

**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 Properties (UK) Limited and Landowners under S78 of the Town and Country Planning Act 1990 (as amended) against the decision of Broxbourne Borough Council to refuse planning permission in respect of the Full planning application for erection of 58 dwellings (12no. 2 bed 14no. 3 bed 22no. 4 bed 5no. 5 bed and 5No.1 bed) with associated infrastructure.

Fairmead, 90 Cuffley Hill, Goffs Oak, Hertfordshire, EN7 5EX

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On behalf of Hertfordshire County Council (non-highways) services

05/08/2022

Appeal Ref: **APP/W1905/W/22/3300254**

LPA Ref: **07/19/0200/F**

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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 Fairmead, 90 Cuffley Hill, Goffs Oak, Hertfordshire, EN7 5EX (planning application reference number 07/19/0200/F).
- 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 58 dwellings, financial contributions are sought towards education, waste, library, fire & rescue and youth services.
- 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 INF11, INF12, and PO1 of the Broxbourne Local Plan (2018-2033).
- 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.
- 1.5 A summary of the developer contributions sought are as follows:

Service	Amount	Project
Fire and rescue	£21,200	New provision at Brookfield Garden Village
Libraries	£6,484	Increasing capacity of Royston Library (or its future re-provision)
Primary education	£592,206	Expansion of Woodside Academy by 1FE
SEND education	£70,644	New Severe Learning Difficulty school in the east of the county
Waste	£9,216	New recycling centre at Brookfield Garden Village
Youth	£14,138	Increasing capacity of the Waltham Cross Young People's Centre (or its future re-provision)

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 July 2021. 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 is currently required under policy PO1 of the Broxbourne Local Plan (2018-2033) which states that:

'Planning obligations will be sought by the Council to deliver sustainable development. This may include (but is not limited to) measures to mitigate the impacts of development and to meet the costs of associated infrastructure. It may also include other measures to make a development acceptable in planning terms, where possible, appropriate, and financially viable, in accordance with the Community Infrastructure Levy Regulations'

and policy INF12 which states that:

'Residential development which generates need for educational facilities must make appropriate provision for such facilities either on-site, or by making a contribution towards new facilities or the improvement or expansion of the relevant existing facilities.'

- 2.12 The proposed project for mitigating the effect of development on primary education (the expansion of Woodside Academy) is supported under policy INF11 which states that:

'Woodside Primary School will be expanded to the east to provide additional capacity in Goffs Oak. In other locations additional primary school capacity may be provided at existing schools where there is identified expansion potential'

Background to County Council policy

- 2.12 The county council is responsible for ensuring the provision of a range of services. For many years the county council has sought financial contributions and/or facilities from developments towards the provision of services across Hertfordshire, where not

covered by a CIL charge. Until summer 2007, saved structure plan policy was used to justify seeking planning obligations, together with local plan policies and other planning policies where appropriate. Given the changes to the planning system at that time, and in an effort to clarify and simplify the county council's requirements, the county council produced guidance for developers and local planning authorities on the subject of planning obligations which could be used to support and inform existing local development plan policies and to assist in the provision of planning obligations related supplementary planning documents. This guidance was the *Planning Obligations Guidance – Toolkit for Hertfordshire*, published in January 2008 (“the Toolkit”) (**Appendix A**).

- 2.13 The production of the Toolkit reflected the advice which was provided at paragraphs B25-30 of Circular 5/05 “Planning Obligations”, which among other things required all tiers of government with legitimate land-use planning interests to be involved at an appropriate level and in a focused way in providing an evidence base and setting planning obligation policies.
- 2.14 When the planning application for this development (07/19/0200/F) was presented to the Broxbourne Borough Council Planning and Regulatory Committee on 25 January 2022 it included the following county council requirements, set out in paragraph 8.1 of the Committee report (**Appendix B**):
- Primary Education – £144,140 towards the expansion of Woodside Primary School
 - Library Service – £10,839 towards Goffs Oak Library (index linked to PUBSEC 175)
 - Youth Service – £3,122 towards Waltham Cross Young People’s Centre (index linked to PUBSEC 175)
- 2.15 HCC had provided a different set of contributions in April 2019 towards the same services and projects based on the original proposed development mix (**Appendix C1**). However, Broxbourne Borough Council subsequently reconsulted HCC as the applicant had decided to vary the development mix. HCC therefore responded in March 2020 requesting the above contributions (**Appendix C2**). These contributions superseded the April 2019 response. Broxbourne Borough Council again reconsulted HCC in August 2021 and HCC subsequently confirmed the contributions requested in March 2020 remained valid (**Appendix C3**).
- 2.16 However, since the county council responded to the application and it was determined by Broxbourne Borough Council Planning and Regulatory Committee on 25 January 2022 HCC has now adopted new guidance, known as the *Hertfordshire County Council Guide to Developer Infrastructure Contributions* (“the Guide”) (**Appendix D**). The development mix has also changed, requiring a reconsideration of the requested

developer contributions. This is important as the mix has changed to exclude a previously considered flatted element, which yields fewer pupils and service users.

- 2.17 Following changes brought about by the introduced of the Community Infrastructure Level (CIL) Regulations 2010, it was deemed necessary to update the county council's Toolkit. Updated guidance was also required to reflect changes to the county council's service delivery, the increased costs of delivering infrastructure and to provide a multi-service position statement for developers and local planning authority partners.
- 2.18 The Guide was therefore developed to replace the previous Toolkit. 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 approved by Hertfordshire County Council Cabinet on 12th July 2021 (**Appendix E**). The Guide was subsequently adopted for use on 19th July 2021.
- 2.19 The Guide provides a Hertfordshire overview of obligations which may be sought as part of the planning process in order 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.
- 2.20 The Guide provides updated costs and services for which contributions are now sought. This include additional service requirements, for SEND, Waste, Fire & Rescue Services, and Monitoring, not previously sought when the application was originally responded to (on March 2020) and was determined at committee. The contributions set out in the Guide reflect the cost of increasing services to mitigate the additional demand from proposed developments.
- 2.21 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.
- 2.22 This Statement therefore sets out the current HCC position in terms of contributions required from the development, which 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 updated and current HCC guidance, as set out in this Statement.

Triggers

- 2.23 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

- 2.24 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 1Q2020 based on the Building Cost Information Service (BCIS) All in TPI indices, apart from the county council waste provision requirements (which are 3Q2020 BCIS All in TPI) and monitoring fees (which are based on costs as of July 2021, based on the Retail Price Index (RPI) indices).
- 2.25 Indexation should be applied from the date at which the costs are set (1Q2020 for non-monitoring fee contributions and July 2021 for the county council monitoring fees) 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 1Q2020 (or 3Q2020 for the waste provision requirements or July 2021 for the county council monitoring fees), 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.

Legal Agreement

- 2.26 HCC has not seen a draft Section 106 legal agreement for the above proposed developed. As a result of the requirements of CIL Regulation 122, the county council does not encourage the submission of S106 unilateral undertakings which it has not had an opportunity to comment on.

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 D**) 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 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 8 of the Department for Education (DfE) Guidance (*Securing developer contributions for education*, November 2019, **Appendix H**):

"Pupil yield factors should be based on up-to-date evidence from recent local housing developments, so you can forecast 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 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 primary education have been rounded to the nearest two decimal places.
- 3.8 As such, the level of contributions, for primary education, secondary 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 primary education section below. This difference is not statistically significant.
- 3.9 Figures generated by the Model should be taken as the agreed value of contributions sought by the county council, with the tables in the primary education provision sections being for demonstrative purposes only.
- 3.10 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.
- 3.11 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.
- 3.12 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**.

3.13 The populace projections set out within this Statement for each service are based on the mix of units set out in **Table 1** below:

TABLE 1: Development mix for Fairmead, 90 Cuffley Hill, Goffs Oak, Hertfordshire, EN7 5EX (07/19/0200/F):

HOUSES		
Number of bedrooms	Market & Shared Ownership	Affordable Rent & Social rent
1		
2		14
3	5	4
4+	35	
Total	40	18

FLATS		
Number of bedrooms	Market & Shared Ownership	Affordable Rent & Social rent
1		
2		
3		
4+		
Total		

4.0

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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; primary education provision, secondary 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 to 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 In order to determine whether or not education contributions are required, the county council firstly calculates the number of pupils arising from the development and then 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 In order to calculate the number of pupils arising from developments, the County Council uses the Hertfordshire Demographic Model. The Model projects the average number of children likely to emerge from different types, sizes and tenures of dwellings over time.
- 4.6 Once the pupil yield has been calculated, current information on the school capacity is then used to determine if there is sufficient space to accommodate the children arising from the development. The school capacity is considered at the point that the development starts to yield children rather than any earlier date in time when dwellings will not have been built or occupied. For primary education provision consideration is given to the school capacity over the next four years, as birth information is not known further into the future.
- 4.7 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 actual up to date data of 0 to 4 years olds living in an area as well historic migration patterns. The forecasts may also take account of an element of known new housing developments which are proposed nearby.
- 4.8 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).
- 4.9 If there is a lack of 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.

- 4.10 When considering the cost of new education provision, and the level of contributions which should be sought, HCC applies the DfE scorecard costs. The rationale for this is the DfE guidance (*Securing developer contributions for education*, November 2019, **Appendix H**) which is 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 15 of *Securing developer contributions for education*, November 2019):

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

- 4.11 The current DfE Scorecard costs, for primary and secondary education provision, can be found in **Appendix I**.
- 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 seven years or more at the primary phase and five years or more at the secondary phase. Temporary per-place costs will be sought for places which would be required for less than seven years at primary, or less than five years at secondary. 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 J**).
- 4.14 It is important to note that the approach highlighted above (using the Model to calculate the pupil yield arising from the development and then applying that yield to the DfE scorecard costs) 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 Y**):

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

5.0 Primary Education Provision

- 5.1 Primary education services are assessed on the basis of primary education planning areas. The development at Fairmead, 90 Cuffley Hill, Goffs Oak, Hertfordshire, EN7 5EX falls within the pupil planning area *10.6 Goffs Oak/Ridgeway South* (**Appendix K**), with families living in Goffs Oak and Cuffley predominantly looking to Goffs Oak for primary education provision.
- 5.2 As can be seen in the forecast (**Table 2**), there is currently a close match between primary places available and demand within the Goffs Oak/Ridgeway South primary planning area, with only a small amount of surplus capacity forecast in some years.

TABLE 2: Pupil Planning Area 10.6 – Goffs Oak/Ridgeway South 2021/22 forecast data

10.6 Goffs Oak Ridgeway South		Places Available 2021-22	Actuals			Forecast				
School Code	School Name		2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
2263	Goffs Oak Primary & Nursery School	30	31	31	30					
2401	Woodside Primary School	30	28	26	27					
5205	Cuffley School	60	60	56	57					
5209	Northaw Church of England Primary School	15	15	15	11					
Total Year R Pupil Demand			134	128	125	129	129	115	111	118
Total Year R Places Available		135				135	135	135	135	135
Surplus or Shortage of Year R Places (No.)						6	6	20	24	17
Surplus or Shortage of Year R Places (%)						4.4%	4.4%	14.8%	17.8%	12.6%
Surplus or Shortage of Year R Places (FE)						0.2	0.2	0.7	0.8	0.6

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

- 5.3 However, not all the capacity in the table above can be relied on to mitigate the effect of growth in the primary planning area. There is a relationship between Cuffley, Goffs Oak, and Flamsted End and Cheshunt where pupils in the eastern areas seek places to the west. As distance is typically a high priority in school's admissions

arrangements, expected growth in Cuffley and Goffs Oak will push pupils back into schools in Goffs Oak; as new communities in Cuffley will be closer to the school. Therefore extra capacity is required in Goffs Oak in particular to ensure that local children, including those yielded by this development, can access a place in Goffs Oak. Currently approximately 50% (1FE) of the pupils attending Cuffley Primary School are those who live closest to it, whilst the remaining 50% do not live closest to it and may therefore be pushed back by anticipated development in Cuffley.

- 5.4 Given the levels of new housing growth proposed in and around Goffs Oak and Cuffley it is anticipated that additional primary education capacity will therefore be required in the future in order to mitigate the additional demand being created.
- 5.5 Furthermore, as outlined in paragraph 4.7 above, the primary forecasts are based on actual children and therefore only project four years into the future. Therefore, they only take account of an assumed pupil yield arising from new housing anticipated to be approved and built and occupied within the forecast timeframe. As a result, they do not capture in full the significant scale of proposed or planned housing growth beyond this period or the anticipated pupil demand from it.
- 5.6 As a result of the level of development proposed in the area the primary education project which will mitigate this impact is an expansion at 1FE Woodside Primary School, as stated in policy INF11 of the Broxbourne Local Plan.
- 5.7 This mitigation project was reflected in the county councils responses to this planning application (in April 2019, **Appendix C1**; in March 2020, **Appendix C2**; and in August 2021, **Appendix C3**) in which HCC noted that primary education mitigated of this development would be through a 1FE expansion at Woodside Primary School.
- 5.8 Therefore, proportional financial contributions towards primary education mitigation are sought, from new residential developments in the area, including this site, towards the 1FE expansion at Woodside Primary School.
- 5.9 For mainstream primary education provision, based on the development mix in paragraph 3.13 above, the Model has projected that this development will generate a peak of 37.92 primary-aged children, resulting in a peak of 0.18 forms of entry (FE).
- 5.10 Based on the DfE scorecard costs (**Appendix I**), the permanent cost per place for a expanded primary school is £17,268 of which 31.02 places are charged at this rate. Based on the DfE scorecard costs, the temporary rate is £8,196 of which 6.90 places are charged at this rate. Note that as set out in paragraphs 3.7 – 3.9, for accessibility and demonstrative purposes, the number of children has been rounded to the nearest two decimal places whilst the Model uses unrounded data.

5.11 For compulsory primary education provision a financial contribution of £592,206 would be sought. **Table 3** provides an indication of how this contribution has been calculated. The minimal difference in the contribution set out in **Table 3** 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 3.7 – 3.9. To confirm the contribution of £592,206 is sought by the county council.

Table 3: Permanent and temporary charging rate and number of places charged for mainstream Primary education contributions (excluding nursery contributions):

	Number of Places	Charge Rate	Contributions Sought
	31.02	£ 17,268	£535,653.36
	6.90	£ 8,196	£56,552.40
Total	37.92		£592,205.76

5.12 The mainstream primary education contributions total **£592,206** index linked to BCIS All in TPI Q1 2020.

5.13 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 will therefore be able to be delivered.

5.14 Woodside Academy is an academy school part of the Ivy Learning Trust, which provides overall governance for schools included within the trust. As an academy the Trust is responsible for its own admissions arrangements and whether to accept expansion proposals. However, HCC has previously had discussions with the Trust and Head, and they had been supportive of the proposed expansion.

5.15 As set out in paragraph 2.23, 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 primary education contributions arising from this development are reasonable and justifiable:

- 50% of the primary education contribution prior to commencement of development
- 50% of the primary education contribution prior to occupation of 29 dwellings

5.16 Primary education contributions, towards this project, were requested in the original responses to the planning application (**Appendices C1-C3**). Further information on

the assessment of primary education contributions is available in the technical appendix to the Guide, *Technical appendix 3: Education (Mainstream Schools)* (**Appendix J**).

6.0 Special Educational Needs and Disabilities Provision

- 6.1 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.
- 6.2 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.
- 6.3 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.
- 6.4 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.
- 6.5 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 M**).
- 6.6 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.

- 6.7 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.
- 6.8 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.
- 6.9 In paragraphs 10 – 13 of the DfE guidance (*Securing Developer Contributions for Education*, April 2019, **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.
- 6.10 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 £565 per house and £168 per flat. For SEND secondary provision this is £653 per dwelling and £58 per flat.
- 6.11 Therefore, based on the development mix set out at paragraph 3.13 above the total contributions sought for SEND provision are **£30,136**. 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):

SEND Primary			
	Cost Per Dwelling	No. Dwellings	Contributions Sought
Houses	£ 565	58	£32,770.00
Flats	£ 168	0	£ 0.00
		Total	£32,770.00

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

SEND Secondary			
	Cost Per Dwelling	No. Dwellings	Contributions Sought
Houses	£ 653	58	£37,874.00

Flats	£ 58	0	£ 0.00
		Total	£37,874.00

- 6.12 The total SEND contribution of **£70,644** (index linked to 1Q2020 – 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.
- 6.13 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.
- 6.14 As set out in paragraph 2.23, 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 deliver. 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
- 6.15 SEND contributions are a new requirement arising from the Guide and therefore were not requested in the original responses to the planning application (**Appendices C1-C3**). 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 N**).

7.0 Youth Provision

- 7.1 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.”

- 7.2 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 19 and up to 25 for identified vulnerable young adults including those with learning disabilities.

- 7.3 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.
- 7.4 Growth in the number of young people aged 11 to 19 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.
- 7.5 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.
- 7.6 Based on the illustrative mix set out at paragraph 3.13 above the Model estimates that 24.13 additional young people are likely to reside in this development requiring youth service provision.
- 7.7 In the consultation responses to this application (**Appendices C1-C3**) HCC stated that contributions from this proposal would be used at the Waltham Cross Young People's Centre, which is the closest young people's centre to this development. Waltham Cross Young People's Centre is a busy and vibrant centre which is already used by significant numbers of young people in the area. The additional young people arising from this development, and others in the area, will require provision. Contributions are therefore justified in order to fund additional provision.

- 7.8 HCC Services for Young People (SfYP) are looking to expand the offering at Waltham Cross Young People's Centre and have a number of projects planned in order to enable this. These include increasing the indoor group work space, creating an outdoor group work space, increasing the size of the music studio, creating an outdoor gym, and refurbishing the youth lounge, arts and crafts space, and sports hall.
- 7.9 Therefore, financial contributions from this proposal, and others in the area, would be used towards developing the outdoor group work space, which will allow a greater number of young people access to this important facility. The mitigation project of Waltham Cross Young People's Centre (or its future re-provision) is not the same project as set out within the county councils response to the planning application (**Appendix C**). In 2019 HCC requested that funding be allocated towards the indoor group work space, however, SfYP now expect that this element will be delivered through HCC capital funding and the remaining elements through developer contributions.
- 7.10 As set out in the Guide, the financial contribution towards the mitigation of youth services is based on the need to increase capacity (on the basis of £586 per person) multiplied by the number of additional young people (9 additional young people arising from this development, as calculated by the Model). This is a total contribution of **£14,138** (£586 x 24.13).
- 7.11 The financial contribution of **£14,138** (index linked to 1Q2020 – BCIS All in TPI) is required towards **increasing capacity of the Waltham Cross Young People's Centre (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.
- 7.12 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.
- 7.13 As set out in paragraph 2.23, 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 deliver. 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
- 7.14 Youth contributions, towards a different project at Waltham Cross Young People's Centre, were requested in the original response to the planning application (**Appendices C1-C3**). The reasons for this change are set out in paragraph 10.9. Further information on the assessment of youth service contributions is available in the

technical appendix to the Guide, *Technical Appendix 5: Youth Connections* (**Appendix P**).

8.0 Library Provision

- 8.1 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 R**).
- 8.2 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.
- 8.3 The recent publication *Libraries and the cost of living crisis* (June 2022, **Appendix S**) 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.
- 8.4 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.

- 8.5 Goffs Oak Library is the library serving this development. Goffs Oak Library is a local library which is supported by volunteers and the community. It is located in a fit for purpose building, but the Libraries service would like to better use and increase the capacity of the existing the existing space by removing the large enquiry desk and reconfiguring the layout.
- 8.6 A financial contribution is therefore required in order to mitigate the additional cumulative demand on library services from the new development in the area. Any funding from this proposal would be used to install a smaller enquiry desk, add flexible shelving, and reconfigure the space. 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 Goffs Oak Library is the same project as set out within the county councils response to the planning application (**Appendices C1-C3**).
- 8.7 As set out in the Guide, the financial contribution towards the mitigation of library services is based on the need to increase resources (on the basis of £38.85 per person) multiplied by the number of additional people (166.90 additional people arising from this development, as calculated by the Model). This is a total contribution of **£6,484** (£38.85 x 166.90).
- 8.8 The financial contribution of **£6,484** (index linked to 1Q2020 – BCIS All in TPI) is required towards **increasing capacity of Royston 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.
- 8.9 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.
- 8.10 As set out in paragraph 2.23, 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 deliver. 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
- 8.11 Library contributions, towards this project, were requested in the original response to the planning application (**Appendix C**). Further information on the assessment of library contributions is available in the technical appendix to the Guide, *Technical Appendix 6: Libraries (Appendix Q)*.

9.0 Waste Provision

- 9.1 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.
- 9.2 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.
- 9.3 Hertfordshire County Council currently manages a network of 17 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.
- 9.4 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.
- 9.5 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 centre 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 recycling centre.
- 9.6 Given that the geographical catchments for the Hertfordshire recycling centres vary, there will be a different project cost for each facility and project. Costs per project are calculated based on the individual catchment areas. The cost of the project is 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 is multiplied against the number of new residents arising from the individual development based on the Office for National Statistics (ONS) data.

- 9.7 This development is within the catchment area of Turnford Turnford does not have sufficient capacity to accommodate the additional, cumulative, growth proposed for the area, which includes this development. Turnford is listed as highly unsuitable in HCC's Local Authority Collected Waste Spatial Strategy Recycling Centre Annex and is already over its stated capacity in summer (**Appendix L**). HCC is therefore seeking the provision of a new recycling centre at Brookfield Garden Village Therefore, a contribution is required in order to provide additional capacity.
- 9.8 The cost per person rate arising from this project is £65.9 per person. Based on ONS data, of 2.41 persons per dwelling, this development of 58 units is likely to generate 139.78 new residents (50 units x 2.41 persons per dwelling). Therefore, the waste management contribution arising from this development is £9,216.2 (139.78 x £65.9 per person).
- 9.9 The financial contribution of **£9,216** (index linked to 3Q2020 – BCIS All in TPI) is required towards **the new recycling centre at Brookfield Garden Village**. This project is required in order to accommodate the additional residents arising from new developments in the area, including this site.
- 9.10 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.
- 9.11 As set out in paragraph 2.23, 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 deliver. On this basis, the county council therefore considers that the following triggers for payment of the waste contributions arising from this development are reasonable and justifiable:
- 100% of the waste contribution prior to commencement of development
- 9.12 Waste contributions are a new requirement arising from the Guide and therefore were not requested in the original response to the planning application (**Appendices C1-C3**). Further information on the assessment of waste contributions is available in the technical appendix to the Guide, *Technical Appendix 7: Waste Management (Appendix R)*.

10.0 Fire and Rescue Services Provision

- 10.1 The County Council, in its capacity as the Fire and Rescue Authority (FRA), has statutory duties under The Fire and Rescue Services Act 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.
- 10.2 The Fire and Rescue Services Act 2004 imposes a requirement on FRAs to ensure efficient and effective fire and rescue provision, and to ensure that the Service contributes effectively to the wider community safety agenda.
- 10.3 Increases in population place additional demand on fire and rescue resources, both in terms of the need for additional capital investment in new facilities and funding for additional equipment, and on revenue budgets for firefighters, officers and support staff. It is therefore reasonable for fire and rescue service needs to be considered by local planning authorities when determining planning applications relating to the provision of new development which brings forward an increased risk of incidents; changes the risk profile for the area and increases attendance times to incidents.
- 10.4 The provision of effective fire and rescue services is dependent upon maintaining both a local and strategic approach. The value of the financial contribution required to mitigate the impact of development on fire and rescue resources will, therefore, need to take account of both these factors.
- 10.5 Based on relevant evidence, the County Council has calculated that the capital cost of providing new additional fire stations, additional capacity, appliances and equipment is **£365.32 per new residential unit**.
- 10.6 Hertfordshire Fire & Rescue Service (HFRS) models service provision on 10-minute response times, as detailed in their Integrated Risk Management Plan 2019-2023 (**Appendix V**). This ensures that a fire engine is able to arrive at a new development within 10 minutes and there is sufficient capacity at that fire station.
- 10.7 This development currently lies within the 10-minute Response Time Isochrone Map of the proposed new fire station at Brookfield Garden Village (**Appendix W**). Existing provision does not have sufficient capacity to accommodate the additional, cumulative, growth proposed for the area, which includes this development and therefore a contribution is required from it to provide additional provision at this fire station.
- 10.8 The cost per dwelling arising from this project is £365.32 per dwelling. Therefore, the HFRS contribution arising from this development is **£21,200** (58 units x £365.32 per dwelling).
- 10.9 The financial contribution of **£21,200** (index linked to 1Q2020 – BCIS All in TPI) is required towards **the new provision at Brookfield Garden Village**. This project is

required in order to accommodate the additional dwellings arising from new developments in the area, including this site.

- 10.10 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.
- 13.11 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 deliver. On this basis, the county council therefore considers that the following triggers for payment of the fire and rescue services contributions arising from this development are reasonable and justifiable:
- 100% of the fire and rescue services contribution prior to commencement of development
- 13.12 The fire and rescue services contributions, towards this project, were requested in the original response to the planning application (**Appendix C**). Further information on the assessment of fire and rescue services is available in the technical appendix to the Guide, *Technical Appendix 8: Fire and Rescue Service (Appendix X)*.

13.0 Monitoring Fees

- 13.1 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.
- 13.2 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.

- 13.3 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 50th dwelling, on occupation of the 100th dwelling and on occupation of the 150th 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
- 13.4 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.
- 13.5 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.
- 13.6 Monitoring fees are a new requirement arising from the Guide and therefore were not requested in the original response to the planning application (**Appendix C**). Further information on monitoring fees is available in section 5.5 of the Guide (**Appendix D**).

14.0 Fire Hydrants

- 14.1 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.
- 14.2 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.

- 14.3 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.
- 14.4 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).
- 14.5 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.
- 14.6 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.
- 14.7 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.

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

15.0 Audit Trails and Monitoring

- 15.1 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.
- 15.2 When Section 106 funding is received, each contribution is allocated an individual reference enabling each one to be individually managed, monitored and reported on.
- 15.3 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.

16.0 Summary and Conclusions

- 16.1 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.
- 16.2 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 PO1 of the Broxbourne Local Plan (2018-2033) which states that *‘Planning obligations will be sought by the Council to deliver sustainable development. This may include (but is not limited to) measures to mitigate the impacts of development and to meet the costs of associated infrastructure. It may also include other measures to make a development acceptable in planning terms, where possible, appropriate, and financially viable, in accordance with the Community Infrastructure Levy Regulations.’*

The HCC Guide (**Appendix D**) 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 are based on the likely population arising from it. This has been calculated using the Hertfordshire Demographic Model which allows the specific yield and population for each service to be calculated based on the specific size, type and tenure of each individual dwelling or unit. The calculation of need is 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 are ***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 (05 August 2022)