K1935/W/20/3255692). In his appeal decision the Inspector clearly and specifically considered that the methodology used

by the county council, which is the same as applied for this development, was an exemplary application of government advice (Paragraph 98, **Appendix M**):

*“The way that the County Council has calculated the financial contribution requested from this development is an exemplary application of government advice.”*

## 5.0 First Education Provision

- 5.1 First education services are assessed on the basis of primary education planning areas. The development at Land East of The A10 Buntingford Hertfordshire falls within the Buntingford and Villages first pupil planning area (**Appendix N**), and families living in Buntingford predominantly remain in the Buntingford area for first education provision.
- 5.2 As can be seen in the forecast (**Table 8**), there appears to be some first education capacity in the area as a result of the delivery of a new first school in the 2023/2024 academic year (Buntingford First School) to meet the needs of future growth.

**TABLE 8: Pupil Planning Area 6.1.1: Buntingford and Villages**

6.1.1 Buntingford and Villages										
School Code	School Name	Places Available 2023-24	Actuals			Forecast				
			2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28
2223	Anstey First School	10	8	10	5					
2386	Millfield First and Nursery School	60	59	60	61					
3011	Layston Church of England First School	30	30	31	30					
3347	Hormead Church of England (VA) First School	23	17	18	23					
9995	Buntingford First School	30	0	0	0					
<b>Total Year R Pupil Demand</b>			<b>114</b>	<b>119</b>	<b>119</b>	<b>114</b>	<b>121</b>	<b>122</b>	<b>101</b>	<b>110</b>
<b>Total Year R Places Available</b>		<b>153</b>				<b>153</b>	<b>183</b>	<b>183</b>	<b>183</b>	<b>183</b>
<b>Surplus or Shortage of Year R Places (No.)</b>						<b>39</b>	<b>62</b>	<b>61</b>	<b>82</b>	<b>73</b>
<b>Surplus or Shortage of Year R Places (%)</b>						<b>25.5%</b>	<b>33.9%</b>	<b>33.3%</b>	<b>44.8%</b>	<b>39.9%</b>
<b>Surplus or Shortage of Year R Places (FE)</b>						<b>1.3</b>	<b>2.1</b>	<b>2.0</b>	<b>2.7</b>	<b>2.4</b>

Source: [School planning | Hertfordshire County Council](#)

- 5.3 Buntingford has seen a substantial amount of development in the last five years. These sites have only recently completed (or have yet to commence) and therefore the pupil yield from these sites are not reflected in the tables above. This is because the forecasts rely on registers of births to forecast future pupil yield, and there is an obvious lag between completion, occupation, births, and the annual pupil yield model run. Moreover, as it takes time for pupil yield to reach its peak, those sites that are reflected in the forecasts vis registers of births are unlikely to be represented fully as it takes several years for this to build up. It is therefore expected that the level of demand in Buntingford will rise over time.

- 5.4 Equally HCC cannot plan to rely on some of this capacity in the Buntingford planning area. Firstly, some of the available capacity is also located in surrounding villages but filled by Buntingford pupils. Planning to rely on pupils in Buntingford to travel to rural schools (whether they arise from this site, other sites, or mature housing stock) is not sustainable in transport terms and did not detract from the need to create capacity in Buntingford. Secondly, as pupil yield varies year on year and is unknowable in advance, most local education authorities must maintain a 5%-10% buffer to ensure that they can meet their statutory responsibility to provide sufficient school places.
- 5.5 HCC expects that the new Buntingford first school delivered sufficient capacity to be able to mitigate this site in addition to the other sites that it was intended to mitigate. Pupil yield from this site will most likely not peak alongside the sites permitted in the last five years and housing stock will have matured sufficiently to facilitate this.
- 5.6 Both DfE guidance (**Appendix H**) (at paragraph 15) and Planning Practice Guidance (at paragraph 8) are clear that '*When local authorities forward-fund school places in advance of developer contributions being received, those contributions remain necessary as mitigation for the development*'. HCC's approach to providing and funding places in advance of pupil yield arising from growth and developer contributions is therefore reasonable and justified.
- 5.7 As a result of the level of development proposed in the area the first education project which will mitigate this impact is the new 2FE first school in Buntingford.
- 5.8 This mitigation project was reflected in the county council's responses to this planning application (on 9 September 2023 and 02 February 2024, **Appendix D** and **Appendix E**) in which HCC noted that first education mitigated of this development would be through the new 2FE first school in Buntingford.
- 5.9 Therefore, proportional financial contributions towards first education mitigation are sought, from new residential developments in the area, including this site, towards a new 2FE first school in Buntingford.
- 5.10 The mainstream first education and nursery provision contributions together total **£3,635,961** (index linked to 1Q2022 – BCIS All in TPI). The paragraphs below set out how this contribution has been calculated. For accessibility and demonstrative purposes, the number of children has been rounded to the nearest two decimal places whilst the Model uses unrounded data. Therefore, there is a minimal difference in the figures in the paragraphs below and the actual total contribution of £3,350,677 which is being sought.

- 5.11 For mainstream first education provision, based on the indicative development mix in paragraph 3.20 above, the Model projects that a development with these characteristics would, on average, generate a peak of 127.11 first-aged children, resulting in a peak of 0.85 forms of entry (FE).
- 5.12 Based on the DfE scorecard costs (**Appendix J**), the permanent cost per place for a new first school is £23,714.90 of which 114.02 places are charged at this rate. Based on the DfE scorecard costs, the temporary rate is £9,429.20 of which 13.09 places are charged at this rate. Note that as set out in paragraphs 3.14 – 3.16, for accessibility and demonstrative purposes, the number of children has been rounded to the nearest two decimal places whilst the Model uses unrounded data.
- 5.13 For compulsory first education provision a financial contribution of £2,827,353.27 would be sought. **Table 9** provides an indication of how this contribution has been calculated. The minimal difference in the contribution set out in **Table 9** is that the Model uses unrounded data whilst, for accessibility and demonstrative purposes, the number of children in the table has been rounded to the nearest two decimal places, see paragraphs 3.14 – 3.16.

**Table 9: Permanent and temporary charging rate and number of places charged for mainstream first education contributions (excluding nursery contributions):**

	Number of Places	Charge Rate	Contributions Sought
	114.02	£23,714.90	£2,703,937.94
	13.09	£9,429.20	£123,415.32
<b>Total</b>	127.11		£2,827,353.27

- 5.14 The first education project (a new 2FE first school at Buntingford) will also include nursery provision within it, and therefore nursery contributions need to be included. Further background and justification for seeking nursery contributions is in section 8 below. For nursery provision, based on the indicative development mix in paragraph 3.20 above, the Model has projected that this development is likely to generate 23.28 children. Note that as set out in paragraphs 3.14 – 3.16, for accessibility and demonstrative purposes, the number of children has been rounded to the nearest two decimal places whilst the Model uses unrounded data.
- 5.15 Based on the DfE scorecard costs (**Appendix J**) of £23,714.90 per permanent place and £9,429.20 per temporary place, the county council would seek £517,926.86 in nursery contributions. **Table 10** provides an indication of how this contribution has been calculated. The minimal difference in the contribution set out in **Table 10** is that the Model uses unrounded data whilst, for accessibility and demonstrative purposes,



the number of children in the table has been rounded to the nearest two decimal places, see paragraphs 3.14 – 3.16.

**Table 4: Permanent and temporary charging rate and number of places charged for nursery contributions:**

	Number of Places	Charge Rate	Contributions Sought
	20.89	£23,714.90	£495,319.10
	2.40	£9,429.20	£22,607.76
<b>Total</b>	<b>23.28</b>		<b>£517,926.86</b>

- 5.16 It is recognised that although the land for the first school is part of another development site, the need for the school also arises from other development sites in the area, which includes the development at Land East Of The A10 Buntingford Hertfordshire. The preferred approach is for the first education contributions paid by the other sites in the area to be increased by the relative % of the first school land costs. Therefore, it is reasonable that proportionate land costs are also applied to the first education contribution arising from this development.
- 5.17 HCC is clear that, given the allocation for education use within the local plan this land should be valued as education use rather than residential. This is consistent with the approach which has already been successfully adopted in other parts of the county.
- 5.18 As has already been established, this development is generating **0.78FE** of first education yield. This is **39%** of the overall capacity of the new 2FE first school (0.78FE /2FE). The first education contribution paid by the development at Land East Of The A10 Buntingford Hertfordshire therefore needs to be increased by 39% of the first school land costs.
- 5.19 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 new school the development would not have been viable. The land cost for the new Buntingford first school was £540,000/ha.
- 5.20 The site area for a 2FE first school is 1.27 hectares. Therefore, the value of the land is £686,070 (£540,000 x 1.27ha). 42% of the land costs (42% being the demand arising from this development) is **£290,681** (£686,070 x 39%).
- 5.21 Therefore the total financial contribution request for first education mitigation sought from this development is **£3,635,961** (£2,827,353.27 + £517,926.86 + £290,681)

(index linked to 1Q2022 – BCIS All in TPI), of which **£3,345,280** is to be used **towards delivery of a new 2FE first school in Buntingford and/or provision serving the development and** £290,681 is to be used **towards the acquisition of land for the Buntingford First School.**

5.22 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. Spending on this project is as follows:

Money collected through s106 agreements and already spent	£1,267,622.37
Money collected through s106 agreements and available to be spent	£670,446.90
Money secured and yet to be collected	£393,444
Cost of a new 2FE first school (excluding cost of acquiring land)	£7,825,917

5.23 As set out in paragraph 2.26, the county council 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. On this basis, the county council therefore considers that the following triggers for payment of the first education contributions arising from this development are reasonable and justifiable:

- 100% of the first education contribution prior to commencement of development

5.24 First education contributions, towards this project, were requested in the original response to the planning application (**Appendix D** and **Appendix E**). Further information on the assessment of first education contributions is available in the technical appendix to the Guide, *Technical appendix 3: Education (Mainstream Schools)* (**Appendix L**).

## 6.0 Middle Education Provision

6.1 Middle education services are assessed on the basis of secondary education planning areas. The development at Land East Of The A10 Buntingford Hertfordshire falls within the pupil planning area *6.1.0 Buntingford Middle* (**Appendix N**), and families living in Buntingford predominantly remain in the Buntingford area for middle education provision.

- 6.2 As can be seen in the forecast (**Table 5**), there is currently a closer match between middle places available and demand within the Buntingford secondary planning area, with only a small amount of surplus capacity forecast in some years.

**TABLE 5: Pupil Planning Area 6.1.0 – Buntingford Middle**

6.1.0 Buntingford Middle												
School Code	School Name	Places Available 2023-24	Actuals			Forecast						
			2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30
4146	Ralph Sadleir School	90	110	82	78							
4506	Edwinstree Church of England Middle School	120	120	121	118							
<b>Total Year 5 Pupil Demand</b>			<b>230</b>	<b>203</b>	<b>196</b>	<b>173</b>	<b>182</b>	<b>184</b>	<b>182</b>	<b>190</b>	<b>166</b>	<b>191</b>
<b>Total Year 5 Places Available</b>		<b>210</b>				<b>210</b>	<b>210</b>	<b>210</b>	<b>210</b>	<b>210</b>	<b>210</b>	<b>210</b>
<b>Surplus or Shortage of Year 5 Places (No.)</b>						<b>37</b>	<b>28</b>	<b>26</b>	<b>28</b>	<b>20</b>	<b>44</b>	<b>19</b>
<b>Surplus or Shortage of Year 5 Places (%)</b>						<b>17.6%</b>	<b>13.3%</b>	<b>12.4%</b>	<b>13.3%</b>	<b>9.5%</b>	<b>21.0%</b>	<b>9.0%</b>
<b>Surplus or Shortage of Year 5 Places (FE)</b>						<b>1.2</b>	<b>0.9</b>	<b>0.9</b>	<b>0.9</b>	<b>0.7</b>	<b>1.5</b>	<b>0.6</b>

Source: [School planning | Hertfordshire County Council](#)

- 6.3 However, as with the first school forecasts, the middle school forecasts do not capture pupil yield from sites in delivery over the last five years and it is expected that demand shown will increase as pupil yield builds up from recently completed sites. Moreover, the capacity shown is available at Ralph Sadier School in Puckeridge. Edwinstree Middle School is the only middle school in Buntingford, and is oversubscribed, and has no capacity to mitigate the impact of development without an expansion.
- 6.4 As a result of the level of development proposed in the area the secondary education project which will mitigate this impact is the expansion of Edwinstree Middle School in Buntingford.
- 6.5 This mitigation project was reflected in the county council’s response to this planning application (on 02 February 2024 and 09 September 2023, **Appendix D** and **Appendix E**) in which HCC noted that secondary education mitigated of this development would be through is the expansion of Edwinstree Middle School in Buntingford.
- 6.6 Therefore, proportional financial contributions towards secondary education mitigation are sought, from new residential developments in the area, including this site, towards is the expansion of Edwinstree Middle School in Buntingford.
- 6.7 The mainstream middle education provision contributions total **£2,200,774.86** (index linked to 1Q2022 – BCIS All in TPI). The paragraphs below set out how this contribution has been calculated. For accessibility and demonstrative purposes, the number of children has been rounded to the nearest two decimal places whilst the

Model uses unrounded data. Therefore, there is a minimal difference in the figures in the paragraphs below and the actual total contribution of £2,200,774.86 which is being sought.

- 6.8 For mainstream middle education provision, based on the indicative development mix in paragraph 3.20 above, the Model projects that a development with these characteristics would, on average, generate a peak of 96.96 middle-aged children, resulting in a peak of 0.81 forms of entry (FE).
- 6.9 Based on the DfE scorecard costs (**Appendix J**), the permanent cost per place for a middle school expansion is £23,656 of which 90.20 places are charged at this rate. Based on the DfE scorecard costs, the temporary rate is £9,921 of which 6.76 places are charged at this rate. Note that as set out in paragraphs 3.14 – 3.16, for accessibility and demonstrative purposes, the number of children has been rounded to the nearest two decimal places whilst the Model uses unrounded data.
- 6.10 For middle education provision a financial contribution £2,200,774.86 would be sought. **Table 6** provides an indication of how this contribution has been calculated. The minimal difference in the contribution set out in **Table 6** is that the Model uses unrounded data whilst, for accessibility and demonstrative purposes, the number of children in the table has been rounded to the nearest two decimal places, see paragraphs 3.14 – 3.16.

**Table 6: Permanent and temporary charging rate and number of places charged for mainstream middle education contributions:**

	Number of Places	Charge Rate	Contributions Sought
	90.20	£23,655.50	£2,133,675.41
	6.76	£9,921.45	£67,099.45
<b>Total</b>	96.96		£2,200,774.86

- 6.11 Therefore the total financial contribution request for secondary education mitigation sought from this development is **£2,200,774.86** (index linked to 1Q2022 – BCIS All in TPI), to be used **towards expansion of Edwinstree Middle School and/or provision serving the development.**
- 6.12 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. Spending on this project is as follows:

Money collected through s106 agreements and already spent	N/A
Money collected through s106 agreements and available to be spent	£1,710,412.5
Money secured and yet to be collected	£227,005
Cost of a 2FE middle school expansion	£5,677,320

6.13 As set out in paragraph 2.26, the county council 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. On this basis, the county council therefore considers that the following triggers for payment of the secondary education contributions arising from this development are reasonable and justifiable:

- 100% of the secondary education contribution prior to commencement of development

6.14 Middle education contributions, towards this project, were requested in the original response to the planning application (**Appendix D** and **Appendix E**). Further information on the assessment of secondary education contributions is available in the technical appendix to the Guide, *Technical appendix 3: Education (Mainstream Schools)* (**Appendix J**).

## 7.0 Upper Education Provision

7.1 Upper education services are assessed on the basis of secondary education planning areas. The development at Land East Of The A10 Buntingford Hertfordshire falls within the pupil planning area *6.0.0 Buntingford Upper* (**Appendix N**), and families living in Buntingford predominantly remain in the Buntingford area for upper education provision.

7.2 As can be seen in the forecast (**Table 5**), there is currently a close match between secondary places available and demand within the Buntingford secondary planning area, with only a small amount of surplus capacity forecast in one years.

**TABLE 5: Pupil Planning Area 6.0.0 – Buntingford Upper**

6.0.0 Buntingford Upper												
School Code	School Name	Places Available 2023-24	Actuals			Forecast						
			2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30
4141	Freman College	210	219	252	283							
<b>Total Year 9 Pupil Demand</b>			219	252	283	243	256	239	234	207	219	223
<b>Total Year 9 Places Available</b>		210				210	210	210	210	210	210	210
<b>Surplus or Shortage of Year 9 Places (No.)</b>						-33	-46	-29	-24	3	-9	-13
<b>Surplus or Shortage of Year 9 Places (%)</b>						-15.7%	-21.9%	-13.8%	-11.4%	1.4%	-4.3%	-6.2%
<b>Surplus or Shortage of Year 9 Places (FE)</b>						-1.1	-1.5	-1.0	-0.8	0.1	-0.3	-0.4

Source: [School planning | Hertfordshire County Council](#)

- 7.3 As with first and middle education the forecasts do not fully take into account pupil arising from recently completed developments and in any case the pupil yield will likely fall beyond the forecast period. Moreover, Freman College, as with all academies, has the right to admit pupils above the number of places available as a yearly decision, and uses this freedom to admit a large number of pupils from outside the area. However, HCC cannot continually rely upon places created out of its control on an ad hoc basis to mitigate the impact of growth as the College can reverse this decision in any year.
- 7.4 As a result of the level of development proposed in the area the secondary education project which will mitigate this impact is the expansion of Freman College in Buntingford.
- 7.5 This mitigation project was reflected in the county council's response to this planning application (on 09 September 2023 and 02 February 2024, **Appendix D** and **Appendix E**) in which HCC noted that secondary education mitigated of this development would be through the expansion of Freman College in Buntingford.
- 7.6 Therefore, proportional financial contributions towards secondary education mitigation are sought, from new residential developments in the area, including this site, towards the expansion of Freman College in Buntingford.
- 7.7 The mainstream upper education and Post-16 provision contributions total **£2,731,537** (index linked to 1Q2022 – BCIS All in TPI). The paragraphs below set out how this contribution has been calculated. For accessibility and demonstrative purposes, the number of children has been rounded to the nearest two decimal places whilst the Model uses unrounded data. Therefore, there is a minimal difference in the figures in the paragraphs below and the actual total contribution of £2,525,752 which is being sought.
- 7.8 For mainstream upper education provision, based on the indicative development mix in paragraph 3.20 above, the Model projects that a development with these

characterises would, on average, generate a peak of 72.95 secondary-aged children, resulting in a peak of 0.81 forms of entry (FE).

- 7.9 Based on the DfE scorecard costs (**Appendix K**), the permanent cost per place for an upper school expansion is £27,503 of which 70.12 places are charged at this rate. Based on the DfE scorecard costs, the temporary rate is £10,414 of which 2.83 places are charged at this rate. Note that as set out in paragraphs 3.14 – 3.16, for accessibility and demonstrative purposes, the number of children has been rounded to the nearest two decimal places whilst the Model uses unrounded data.
- 7.10 For compulsory upper education provision a financial contribution of £1,958,016.56 would be sought. **Table 6** provides an indication of how this contribution has been calculated. The minimal difference in the contribution set out in **Table 6** is that the Model uses unrounded data whilst, for accessibility and demonstrative purposes, the number of children in the table has been rounded to the nearest two decimal places, see paragraphs 3.14 – 3.16.

**Table 6: Permanent and temporary charging rate and number of places charged for mainstream upper education contributions (excluding Post-16 contributions):**

	Number of Places	Charge Rate	Contributions Sought
	70.12	£27,503.30	£1,928,512.10
	2.83	£10,413.70	£29,504.46
<b>Total</b>	<b>72.95</b>		<b>£1,958,016.56</b>

- 7.11 For Post-16 provision, based on the indicative development mix in paragraph 3.20 above, the Model has projected that this development is likely to generate 27.66 children. Note that as set out in paragraphs 3.14 – 3.16, for accessibility and demonstrative purposes, the number of children has been rounded to the nearest two decimal places whilst the Model uses unrounded data.
- 7.12 In paragraph 36, the DfE guidance (*Securing developer contributions for education*, August 2023, **Appendix H**) is clear that “sixth form places provided within secondary schools will cost broadly the same as a secondary school place”. Therefore, based on the DfE scorecard costs (**Appendix I**) of £27,503 per permanent place and £10,414 per temporary place, the county council would seek £773,521 in post-16 contributions. **Table 7** provides an indication of how this contribution has been calculated. The minimal difference in the contribution set out in **Table 7** is that the Model uses unrounded data whilst, for accessibility and demonstrative purposes, the number of

children in the table has been rounded to the nearest two decimal places, see paragraphs 3.14 – 3.16.

**Table 7: Permanent and temporary charging rate and number of places charged for Post-16 contributions:**

	Number of Places	Charge Rate	Contributions Sought
	27.70	£27,503.30	£761,864.99
	1.12	£10,414	£11,655.83
<b>Total</b>	<b>28.82</b>		<b>£773,521</b>

- 7.13 Therefore the total financial contribution request for upper education mitigation sought from this development is **£2,525,752** (£1,811,037 + £714,715) (index linked to 1Q2022 – BCIS All in TPI), to be used **towards the expansion of Freman College and/or provision serving the development.**
- 7.14 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. Spending on this project is as follows:

Money collected through s106 agreements and already spent	N/A
Money collected through s106 agreements and available to be spent	£1,935,346.28
Money secured and yet to be collected	£282,581
Cost of a 2FE upper school expansion	£8,416,009.8

- 7.15 As set out in paragraph 2.26, the county council 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. On this basis, the county council therefore considers that the following triggers for payment of the upper education contributions arising from this development are reasonable and justifiable:
- 100% of the upper education contribution prior to commencement of development
- 7.16 Upper education contributions, towards this project, were requested in the original response to the planning application (**Appendix D** and **Appendix E**). Further information on the assessment of upper education contributions is available in the



technical appendix to the Guide, *Technical appendix 3: Education (Mainstream Schools)* (**Appendix L**).

## **8.0 Special Educational Needs and Disabilities Provision**

- 8.1 The county council has a duty to promote high standards of education, fair access to education and a general duty to secure the sufficiency of school places. It must consider the need to secure provision for children with Special Educational Needs and Disabilities (SEND), including the duty to respond to parents' representations about education provision.
- 8.2 Children in Hertfordshire with SEND have their needs met within a range of inclusive provision. The majority of children will be accommodated within mainstream schools, some with additional support. Some children will need intensive support in a smaller environment and will be supported at specialist provision including specialist resource provision and units/bases in mainstream schools. Others will need a special school place.
- 8.3 The county council has developed a short-term forecasting methodology for special schools based on historical analysis of placements and demand. Where it can be demonstrated that existing capacity is unable to mitigate the impact of development, the county council will seek to secure obligations to create additional provision, whether through the expansion of existing provision or the creation of new provision.
- 8.4 All Hertfordshire special schools are at capacity and demand for places continues to rise both from the existing population as well as through significant levels of new growth in the county.
- 8.5 To meet the rising demand for special school provision and to ensure that there is sufficient capacity for children with special educational needs and disabilities, in high quality local provision that meets their needs the county council have developed a strategy, the *SEND Special School Place Planning Strategy 2020-2023* (Autumn 2020) (**Appendix O**).
- 8.6 The Strategy identifies a significant shortfall in places in the Severe Learning Difficulty (SLD) school and Profound Neurological Impairment (PNI) sectors with the forecast showing a rise by 364 places between January 2020 and January 2025. It is a priority of the Strategy to mitigate this increase by creating up to 300 new SLD places to meet demand now and into the future. The forecast shows that 75% of the overall increase in demand across the life of the forecast is for SLD and PNI places.

- 8.7 The county council are currently developing proposals to provide 113 new places for children with SLD in the west of the county, through the relocation and expansion of Breakspeare School, and another 100 SLD places in the east of the county. The earliest these places will be delivered is January 2024 for the places in the west and September 2024 for the places in the east.
- 8.8 Those SEND pupils, aged from 2 years to 19 years, arising from this development will be mitigated by the proposed new Severe Learning Difficulty school in the east of the county.
- 8.9 In paragraphs 25 – 30 of the DfE guidance (*Securing Developer Contributions for Education*, August 2023, **Appendix H**) it states that it is reasonable and fair to seek developer contributions for SEND provision in direct proportion to the needs arising from a housing development related to pupils requiring provision in a special school, a specialist provision in a mainstream school, a pupil referral unit or other alternative provision.
- 8.10 The county council calculates contributions for SEND provision using flat rate sector values by dwelling type multiplied by the number of dwelling proposed within a development. For SEND primary provision this is £654 per house and £194 per flat. For SEND secondary provision this is £752 per dwelling and £66 per flat.
- 8.11 Therefore, based on the indicative development mix set out at paragraph 3.20 above the total contributions sought for SEND provision are **£426,725**. The details for how this has been calculated are set out in **Table 8** and **Table 9**.

**Table 8: Charging rate and number of dwellings charged for SEND Contributions (primary):**

<b>SEND Primary</b>			
	Cost Per Dwelling	No. Dwellings	Contributions Sought
Houses	£654	293	£191,622
Flats	£194	57	£11,058
		<b>Total</b>	<b>£202,680</b>

**Table 9: Charging rate and number of dwellings charged for SEND Contributions (secondary):**

<b>SEND Secondary</b>			
	Cost Per Dwelling	No. Dwellings	Contributions Sought
Houses	£752	293	£220,336

Flats	£66	57	£3,762
		Total	£224,098

- 8.12 The total SEND contribution of **£426,725** (index linked to 1Q2022 – BCIS All in TPI) is to be used towards the delivery of a **new Severe Learning Difficulty special school in the east of the county**, for pupils aged from 2 years to 19 years.
- 8.13 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 is therefore deliverable.
- 8.14 As set out in paragraph 2.26, the county council 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. On this basis, the county council therefore considers that the following triggers for payment of the SEND contributions arising from this development are reasonable and justifiable:
- 100% of the SEND contribution prior to commencement of development
- 8.15 SEND contributions were requested in the original response to the planning application (**Appendix D** and **Appendix E**). Further information on the assessment of SEND contributions is available in the technical appendix to the Guide, *Technical appendix 4: Education (Special Schools and Specialist Provision)* (**Appendix P**).

## 9.0 Nursery Provision

- 9.1 The county council currently has a number of statutory duties it has to meet regarding nursery provision including; free early education for eligible 2 year olds, free early education for 3 and 4 year olds, and thirty hours free childcare for 3 and 4 year olds. This can be provided through; nursery classes in mainstream schools, maintained nursery schools, preschool/playgroups, and day nurseries.
- 9.2 Annually Hertfordshire County Council publishes a Childcare Sufficiency Report which details where places are required across the county. This shows whether there is a lack of sufficient capacity and therefore whether contributions need to be sought.
- 9.3 Department for Education guidance is clear that new primary schools (which in this case includes first schools) should provide a nursery (**Appendix H**).
- 9.4 Therefore, a contribution is sought for nursery provision to be used towards a project to provide additional nursery places at the new first school in Buntingford.

- 9.5 Planning obligations towards nursery provision are assessed using the Hertfordshire County Council Demographic Model which forecasts the number of nursery-aged children likely to emerge from different types, sizes and tenures of dwellings. For nursery provision, based on the indicative development mix in paragraph 3.20 above, the Model has projected that this development is likely to generate 22.52 children. Note that as set out in paragraphs 3.14 – 3.16, for accessibility and demonstrative purposes, the number of children has been rounded to the nearest two decimal places whilst the Model uses unrounded data.
- 9.6 In paragraph 36, the DfE guidance (*Securing developer contributions for education*, August 2023, **Appendix H**) is clear that “*the per pupil cost of early years provision is assumed to be the same as for a primary school*”. Therefore, the county council will seek nursery contributions commensurate with the cost of primary school provision, as shown in the DfE Scorecard (**Appendix J**).
- 9.7 Based on the DfE scorecard costs of £23,715 per permanent place and £9,429 per temporary place, the county council would seek £481,274 in nursery contributions. **Table 10** provides an indication of how this contribution has been calculated. The minimal difference in the contribution set out in **Table 10** is that the Model uses unrounded data whilst, for accessibility and demonstrative purposes, the number of children in the table has been rounded to the nearest two decimal places, see paragraphs 3.14 – 3.16. To confirm the contribution of 481,274 is sought by the county council.

**Table 10: Permanent and temporary charging rate and number of places charged for nursery contributions:**

	Number of Places	Charge Rate	Contributions Sought
	20.89	£23,714.90	£495,319.10
	2.40	£9,429.20	£22,607.76
<b>Total</b>	<b>23.28</b>		<b>£517,926.86</b>

- 9.8 As the nursery project is part of a new first school the nursery contribution has been included as part of the total first education contribution (see Section 5 of this Statement).
- 9.9 The funding of the nursery 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.

- 9.10 As set out in paragraph 2.26, the county council 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. On this basis, the County Council therefore considers that the following triggers for payment of the nursery contributions arising from this development are reasonable and justifiable:
- 100% of the nursery contribution prior to commencement of development
- 9.11 Nursery contributions, towards this project, were requested in the original response to the planning application (**Appendix D** and **Appendix E**). Further information on the assessment of nursery contributions is available in the technical appendix to the Guide, *Technical Appendix 2: Education (Early Years)* (**Appendix Q**) and technical appendix to the Guide, *Technical appendix 3: Education (Mainstream Schools)* (**Appendix L**).

## 10.0 Childcare Provision

- 10.1 In addition to nursery provision the county council has a statutory duty to ensure there is sufficient childcare for working parents, which covers 0 to 14 year olds (19 years for children with SEND). Childcare can take place in preschools; day nurseries; childminders; and out of school provision, such as holiday clubs and after school clubs, depending on the age of the child. Note that childcare for 3 to 4 year olds is provided for as part of the nursery contribution.
- 10.2 In the 2023 budget the Chancellor announced a substantial increase in the childcare offer to facilitate increased parental engagement in the labour market. This includes expanding the age cohort which can receive funding for 15/30 hours free childcare from 3-4 year olds (and a small minority of 0-2 year olds) to all 0-2 year olds. There is also an expectation that all primary school pupils should have access to wraparound care for the 5-11 year old cohort. This is likely to increase take up at existing childcare providers from mature housing stock as well as increase the numbers attending from new developments. HCC will therefore need to substantially increase childcare capacity for both the 0-2 and 5-11 year old to meet its duty to ensure a sufficient number of places.
- 10.3 There is currently in Buntingford sufficient capacity for 23 0-2 year olds and 28 5-11 year olds. This is not sufficient to provide places for the increase in demand that is expected following the implementation of the Chancellor's announcement, sites that have recently been granted planning permission or are in delivery in Buntingford, this site (which is expected to yield 25 0-2 year olds and 16 5-11 year olds). An increase in the number of 5-11 year olds is also expected as first school pupil yield builds up and reaches its peak over the first school forecast periods. Therefore there is a need for

increased capacity to mitigate the demand placed from this site on the childcare system in Buntingford.

- 10.4 Therefore, contributions are sought for Childcare to be used towards the delivery of a new childcare facility in Buntingford (for 0-2 year olds) on the site and the provision of wraparound care at the new Buntingford first school (for 5-11 year olds). To deliver a facility for 0-2 year olds we also seek an obligation requiring class E space to be constructed to a suitable standard to permit a childcare provider and marketed to childcare providers before being marketed to other users.

#### 0-2 Year Olds

- 10.5 Planning obligations towards childcare provision are assessed using the Hertfordshire County Council Demographic Model which forecasts the number of children of childcare age (excluding 3 and 4 year olds) likely to emerge from different types, sizes and tenures of dwellings. For childcare provision, based on the indicative development mix in paragraph 3.20 above, the Model has projected that this development is likely to generate 25 service users of childcare age (0-2 year olds).
- 10.6 The financial contribution towards childcare mitigation through increasing capacity is based on £959.49 per place. For this development the contribution would therefore be £26,470 (£959.49 x 28 children aged 0 to 2).
- 10.7 The financial contribution of **£26,470** (index linked to 1Q2022 – BCIS All in TPI) is required towards **the provision of a new early years setting within the development and/or provision serving the development**. This project is required in order to accommodate the additional residents arising from new developments in the area, including this site.
- 10.8 The funding of the childcare 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. No other section 106 contributions towards this project have been secured.
- 10.9 This development is also providing class E space which may be suitable for childcare provision. As the level of growth in Buntingford is unknown and opportunities for the provision of new childcare space on site are unknown HCC has also sought, in discussion with the applicant, a non-financial obligation to market a suitable quantum of space to a childcare provider prior to marketing it to any other suitable class E tenant. Any marketing would be on commercial terms and the condition would be released if a suitable provider could not be found.

#### 5-11 Year Olds

- 10.10 HCC also has the responsibility to ensure sufficient wraparound care for 5-11 year olds as part of its overall duty to secure childcare sufficiency.
- 10.11 Planning obligations towards childcare provision are assessed using the Hertfordshire County Council Demographic Model which forecasts the number of children of childcare age (excluding 3 and 4 year olds) likely to emerge from different types, sizes and tenures of dwellings. For childcare provision, based on the indicative development mix in paragraph 3.20 above, the Model has projected that this development is likely to generate 16 service users of childcare age (5-11 year olds).
- 10.12 The financial contribution towards childcare mitigation through increasing capacity is based on £222.94 per place. For this development the contribution would therefore be £3,535 (£4,049 x 18 children aged 5 to 11).
- 10.13 The financial contribution of **£4,049** (index linked to 1Q2022 – BCIS All in TPI) is required **towards childcare provision at Buntingford First School and/or provision serving the development.** This project is required in order to accommodate the additional residents arising from new developments in the area, including this site.
- 10.14 The funding of the childcare 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. Spending on this project is as follows:

Money collected through s106 agreements and already spent	£147,195.67
Money collected through s106 agreements and available to be spent	£59,931.7

- 10.15 As set out in paragraph 2.26, the county council 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. On this basis, the County Council therefore considers that the following triggers for payment of the childcare contributions arising from this development are reasonable and justifiable:
- 100% of the childcare contribution prior to commencement of development
- 10.16 Childcare contributions, towards this project, were requested in the original response to the planning application (**Appendix D** and **Appendix E**).

## 11.0 Youth Provision

11.1 Hertfordshire County Council Services for Young People (HCC SfYP) is guided by the Education and Inspections Act 2006. In order 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”; that “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.”*

11.2 HCC SfYP provides youth work projects and programmes, information, advice, guidance, work-related learning, outdoor education and one-to-one support for young people up to the age of 17 and up to 25 for identified vulnerable young adults including those with learning disabilities.

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

11.4 Growth in the number of young people aged 11 to 17 years (the core age group) in a community will require increased resources, providing additional capacity and enabling equal access to those activities. This could take the form of new equipment and/or learning materials and/or improvements to the property to accommodate more young people and/or offer a wider range of activities.



- 11.5 Planning obligations towards youth services are assessed using the Hertfordshire Demographic Model which forecasts the number of young people requiring access to youth services likely to emerge from different types, sizes and tenures of dwellings.
- 11.6 Based on the illustrative mix set out at paragraph 3.20 above the Model estimates that 88 additional young people are likely to reside in this development requiring youth service provision.
- 11.7 In the consultation response to this application (**Appendix D** and **Appendix E**) HCC stated that contributions from this proposal would be used at Bishop's Stortford Young People's Centre. This is because the Buntingford Youth Centre building is obsolete and being decommissioned, and Bishop's Stortford Young People's Centre is the nearest Young People's Centre that residents of Buntingford would use.
- 11.8 Since this response Services for Young People have decided they will provide the service in a detached form in Buntingford without a physical centre, as the reason for the closure of the building was due to its physical condition rather than demand for the service. As the service will therefore continue to be provided in Buntingford service users from Buntingford, including this site, will be expected to continue to use services in Buntingford and therefore a s106 contribution would be required to be spent in Buntingford to meet the statutory directness test.
- 11.9 Therefore, financial contributions from this proposal, and others in the area, would be used towards the provision of resources to increase the capacity of the detached youth work provision in Buntingford.
- 11.10 As set out in the Guide, the financial contribution towards the mitigation of youth services is based on the need to increase resources and reconfiguration (on the basis of £610.49 per person) multiplied by the number of additional young people (101 additional young people arising from this development, as calculated by the Model). This is a total contribution of **£61,727** (£610.49 x 101).
- 11.11 The financial contribution of **£61,727** (index linked to 1Q2022 – BCIS All in TPI) is required towards **detached youth work in Buntingford and/or provision serving the development**. This project is required in order to accommodate the additional residents arising from new developments in the area, including this site.
- 11.12 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. No other section 106 contributions towards this project have been secured. However, for clarity,

contributions that were collected towards the now closed Buntingford youth centre are as follows:

Money collected through s106 agreements and already spent	£1,186.25
Money collected through s106 agreements and available to be spent	£51,365.37
Money secured and yet to be collected	£10,855

11.13 As set out in paragraph 2.26, the county council 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. On this basis, the county council therefore considers that the following triggers for payment of the youth contributions arising from this development are reasonable and justifiable:

- 100% of the youth contribution prior to commencement of development

11.14 Youth contributions, towards this project, were requested in the original response to the planning application (**Appendix D** and **Appendix E**). Further information on the assessment of youth service contributions is available in the technical appendix to the Guide, *Technical Appendix 5: Youth Connections (Appendix R)*.

## 12.0 Library Provision

12.1 As the Local Libraries Authority, and under the 1964 Public Libraries and Museums Act, the county council has a duty to provide a comprehensive and efficient library service for everyone who lives, works or studies in the County. Hertfordshire County Council is committed to maintaining and modernising its libraries to continue to meet the changing needs of service users and to cope with additional demand brought about by new development. This commitment is reinforced in the 10 year strategy *Inspiring Libraries: My Place 2022-2032* (July 2022, **Appendix S**).

12.2 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. Access to public computers, new and emerging technologies, Wi-Fi, the internet, and online services as well as ICT-based and other learning opportunities ensure that no one gets left behind. They also offer neutral places to promote community wellbeing and enable people to connect within their communities.

- 12.3 The recent publication *Libraries and the cost of living crisis* (a briefing note produced by Libraries Connected who are a body that represents, supports and promotes libraries, dated June 2022, **Appendix T**) clearly sets out and demonstrates the importance of libraries to the local community, particularly to those considered the most vulnerable in society. The survey from the publication shows that libraries are delivering a very broad range of services to help people navigate the cost of living crisis. Whilst some of these are part of the library service's core offer, others have been specifically developed to address those struggling with rising prices and falling wages. Services include; information and advice, digital support, skilling up, support for health and wellbeing, and clubs and cultural activities. Whilst the report is specific to the cost of living crisis it still demonstrates the wide range of services offered by libraries and their importance to local communities.
- 12.4 Any increase in population puts additional demand on the stock of the library service, whether this is physical stock or "virtual stock" in the case of electronic resources. Depending on the nature of the development, participation at library activities may also increase and this puts pressure on the physical space available in library buildings, requiring reconfiguration of layouts.
- 12.5 Planning obligations towards library services are assessed using the Hertfordshire Demographic Model which forecasts the number of people able to access library services likely to emerge from different types, sizes and tenures of dwellings. Based on the illustrative mix set out at paragraph 3.20 above the Model estimates that 837 additional people arising from this development are expected to require library provision.
- 12.6 Buntingford library is the local library facility which serves this development. A refurbishment of the existing usable floorspace has been completed in part to mitigate the impact of development undertaken alongside the 2018 District Plan. Buntingford Library is a busy small Tier 2 library. In 2023/24, the library received 33,465 visits, an increase of over 30% compared with the previous year, in part due to the improvements made to the library and the ability to attract new visitors following the refurbishment. All areas of stock are already intensively used and under pressure. This is demonstrated by the latest set of Stock Performance Indicators, which are used as a way of benchmarking the book stock and usage of a specific library against average usage. In 2022/23, 44% of all issues were for adult titles. This is higher than the average of 36% for libraries of a similar size, indicating the need to increase the amount of public floorspace, to allow for an expansion of the adult lending stock. Similarly, in terms of stock type, the children's stock at Buntingford Library in 2022/23 accounted for 44%, which is lower than the average of 47%, again reflecting the need for more space in the library to accommodate more children's books. The fact that more public floorspace overall is required at Buntingford, to increase and expand the range of stock available to the local community, is also evidenced by the

fact that the total stock figure for the library, which was 12,317 in 2022/23, is lower than the average of 13,413 and lower than Tier 2 libraries of a similar size e.g. Baldock Library 14,308 and Marshalswick Library 15,977.

- 12.7 A financial contribution is therefore required in order to mitigate the additional cumulative demand on library services from the new development in the area. This development will increase the population of Buntingford further and create additional demand for library services beyond that increase in capacity delivered as mitigation for other developments. This contribution would be used to open the staff work area to the public to increase public floorspace and increase the range of services and activities offered to users. This will enable the library to increase capacity and promote new stock more effectively, so meeting the needs of new residents as they move into the area. The mitigation project to increase the capacity of Buntingford Library is the same project as set out within the county council's response to the planning application (**Appendix D** and **Appendix E**).
- 12.8 As set out in the Guide, the financial contribution towards the mitigation of library services is based on the need to increase resources and reconfiguration (on the basis of £89.93 per person) multiplied by the number of additional people (866 additional people arising from this development, as calculated by the Model). This is a total contribution of **£77,850** (£38.85 x 866).
- 12.9 The financial contribution of **£77,850** (index linked to 1Q2022 – BCIS All in TPI) is required towards **increasing capacity of Buntingford Library (or its future re-provision)**. This project is required in order to accommodate the additional residents arising from new developments in the area, including this site.
- 12.10 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. No other section 106 contributions towards this project have been secured, though contributions were collected and spent towards the previous enhancement programme.
- 12.11 As set out in paragraph 2.26, the county council 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. On this basis, the county council therefore considers that the following triggers for payment of the library contributions arising from this development are reasonable and justifiable:
- 100% of the library contribution prior to commencement of development
- 12.12 Library contributions, towards this project, were requested in the original response to the planning application (**Appendix D** and **Appendix E**). Further information on the

assessment of library contributions is available in the technical appendix to the Guide, *Technical Appendix 6: Libraries (Appendix U)*.

### **13.0 Waste Provision**

- 13.1 Under the Environmental Protection Act 1990, the county council is required to perform the statutory functions of the Waste Disposal Authority (WDA) for Hertfordshire. The WDA is also required to provide facilities in its area where residents may deposit their own household waste free of charge. In Hertfordshire, these facilities are known as recycling centres.
- 13.2 As WDA, Hertfordshire County Council is responsible for the disposal of Local Authority Collected Waste (LACW) arising in the county. LACW consists of household waste and commercial waste collected by the ten Borough and District Councils in their role as the Waste Collection Authorities (WCA's) for Hertfordshire and waste collected at the county's recycling centres.
- 13.3 In order to support this disposal function, Hertfordshire County Council requires strategically placed waste transfer facilities to enable the proximate bulking and segregation of waste prior to processing, treatment and disposal.
- 13.4 Waterdale Transfer Station currently handles the majority of Hertfordshire's residual waste, however there is currently insufficient spare capacity to cope with demand and additional waste transfer facilities are planned to more sustainably support the north and east of the county. An increase in population within Hertfordshire as a result of new residential development will increase the amount of LACW and waste generated from recycling centres. The need to further segregate waste types to enable their efficient processing/recycling means that an increase in strategically placed bulking capacity is required.
- 13.5 Hertfordshire County Council currently manages a network of 16 recycling centres. At these locations residents can deposit a number of waste items and materials including those not collected at the kerbside by District and Borough Councils in their role as the WCA. An increase in population within Hertfordshire as a result of new residential development will require increased capacity and therefore investment in the network. Several recycling centres within the network are identified as unsuitable and therefore are in need of expansion or relocation.
- 13.6 Any additional users resulting from new development will increase the pressure on facilities within the county, thereby limiting service provision. Not all recycling centre locations are close to, at or over capacity so calculations will be considered based on the most up to date evidence available from the Waste Disposal Authority.

- 13.7 The impact of additional dwellings on waste management infrastructure will vary depending on the size of the development and its location. Therefore, it may be necessary to develop new infrastructure or improve existing infrastructure. For example, should an existing facility be identified as having insufficient capacity to accommodate increased usage due to additional dwellings, financial contributions will be identified towards increasing the capacity of the local service provision. This may be achieved through improvements to existing facilities or the development of a new facility.
- 13.8 Given that the geographical catchments for the Hertfordshire recycling centres and waste transfer stations vary, there will be a different project cost for each facility and project. Costs per project will be calculated based on the individual catchment areas. The cost of the project will be divided by the projected total number of residents in the catchment area in order to get a cost per person rate for the project. This will then be multiplied against the number of new residents arising from the individual development based on the Office for National Statistics (ONS) data.

#### Waste Transfer Stations

- 13.9 This development is within the catchment area of the Eastern Transfer Station. The Eastern transfer Station has insufficient spare capacity to cope with demand and also causes significant impact on queuing on the road network. In order to ensure the impact of additional growth in the area is mitigated, work is needed to increase provision at this transfer station, therefore a contribution is required in order to provide additional provision.
- 13.10 The cost per person rate arising from this project is £43.92 per person. Based on ONS data, of 2.4 persons per dwelling, this development of units is likely to generate 840 new residents (350 units x 2.4 persons per dwelling). Therefore, the waste transfer station contribution arising from this development is £36,897 (840 x £43.92 per person).
- 13.11 The financial contribution of **£36,897** (index linked to 3Q2022 – BCIS All in TPI) is required towards the **new Eastern Transfer Station and/or provision serving the development**. This project is required in order to accommodate the additional residents arising from new developments in the area, including this site.
- 13.12 £1,932.00 of s106 funding has been secured, but not collected, towards this project.

#### **14.0 Monitoring Fees**

- 14.1 Once the S106 legal agreement is signed, and the development starts to build, the county council incurs costs associated with managing and monitoring the agreement. The county council considers that it should reasonably be able to recover a degree of the costs incurred as part of this process.
- 14.2 It is the aim of the county council to provide as transparent, efficient and cost-effective service as possible within the resources available. Costs may include:
- The maintenance and development of its planning obligations monitoring system (via an integrated database), to help co-ordinate obligation preparation, completion, monitoring and review;
  - Monitoring of trigger points and development progress;
  - Pre-emptive alerts for obligations that are or are to become overdue;
  - Recovery of obligation payments not made, including any necessary formal or legal action;
  - Liaison between the county council and district/borough councils, where infrastructure and facilities are provided by one level of authority but the financial contribution is held by the other;
  - Providing reports on the operation and outcome of county council developer contributions.
- 14.3 A charge for undertaking this work would be made based on the number of triggers within each legal agreement. Each distinct trigger point will attract a charge of **£340**. For example:
- a) a total of four obligations all due on commencement of development would require a total monitoring fee of £340 as the work associated with monitoring that trigger can be combined into one process;
  - b) a total of four obligations due at different stages of development (e.g. prior to commencement of development, on occupation of the 50<sup>th</sup> dwelling, on occupation of the 100<sup>th</sup> dwelling and on occupation of the 150<sup>th</sup> dwelling) would require a total monitoring fee of £1,360 (4 x £340) as the work associated with monitoring each different trigger will be replicated four times in the process
- 14.4 The figure of £340 per distinct trigger point is based on 8 hours for a Monitoring Officer and 4 hours for a Senior Planning Officer per trigger.
- 14.5 Monitoring fees will be adjusted for inflation against Retail Price Index (RPI) of July 2021. Given that the county council starts to incur costs associated with managing and monitoring the legal agreement from the point it is signed, all monitoring fees will need to be paid prior to commencement of development.
- 14.6 Further information on monitoring fees is available in section 5.5 of the Guide (**Appendix A**).

## 15.0 Fire Hydrants

- 15.1 The county council, in its capacity as the Fire and Rescue Authority (FRA), has statutory duties under The Fire and Rescue Services 2004 and must make provisions for:
- extinguishing fires in their area
  - protecting life and property in the event of fires in their area
  - rescuing and protecting people in the event of a road traffic collision, and
  - rescuing and protecting people in the event of other emergencies.
- 15.2 The capability and availability of water resources to fight fires is a key consideration for the Service. 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 a planning condition. 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.
- 15.3 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.
- 15.4 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).
- 15.5 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') and developers are expected to make provision for fire hydrants to adequately protect a development site for fire-fighting purposes.
- 15.6 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.

- 15.7 Fire hydrants should be designed into the development at the masterplanning stage and implemented through a planning condition. The following condition wording should be used:

*No above ground works shall take place until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been implemented in accordance with the approved details.*

*Reason for condition: to ensure adequate water infrastructure provision is made on site for the local fire service to discharge its statutory firefighting duties.*

- 15.8 Further information on fire hydrants is available in the technical appendix to the Guide, *Technical Appendix 8: Fire and Rescue Service (Appendix V)*.

## **16.0 Audit Trails and Monitoring**

- 16.1 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 Section 106 matters both internally to Members and service departments and externally to District/Borough Councils three times a year, and to developers and members of the public yearly via the Infrastructure Funding Statement. HCC related Section 106 matters and processes are also regularly audited and, if necessary, recommendations are made to senior officers to ensure improvements can be made where possible.
- 16.2 When Section 106 funding is received, each contribution is allocated an individual reference enabling each one to be individually managed, monitored and reported on.
- 16.3 Before Section 106 funding can be spent by a service provider, a request needs to be submitted setting out amongst other details, the Section 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 Section 106 deed and the requirements of Section 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.

## 17.0 Summary and Conclusions

17.1 HCC is seeking the financial contributions set out in this Statement, together with fire hydrant provision to be secured through a planning condition, to mitigate the impact of this proposed development.

17.2 It is considered that these requirements meet the tests set out within Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended 2019) and paragraph 57 of the NPPF. 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 (see Section 2). The provision of community facilities is a matter that is relevant to planning.

The development plan background supports provision of planning contributions, through under East Hertfordshire District Plan policies CFLR7 Community Facilities, which states that ‘The provision of adequate and appropriately located community facilities will be sought in conjunction with new development’ and ‘Developers will be expected 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’; CFLR10 Education, which states that ‘Development that creates a potential increase in demand for education will be required to make appropriate provision for new facilities either on-site or by making a suitable contribution towards the improvement or expansion of nearby existing facilities. Applicants will be expected to work in partnership with Hertfordshire County Council and other neighbouring local authorities with a duty for ensuring that there are sufficient school places available to serve new housing developments, to ensure appropriate facilities are provided’; DEL1 Infrastructure and Service Delivery, which states that ‘The District Council will work in partnership with providers of infrastructure and services to facilitate the timely provision of infrastructure necessary to support sustainable development’; and and DEL2 Planning Obligations, which 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’, of the East Herts District Plan 2018.

The HCC Guide (**Appendix A**) and its technical appendices covers the requirement for development to provide for its infrastructure consequences in terms of specific

county council service and infrastructure requirements. The approach to seeking contributions as set out within the Guide is consistent, fair and transparent, providing certainty to all involved in the process.

As set out in this Statement the county council have analysed the existing capacity of the various service requirements and notes that there is insufficient spare capacity to mitigate the impact of this development. Therefore, the contributions sought will ensure that additional impacts arising from this development are able to be mitigated and the contributions are therefore ***necessary to make the development acceptable in planning terms.***

- Directly related to the development:–

As set out in detail in this Statement the contributions will only be used towards services and facilities which are in the locality of, and therefore mitigating, the proposed development. These mitigation projects are therefore ***directly related 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.

- Fairly and reasonably related in scale and kind to the development:–

The financial contributions sought to mitigate this development have been calculated using the Hertfordshire Demographic Model. These are based on the specific size, type and tenure of each individual dwelling or unit within the indicative development mix. The calculation of need is therefore based on a robust and up to date methodology, which allows the proportionate impact of the specific development to be calculated. Therefore, the level of contributions sought from this development is ***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.

**Ends (18 June 2024)**