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

6 September 2023

Respond to: growth@hertfordshire.gov.uk

Dear Planning Officer

**Response by HCC’s Growth & Infrastructure Unit to 3/23/1447/OUT
 Land East Of The A10 Buntingford Hertfordshire**

I am writing in respect of planning obligations sought towards non-transport services to minimise the impact of development on Hertfordshire County Council Services for the local community. Based on the information to date for the development of **350 dwellings** we would seek financial contributions towards the following projects:

HOUSES		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1		
2	79	10
3	125	21
4+	54	4
Total	258	35

FLATS		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	0	19
2	10	28
3		
4+		
Total	10	47

Trajectory						
Year	2025	2026	2027	2028	2029	2030
Units	100	100	100	50		

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

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)

Youth Service towards the delivery of a new centre in Buntingford and/or provision serving the development (£89,967 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.

The CIL Regulations discourage the use of formulae to calculate contributions however, the County Council is not able to adopt a CIL charge itself. Accordingly, in areas where a CIL charge has not been introduced to date, planning obligations in

their restricted form are the only route to address the impact of a development. In instances where a development is not large enough to require on site provision but is large enough to generate an impact on a particular service, an evidenced mechanism is needed to form the basis of any planning obligation sought. HCC views the calculations and figures set out within the Guide to Developer Infrastructure Contributions as an appropriate methodology for the obligations sought in this instance.

The county council methodology provides the certainty of identified contribution figures based on either a known or estimated dwelling mix, the latter of which might be agreed with the local planning authority based on expected types and tenures set out as part of the local plan evidence base. This ensures the contributions are appropriate to the development and thereby meet the third test of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (amended 2019): “fairly and reasonably relates in scale and kind to the development”.

OUTLINE ONLY: Outline applications will require the ability for an applicant to recalculate contributions at the point of a reserved matters application and as such a calculation Table will be provided as part of the S106 drafting process. This approach provides the certainty of identified contribution figures with the flexibility for an applicant/developer to amend the dwelling mix at a later stage and the financial contribution to be calculated accordingly.

Please note that current service information for the local area may change over time and projects to improve capacity may evolve. This may potentially mean a contribution towards other services could be required at the time any application is received in respect of this site.

Justification

The above figures have been calculated using the amounts and approach set out within the Guide to Developer Infrastructure Contributions (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet 12 July 2021 and is available via the following link: [Planning obligations and developer infrastructure contributions | Hertfordshire County Council](#)

In respect of Regulation 122 of the CIL Regulations 2010 (amended 2019), the planning obligations sought from this proposal are:

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

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states “Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.” Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development. The NPPG states “No payment of money or other consideration can be positively required when granting planning permission.” The development plan background supports the provision of planning contributions. The provision of community facilities is a matter that is relevant to planning. The

contributions sought will ensure that additional needs brought on by the development are met.

(ii) Directly related to the development.

The occupiers of new residential developments will have an additional impact upon local services. The financial contributions sought towards the above services are based on the size, type and tenure of the individual dwellings comprising this development following consultation with the Service providers and will only be used towards services and facilities serving the locality of the proposed development and therefore, for the benefit of the development's occupants.

(iii) Fairly and reasonably related in scale and kind to the development.

The above financial contributions have been calculated according to the size, type and tenure of each individual dwelling comprising the proposed development (based on the person yield).

PLEASE NOTE THE FOLLOWING:

Consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, who may request the provision of fire hydrants through a planning condition.

I would be grateful if you would keep me informed about the progress of this application so that either instruction for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested financial contributions and provisions. Should you require any further information please contact the Growth & Infrastructure Unit.

Yours faithfully

Charlie Thompson
Senior Planning Officer