

24 October 2006

Our Ref. IG/Council/2.11.06
Your Ref.
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To: The Chairman and Members of North Hertfordshire District Council

You are invited to attend a

MEETING OF THE COUNCIL

to be held in the

**COUNCIL CHAMBER, COUNCIL OFFICES, GERON ROAD,
LETCWORTH GARDEN CITY SG6 3JF**

on

THURSDAY, 2 NOVEMBER 2006

at

7.30 p.m.

Yours sincerely,



David Miley
Democratic Services Manager

AGENDA
PART I

| ITEM | PAGE |
|---|-------------|
| 1. APOLOGIES FOR ABSENCE | - |
| 2. MINUTES To take as read and approve as true records the Minutes of the extraordinary and scheduled meetings of the Council held on 21 September 2006. | - |
| 3. NOTIFICATION OF OTHER BUSINESS Members should notify the Chairman of other business which they wish to be discussed by the Council at the end of the business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chairman will decide whether the item(s) raised will be considered. | - |
| 4. DECLARATIONS OF INTEREST To receive from Members of the Council any declarations of interest in respect of any business set out in the agenda. Members should either declare a prejudicial or personal interest and are required to notify the Chairman of the nature of any interest declared. Members declaring a prejudicial interest should leave the Council Chamber and not seek to influence the decision on that particular item of business. | - |
| 5. CHAIRMAN'S ANNOUNCEMENTS | - |
| 6. PUBLIC PARTICIPATION To receive petitions, comments and questions from members of the public. | - |
| 7. INTERIM REPORT ON THE AUTHORITY'S CONTRIBUTION TO CLIMATE CHANGE AND CONSIDERATION OF SIGNING UP TO THE NOTTINGHAM DECLARATION REPORT OF THE HEAD OF POLICY, PARTNERSHIPS & PERFORMANCE | 1 |
| 8. STANDARDISATION OF PUBLIC PARTICIPATION ARRANGEMENTS REPORT OF THE HEAD OF LEGAL & DEMOCRATIC SERVICES | 11 |
| 9. ITEM REFERRED FROM APPOINTMENTS BOARD – 5 OCTOBER 2006: APPOINTMENT OF INDEPENDENT VICE-CHAIRMAN OF THE STANDARDS COMMITTEE | 17 |
| 10. ITEM REFERRED FROM CABINET – 17 OCTOBER 2006: COUNCIL ACCOMMODATION STRATEGY | 19 |
| 11. ITEM REFERRED FROM CABINET – 17 OCTOBER 2006: PLANNING OBLIGATIONS – DRAFT SUPPLEMENTARY PLANNING DOCUMENT AND ASSOCIATED SUSTAINABILITY APPRAISAL AND STRATEGIC ENVIRONMENTAL ASESMENT | 27 |
| 12. QUESTIONS FROM MEMBERS | 35 |

To consider any questions submitted by Members of the Council, in accordance with Standing Order 10.4(a).

13. NOTICE OF MOTIONS

37

To consider the following motions submitted by Members of the Council, due notice of which has been given in accordance with Standing Order 11.1.

To be moved by David Billing and seconded by David Kearns:

“That Council acknowledges that public transport in North Hertfordshire is in a disastrous state of decline. There is still no integration between rail and bus timetables, access or fares, rail stations are still not accessible by physically disabled people, fares often encourage car use instead, buses are not planned for the users’ convenience, and bus routes and schedules are bizarre and constantly reducing. While this is mainly due to the continuing effects of bus de-regulation and under-investment by private rail companies, there is more that this Council can be doing.

Therefore, the Council resolves to take urgent, forceful and coherent action to explore and use all means at its disposal to improve significantly and rapidly public transport in and to/from North Hertfordshire, for example exploiting its powers related to the wellbeing of the community, and the opportunities provided by the County’s Network Review and the County’s Northern Hertfordshire Transport Plan. To this end, the Portfolio Holder for Planning and Transport should bring a focused, determined and imaginative plan, and specific proposals, to the Cabinet meeting in December 2006.”

Future meetings of the Council have been scheduled to take place on:

Thursday, 14 December 2006;
Thursday, 18 January 2006;
Thursday, 8 February 2007;
Wednesday, 28 February 2007;
Thursday, 29 March 2007

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| COUNCIL 2 NOVEMBER 2006 |
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| *PART 1 – PUBLIC DOCUMENT | AGENDA ITEM No. 7 |
|----------------------------------|--|

TITLE OF REPORT: INTERIM REPORT ON THE AUTHORITY'S CONTRIBUTION TO CLIMATE CHANGE AND CONSIDERATION OF SIGNING UP TO THE NOTTINGHAM DECLARATION

REPORT OF THE HEAD OF POLICY, PARTNERSHIPS AND PERFORMANCE

1. SUMMARY

- 1.1 This report relates to a request from Council on 21 September 2006, when a motion was put before the meeting requesting the Authority sign up to the Nottingham Declaration on Climate Change (Minute 52 (2)).
- 1.2 This interim report provides the initial background to current climate change policy and implications of signing the Declaration.
- 1.3 A further report will be made to Cabinet in December 2006 outlining the potential cost and resourcing implications of signing the Declaration.

2. FORWARD PLAN

- 2.1 This report does not contain a recommendation on a key decision and has not been included in the Forward Plan.

3. BACKGROUND

- 3.1 To combat the threat of climate change, a number of international, European and national policies exist which are aimed at reducing carbon emissions and improving energy efficiency exist.
- 3.2 The key international drivers emanate from the Kyoto Protocol of 1997. The global target requires the reduction of emissions of greenhouse gases by 5.2% over the period 2008/12, based on original 1990 emission figures. This protocol came into force in February 2005 with ratification by Russia, at which point the nations ratifying the target accounted for a minimum of 55% of the global carbon dioxide emissions.
- 3.3 In response, and to further this aim, the EU has committed to reducing European greenhouse gas emissions to 8% lower than 1990 levels by 2008/2012. However, the degree of participation by member states varies according to their established 1990 emissions figures. So whilst Germany seeks a 21% reduction, Portugal (generally less industrial, congested etc) can make a smaller contribution to the target.
- 3.4 The UK target following Kyoto is to achieve at 12.5% decrease based on 1990 levels. However, alongside this is a separate domestic target, sought by central government, to achieve a 20% decrease in emissions by 2010. The 2003 Energy White Paper set a much more aspirational target of 60% decrease on 1990 emissions by 2050.

- 3.5** the national legislative drivers for the UK are;
- The Energy White Paper 2003
 - Energy Efficiency Implementation Plan
 - Renewables Obligation
 - Planning Policy
 - Climate Change Levy
 - Home Energy Conservation Act
 - Fuel Poverty Strategy
 - Housing Act 2004
 - Building Regulations and Housing Standards.

3.6 Climate Change

3.6.1 Climate Change is generally described as human activity which interferes with the earth's own atmosphere. The entrapment of "spent" gases such as carbon dioxide within the earth's atmosphere, allowing in short wave energy from the sun, is what is known as the greenhouse effect. The net result of this gas build up and increased absorption of heat is to create a small continued rise in temperature, resulting in less contrast in seasons and an overall rise in water levels by the melting of polar ice caps etc.

3.6.2 There are a number of gases responsible, not only carbon dioxide, although this accounts for 63% of the warming effects anticipated into the next century. 24% can be attributed to Methane. The remainder is down to a mixture of other gases, all covered by the Kyoto Protocol. These are;

- carbon dioxide (CO₂)
- Methane (CH₄)
- Nitrous Oxide (N₂O)
- Hydro fluorocarbons (HFCs)
- Perfluorocarbons (PFCs)
- Sulphur Hexa fluoroxide (SF₆)

3.6.3 The main source of carbon dioxide is the burning of fossil fuels such as oil, gas and coal whilst methane arises from the decomposition of organic matter.

3.7 Nottingham Declaration: Background

3.7.1 The Nottingham Declaration is supported by DEFRA, IDEA, LGA, Environment Agency, Nottingham City Council, The Carbon Trust, UK Climate Impacts Programme and ICLE (a worldwide consortium of local governments concerned with sustainability).

3.7.2 The declaration "welcomes the opportunity for local government to lead the response at local level" including;

- helping local residents, businesses and organisations to reduce their energy costs – this will not only be by cost effective purchasing, but much more about reducing the overuse of energy unnecessarily and thus cost.
- Reducing congestion – this will be by more efficient use of commercial logistics, running transport services such as buses / trains at times directly relating to customer needs, car sharing schemes / incentives, encouraging use of cycles / walking, green transport schemes and walking buses for schools

- to adapt to the impacts of climate change – by the revision of plans to reduce CO₂ emissions in line with latest emission figures
- to improve the local environment – by the use of “green” schemes for recycling, minimising waste reduction, or exhaust emissions
- to deal with fuel poverty – fuel poverty refers by definition, to those people within the population who need to spend more than 10% of their disposable income to keep their home heated to a minimum level for comfort.

4. CONSIDERATION OF SIGNING THE NOTTINGHAM DECLARATION ON CLIMATE CHANGE

- 4.1** By signing the declaration, North Hertfordshire District Council would be committed to work with central government to deliver against the reduction of carbon dioxide by 20% by 2010, the Kyoto Protocol and UK Climate Change Programme.

There are a number of actions, such as reducing the use of fossil fuels to heat Council buildings, reducing unnecessary car journeys, using green fuels etc which would contribute to this target in the shorter term. However, the longer term impact of air travel could make prolonged carbon dioxide reduction untenable; this is particularly important for a district under threat from expansion of two local airports.

- 4.2** The declaration requires the Authority to participate in local networks to deliver change. The subscription (£3,000 pa) to Herts Environmental Forum was deprioritised by the Authority in the 2004 /05 round of budget savings. This membership, plus any additional network subscriptions would need to be reconsidered alongside overall resourcing of climate change.
- 4.3** The development of “plans with partners and communities” within 2 years of signing the declaration to positively progress causes and impacts of climate change could be undertaken in any review of key strategic documents such as the Corporate Plan, Community Strategy, Local Development Framework etc. However, since the document predominantly refers to reporting progress and publishing results widely, the publication of one climate change document would be best in order to retain clarity and transparency of the overall aim.
- 4.4** This one, climate change document could also include the authority’s commitment to reduce greenhouse gas emissions from the Authority’s own operations, another requirement of signing up to the declaration. However, this would require careful sourcing of energy, reducing its overall use, reduce travel and transport needs, waste production or disposal and the “green” purchasing of good and services; many of these factors have the potential to raise the cost of providing Council Services, since many “green” incentives are currently relatively expensive to implement at the outset, although it is hoped that increased purchasing could cause prices to fall.
- 4.5** The commitment to “assess the risk” of climate change refers to consideration of issues such as rising river levels versus building on flood plains, the potential impact of drought, extreme heat impact on residents particularly the elderly etc.
- 4.6** The commitment to “work with all sectors of the community to take the opportunity to adapt to the impacts of climate change to reduce their own greenhouse gas emissions” should be relatively straightforward to achieve, given good communications being established through publications such as Outlook, press releases, “green” fairs in town centres and rural locations.

4.7 The requirement to monitor plans and publish results could be integrated into overall performance management for the authority, including publication in the annual Performance Plan if necessary.

5. ISSUES

5.1 There is currently no single officer responsibility for climate change, since the Local Agenda 21 Officer post was relinquished almost six years ago as part of savings / growth considerations in line with priorities at that time. The budget for projects was also given up as a saving at that time, so any resourcing is starting from a nil base budget situation. Officers are currently considering the resourcing capacity across the Authority for the report to December Cabinet.

5.2 The table attached as Appendix 1 outlines the key areas for consideration by the Authority in seeking to achieve an impact on greenhouse gas targets. Heads of Service across the Council will be required to estimate the resources required to inform the report to Cabinet in December 2006.

5.3 The report to Cabinet on 19 December 2006 will therefore contain further information on:

- resourcing levels at present (across directorates)
- resourcing requirements anticipated to deliver the Nottingham Declaration
- supplementary information on how comparative authorities will seek to deliver against these targets
- the very real threat to ability to deliver reduction of CO₂ in the light of both increased air travel and increasing development pressures on the district, including airport expansion at Luton and Stansted, and additional housing.
- the legal obligations placed on the Authority under legislation such as the Home Energy Conservation Act, Energy White Paper, Building Regulations and Housing Standards etc.

5.4 The outcomes of discussion at Cabinet on 19 December 2006 will be reported to Council on 18 January 2007.

6. LEGAL IMPLICATIONS

6.1 Full consideration of legal implications will be made in readiness for the Cabinet report to be presented on 19 December 2006.

7. FINANCIAL AND RISK IMPLICATIONS

7.1 Full consideration of the financial and risk implications is underway and will be made in readiness for the Cabinet report for 19 December 2006.

8. HUMAN RESOURCE AND EQUALITIES IMPLICATIONS

8.1 Officers are estimating the current resource commitments in terms of increasing housing insulation, promoting recycling, fuel poverty initiatives etc. Once these figures are available, it will be easier to consider what level of additional resourcing may be required and by what means that can be delivered.

8.2 The whole process of promoting climate change must be inclusive and therefore deliver against the authority's equalities / diversity agenda. The issue of fuel poverty is one which addresses the need of some of our most vulnerable residents.

9. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

9.1 None at present.

10. RECOMMENDATIONS

10.1 Council is asked to –

- a) note the background and policy agenda for the Nottingham Declaration;
- b) note that additional work to determine potential resources required is underway;
and
- c) note that this issue will be reported to Cabinet on 19 December 2006.

11. REASONS FOR RECOMMENDATIONS

- 11.1** (a) to respond to the request made at Council on 21 September
(b) to comply with service and financial planning procedures

12. ALTERNATIVE RECOMMENDATIONS

12.1 No alternative currently exists.

13. APPENDICES

13.1 Appendix 1 – identification of areas of Authority activity which can impact on climate change and considerations for the future.

14. CONTACT OFFICER

14.1 Liz Green, Head of Policy Partnership and Performance
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Appendix 1 : Draft plan of actions already underway which contribute to reduction of greenhouse gases, and outline of additional measures required for the Nottingham Declaration

| Area of activity | Action currently underway | By whom | Additional considerations for the future |
|------------------|--|--|---|
| Housing | <p>Implementation of Home Energy Conservation Act</p> <ul style="list-style-type: none"> • housing insulation to improve SAP ratings • liaison with RSLs to improve energy efficiency of housing stock <p>Implementation of Building Regulations regarding insulation, glazing etc</p> <p>Construction of energy efficient housing</p> <p>Provision of grants for private sector improvement</p> <p>Affordable Warmth Scheme</p> | <p>Housing Public Buildings</p> <p>Planning Building control</p> <p>Housing Planning</p> <p>Env Health</p> <p>Env Health</p> | <p>? contribute to eco homes target for Herts</p> <p>? ensure new build only replaces 1% of housing stock for Herts</p> <p>? set housing energy reduction target i.e. Aberdeen CC 31% reduction in energy reduction for pre 1995 homes by 2007</p> <p>? provide information about climate change and measures to mitigate effects to all RSLs/tenants, to include water saving measures</p> <p>? consider how energy use in private sector housing can be reduced i.e. by incentives such as British Gas home insulation scheme, allowing £50 off Council Tax for all participants</p> <p>? increase use of solar panels for domestic heating</p> |
| Energy | <p>Raising awareness of residents, especially over 50s, about heating homes efficiently and to ensure Their well being</p> <p>Installation of energy efficiency measures such As water heaters, water saving taps/cisterns, low</p> | <p>Env Health Health Devt</p> <p>Public Buildings</p> | <p>? include energy efficiency/climate impact in Citizenship programme and recycling workshops For younger residents</p> <p>? procurement of green energy only for heating Council buildings</p> |

| | | | |
|--------|--|---|---|
| | <p>level lighting etc as improvements to Council buildings are carried out</p> <p>Replacing electrical appliances with A rated Appliances</p> | Public Buildings | <p>? establish targets for reduction in energy use within Council offices and within individual services</p> <p>? build energy efficiency into external contracts</p> <p>? consider innovative schemes for reuse of methane Produced at landfill sites</p> <p>? encourage businesses to adopt green energy initiatives including use of individual turbines, increased insulation in offices etc</p> <p>? work with highways to reduce further the amount of overhead lighting required at major junctions, by the use of more reflective paint surfaces etc</p> |
| Travel | <p>Promote cycles to work scheme</p> <p>Reduce unnecessary staff travel by use of Mobile working (less need to return to office for Administration etc) and by home working</p> <p>Provision of cycling lanes and safe routes</p> <p>Development of green and town centre travel plans</p> | <p>HR</p> <p>Revs Bens</p> <p>HR</p> <p>Planning Policy</p> | <p>? car sharing/pooling schemes for staff</p> <p>? advice to staff about economical driving techniques</p> <p>? mileage remuneration set at levels which Discourage additional travel</p> <p>? encourage staff to use public transport where Possible</p> <p>? encourage contractors to use green fuels and Efficient vehicles i.e. bio diesel</p> <p>? encourage local transport providers to use green Travel initiatives to increase take up by residents</p> <p>? performance monitoring of public transport schemes to ensure they use green fuel, most effective routing etc</p> |
| Water | <p>Push taps to be fitted in all refurbishments of Council offices/buildings</p> <p>Consider impact of building on flood plains</p> | <p>Public buildings</p> <p>Planning Policy</p> | <p>? encourage more efficient use of water within offices and Council buildings, to include the use of rain water or the recycling of 'silver' water etc for the flushing of toilets/cleaning/irrigation of planting</p> <p>? raise tenant/householders' awareness of water</p> |

| | | | |
|---------------|--|------------------------|---|
| | | | conservation needs, purchase of water saving appliances etc |
| Air pollution | Monitoring of air quality across the district by use of the mobile station | Env Health | ? actively reduce emissions from waste by minimising refuse sent to landfill ? actively monitor air alongside prime access routes through the district, and implement measures to reduce impact of pollution cyclists, pedestrians using those routes ? set targets for air quality locally |
| Planning | Development of LDF to include policies on sustainability | planning policy | ? ensure planning policy documents include reference climate change ? include reference to production of energy, i.e wind farms |
| Education | Doorstep and schools recycling schemes currently raise awareness of youngsters to the issues for now and future impact | Environmental Services | ? work with businesses and partners to develop joint initiatives for youngsters to engage in planning 'green' schemes ? encourage participation of youngsters in recycling, reduction of packaging at point of sale, etc within citizenship programme |
| Waste | Reduction of waste produced throughout the district by encouraging recycling and reduced use of materials such as plastic carrier bags - performance indicator target is already in place | Environmental Services | ? reduction of superfluous packaging at point of sale by working with business and retailers ? establish business scheme for recycling of commercial by products i.e. sand previously used in etching etc can be re-used by construction industry |

TITLE OF REPORT: STANDARDISATION OF PUBLIC PARTICIPATION ARRANGEMENTS

REPORT OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

1. SUMMARY

- 1.1 This report revisits public participation at area committee meetings and considers issues relating to timing of contributions..

2. FORWARD PLAN

- 2.1 This report does not contain a recommendation on a key decision and has not been referred to in the Forward Plan.

3. BACKGROUND

- 3.1 At its meeting held on 21 September 2006, the Council resolved:

“That a decision on the proposed standardisation of public participation arrangements for Area Committees be deferred to enable clarification of the Constitutional position regarding these arrangements, and that a report be submitted to the next meeting of the Council on this matter”.

- 3.2 At its meeting held on 15 March 2005, Cabinet approved a series of recommendations proposed by the Scrutiny Committee’s Area Governance Task & Finish Group (Minute 198 refers) following this Group’s review of area-based democracy.

- 3.3 Subsequently, an Area Governance Action Plan was developed to monitor action against each of the recommendations.

- 3.4 Item A21 of the Action Plan is as follows:-

“That the Democratic Services Manager be asked to report on options to simplify the procedure for speaking at committee to provide the same period of notice and speaking time for all types of question or address.”

- 3.5 Progress on the Action Plan was most recently reported to Cabinet on 27 June 2006. In relation to Item 21A of the Plan, it was recommended that to provide a consistent baseline, all contributors in future be invited to speak for three minutes, but with the chairman’s discretion applying. It was stated that this would require a constitutional change, which led to this item being included in the Constitutional Changes report to Council on 21 September 2006.

4. ISSUES

4.1 Within terms of reference for Area Committees, the style and tone of meetings and the way they are managed is determined by the chairman and the committee members. There is no intention within the Constitution to be prescriptive about the management of meetings, but rather to let members run their business in ways that best suits their local areas.

4.2 In the past, although not included within the Constitution, the following general guidelines have been available to assist Members in determining their approach to public speaking:

- Members of the public may request to speak at a meeting and must give advance notice of their intention to do so by contacting the Democratic Services Manager by noon of the day of the meeting. The option to speak will be at the discretion of the Chairman. In normal circumstances there would be a maximum time allowed of fifteen minutes for all who wish to speak. This is the 15 minutes referred to in Item 3(a) of the “Protocols” of the Terms of reference for Area Committees, as contained in the Council’s constitution. This action would fall within the agenda item of Public Participation;
- In the case of applications made under planning and related legislation, the applicant, applicant’s agent or other person(s) supporting the application, and objectors may have the right to address an Area Committee where that application is before the Committee for consideration, in accordance with the procedure for public speaking when planning applications are being considered. In so far as procedures for public participation in the consideration of planning applications by area committees, is concerned, the guidelines for public participation have become part of the Constitution and include:

2. Procedure at Meetings

- 2.1 Those persons who have registered to speak should arrive at least 10 minutes before the meeting in order to make contact with the Committee & Member Services Officer.
- 2.2 At the appropriate point in the meeting, the Chairman announces the item and invites the planning officer to speak.
- 2.3 The planning officer introduces the proposal, drawing attention to significant issues and up-dating, if necessary, the written agenda report.
- 2.4 The representative(s) of those persons objecting to the application is/are invited to address the Committee for up to 3 minutes in total.
- 2.5 The applicant, applicant’s agent or the representative of those persons supporting the application is/are invited to address the Committee for up to 3 minutes in total.
- 2.6 The Chairman will invite the planning officer to comment on any of the issues raised.
- 2.7 The Committee will debate the proposal and then make its decision.

4.3 With regard to speaking at meetings, the guidelines have come to mean that:

- Any member of the public wishing to speak in support of or to object to a planning application may speak for three minutes. Where there is more than one “objector” the three minutes is divided between them, as is the case for those speaking in favour. In practice, it is usually the case that the committee staff are able to arrange for a nominated “supporter” and a nominated “objector” to speak on behalf of all. The time allowed needs to be split only on very rare occasions;

- Any member of the public wishing to speak on any other matter, whether or not it is related to an agenda item, may do so for five minutes. This may mean the 15 minutes in the constitution for all speaking could be exceeded;
- Committee chairmen can use their discretion to extend any speaking periods mindful of the need to ensure equality, especially when planning applications are under consideration.

4.4 The apparent inconsistency in practice between the time allowed for speaking on planning applications and other matters has become established due to time management imperatives. Dealing with a planning application can be a lengthy process. Usually, several planning applications combine on an Area Committee agenda compounding the problem of trying to ensure sufficient productive time for other business which is often left until late in evening (or vice-versa). This creates a disincentive to those wishing to speak. As there are comparatively few individuals wishing to speak on other matters, allowing five minutes for those does not normally cause any difficulty.

4.5 Action 21 A Area Governance Action Plan (see 3.4 above) resulted from an extensive review of area governance conducted by the Scrutiny Task and Finish Group set up for the purpose. Action 21 suggests that there will be less confusion, in the public arena, should the Council agree to standardise the time allowed for speaking. As there are no statutory requirements pertaining to the length of time allowed for public participation at Area Committee meetings it would be possible for the Council to set a general time length for speaking whilst retaining the ability of area chairmen to exercise discretion in varying the time allowed, calling for spokespersons to represent views where more than one individual wishes to speak, or curtail the length of time where more than one person is allowed to speak.

4.6 Should the Council wish to standardise the length of time, the following draft Motion is provided as a guide:

“That this Council establishes the following terms of reference public speaking and amends the Procedure for Public Participation in Planning Applications accordingly to include:

- (a) The length of time for members of the public addressing the Council or its Committees on Planning and non-planning matters should normally not exceed (*insert number*) minutes;
- (b) Any variance to these procedures shall be at the discretion of the presiding Chairman.
- (c) That the Constitution be amended accordingly”.

4.7 For the reasons set out earlier in this report officers would recommend leaving the current situation in place and not amending the constitution further on this matter. Officers are not aware of any specific complaints from members of the public in the recent past.

5. LEGAL IMPLICATIONS

5.1 The Council is able to make any constitutional arrangements it considers appropriate.

6. FINANCIAL AND RISK IMPLICATIONS

- 6.1 The Council is currently seeking savings and efficiencies in the costs of democracy and although longer meetings would not necessarily impact on actual expenditure significantly, there would be some impact.

7. HUMAN RESOURCE AND EQUALITIES IMPLICATIONS

- 7.1 Extending the time of meetings is a use of resources and overly long evening sessions can affect staff performance.

8. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

- 8.1 This matter was raised at a meeting of Area Committee Chairmen held on 31st October 2005, at which progress on the Area Governance Action Plan was discussed. The Area Governance review carried out by a Scrutiny Task & Finish Group entailed extensive consultation with Members, the public, parish councils and other parties.

9. RECOMMENDATION

- 9.1 That the Council gives consideration to whether or not it wishes to proceed with standardising the length of time allowed for public speaking at meetings of the Council and its Committees.

10. REASONS FOR RECOMMENDATIONS

- 10.1 To assist Council in considering standardising the length of time permitted for members of the public to address area committee meetings and ensure that the Constitution is fit for purpose.

11. ALTERNATIVE OPTIONS CONSIDERED

- 11.1 None.

12. APPENDICES

- 12.1 None.

13. CONTACT OFFICERS

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14. BACKGROUND PAPERS

- 14.1 Review of Area-Based Democracy – March 2005
Area Governance Action Plan – October 2005
Report to Council 21 September 2006 “PROPOSED CHANGES TO THE COUNCIL’S
CONSTITUTION – STANDARDISATION OF PUBLIC PARTICIPATION
ARRANGEMENTS AND TERMS OF REFERENCE FOR AREA COMMITTEES AND
APPOINTMENTS BOARD”

TITLE OF REPORT: ITEM REFERRED FROM APPOINTMENTS BOARD – 5 OCTOBER 2006 – APPOINTMENT OF INDEPENDENT VICE-CHAIRMAN OF THE STANDARDS COMMITTEE

The following is an extract from the Minutes of the Appointments Board meeting held on 5 October 2006:

5. APPOINTMENT OF INDEPENDENT VICE-CHAIRMAN OF THE STANDARDS COMMITTEE

The Board interviewed two candidates for the position of Independent Vice-Chairman of the Council's Standards Committee.

RECOMMENDED TO COUNCIL: That, subject to acceptable references, Mr Peter Chapman be appointed to the position of Independent Vice-Chairman of the Council's Standards Committee.

[NOTE: Subsequent to the meeting of the Appointments Board, acceptable references were received for Mr Chapman]

ITEM REFERRED FROM CABINET – 17 OCTOBER 2006 – COUNCIL ACCOMMODATION STRATEGY

The following is an extract from the draft Minutes of the Cabinet meeting held on 17 October 2006:

89. COUNCIL ACCOMMODATION STRATEGY

The Head of Financial Services presented a report outlining the short-listed office accommodation options for the Council and seeking approval to a preferred option and the next steps in the process.

Cabinet noted that the Council's consultants had investigated fully the options available, and had recommended Option 2b for approval, as detailed in the report, namely the Extension and Refurbishment of the Grammar School Site.

Members were given an assurance that every effort would be made to find alternative accommodation for the two voluntary organisations which currently occupied part of the Grammar School Site.

The Chairman of the Scrutiny Committee presented that Committee's recommendations to Cabinet in respect of the Council Accommodation Strategy. The Scrutiny Committee was fully in support of the recommendations contained in the report.

RESOLVED:

- (1) That the preferred site option 2B, the Extension and Refurbishment of the Grammar School Site, be approved;
- (2) That officers be instructed to negotiate the acquisition of the Grammar School site at best consideration;
- (3) That officers be instructed to engage specialist consultants to assist officers in the new office design and build and the relocation of services to the completed offices;
- (4) That the Town Hall site be marketed for sale at the earliest opportunity, and that the marketing of the Town Lodge site and associated property interests be marketed to coincide with the completion of the new office accommodation.

RECOMMENDED TO COUNCIL:

- (1) That a provision of £7.75 million be made in the capital programme to enable the necessary work for option 2B to commence, in order to ensure delivery of the office accommodation project by 2010 at the latest;
- (2) That funding of £4.75 million be provided under the prudential borrowing rules to meet the shortfall after the application of capital receipts from the sale of the surplus office sites.

REASON FOR DECISION: Option 2B, Extension and Refurbishment of the Grammar School Site, offers longer term advantages regarding return on investment and service efficiencies and on balance provides a better return on capital cost and whole life cost.

The following is the report presented to Cabinet on 17 October 2006.

TITLE OF REPORT: COUNCIL ACCOMMODATION STRATEGY

REPORT OF THE HEAD OF FINANCIAL SERVICES
PORTFOLIO HOLDER: COUNCILLOR T.W. HONE

1. SUMMARY

- 1.1 The purpose of this report is to update Cabinet on:-
- (a) the short-listed office accommodation options
 - (b) seek approval on a preferred option
 - (c) seek approval of the next steps in the process.

2. FORWARD PLAN

- 2.1 This Report contains a recommendation on a key decision that was first notified to the public in the Forward Plan on the 1st August 2006.

3. BACKGROUND

- 3.1 At its meeting on 23rd November 2004, Cabinet agreed that a town centre location at Letchworth best meets the Council's objectives of delivering responsive high quality, value for money, customer focused services. The choice of site option required further research and option appraisal.
- 3.2 GVA Grimley (GVA) was appointed in August 2005 to complete an assessment of the Council's current and future office accommodation needs and to identify how these needs could be met in a sustainable and cost efficient way. The overall aim of their assignment was to identify a short list of realistic and achievable options to meet these needs within a period of no more than five years.
- 3.3 At its meeting on 25th July 2006, Cabinet received GVA's findings and agreed the following:
- (1) That it be noted that the short-list of site options was Extension and Refurbishment of the District Council Office or Redevelopment of Grammar School Site;
 - (3) That officers be instructed to continue progressing work on the two options and report back to Cabinet by October 2006;
 - (4) That, until a firm decision was reached on the final option, consideration be given to retaining the Town Hall site for a temporary period to accommodate decanting and help reduce the additional one-off running costs associated with some of the options.
- 3.4 Issues relating to the short-list of site options of Extension and Refurbishment of the District Council Office or Redevelopment of Grammar School Site are covered in the next section of the report.

4. SITE OPTIONS

4.1 **General Overview of Short-Listed Options:**

4.1.1 Option 1 - Extension and Refurbishment of the District Council Office, Gernon Road:

More than 60% of the Council's FTE staff are currently based at the District Council Office. The building has recently been converted to accommodate a single customer service centre.

If extended this building could be used as a single office accommodation for all staff (approximately 380). The site capacity analysis indicates that it is possible to accommodate the required level of development on the DCO site, an increase in floor area of 40%, but in order to do so would require almost 100% site coverage. This assumes no parking provision on site, currently 17 spaces, (parking provision for staff would remain in the adjacent multi-deck car park and adjacent long stay car parks).

The lease on the building has been extended to December 2010, providing flexibility for change and further extension or acquisition options are possible.

4.1.2 Option 2A & 2B - Redevelopment of the Grammar School Site, Broadway Gardens:

The Grammar School is currently occupied by HCC, who are considering various use options for the site and plan to vacate the site sometime after 2007/08. Redevelopment of the School site would be in accordance with the Town Centre Strategies developed by both LGCHF and NHDC. The following views make assumptions that have been the subject of detailed discussions with HCC, the area planning officer and the Council's conservation officer.

The site capacity analysis indicates that it is readily possible to accommodate the required level of development on the site, either as a new build or an extension and refurbishment of the existing building, hence options 2A and 2B. Sufficient capacity can be achieved even where a modest urban site coverage assumption is made and development remains within height precedents (two storeys or less). Indeed, such assumptions would enable the provision of up to 100 car-parking spaces for staff and visitors, as required under planning guidelines.

Both options for the Grammar School site include additional costs for sustainable/geothermal heat sources, 400k, which have a long pay back period from lower energy costs. However such additional costs need to be considered in planning and environmental terms and some grant assistance towards their cost may be forthcoming.

4.2 **Financial Evaluation of Short-listed Options**

4.2.1 On the basis that the short-listed options offer the required qualitative benefits, the capital costs are as follows:

| Option | Capital Cost £,000 | Capital Value £,000 |
|---|-----------------------|------------------------|
| 1. Extension and Refurbishment of the District Council Office | 7,970 | 6,000 |
| 2A. Redevelopment of Grammar School Site | 9,670 | 10,150 |
| 2B. Extension and Refurbishment of the Grammar School | 7,650 | 10,040 |

4.2.2 Capital costs have been calculated for construction and refurbishment works relating to each of the options. These include inflation through to the anticipated point of construction, contingencies and fees and also include the cost of land/buildings acquisition. The estimated values of the completed buildings for office use are shown in the table above under the column 'Capital Value'.

4.2.3 Agreement with HCC on the acquisition value of the Grammar school site will be dependent upon the marketability of the current land and buildings in their existing state compared to improvement and redevelopment for modern use, thus land values could vary significantly. The acquisition cost for the land and buildings are included at best consideration to NHDC.

4.2.4 In terms of revenue costs, each of the short-listed options assumes that any new or refurbished offices will be held on a freehold basis, thus generating revenue savings. It is also expected that the calibre of any new or refurbished premises will also generate revenue savings – e.g. utilities expenditure. However there may be some areas of historic expenditure – e.g. repair and maintenance – where best practice requires that expenditure is equal to or exceeds historic expenditure on a per sq metre basis. Consequently, the wider range of occupancy costs (rates, utilities, repair and maintenance) associated with running a new estate could be slightly higher on a per square metre basis. However, the significantly reduced overall size of a new estate will ensure that total wider running costs (including rent) will fall by approximately £300K per annum but to varying degrees this will be offset by loss of interest on the capital employed to achieve the preferred option, see paragraph 6.3 below.

4.2.5 It was previously reported that the DCO refurbishment and extension option would entail high double decanting costs of an estimated £880K. Assuming alternative accommodation could be found, short-term rent costs for the duration of the works would also have a significant impact on this option. Added to this there may also be risks relating to loss of staff morale and performance because of double decanting. These impacts on the service suggest that refurbishment and extension of the DCO represents a high-risk option compared to a new site.

4.2.6 The capital costs for all three options have been based on an office site of 4,200 square metres, this is marginally smaller than the area of offices currently occupied. It is envisaged that the required area will reduce significantly at design stage from space economies arising from shared services, hot desking and home and mobile working. This will bring about comparable reductions in the estimated capital cost of the proposed works for all three options.

4.2.7 As will be apparent from earlier sections of this report, it is important that the Council has a better understanding of the 'whole life' cost implications of each of the short-listed options. Under such an appraisal process capital investment that bring about long term revenue reductions in maintenance and

energy costs help mitigate those capital costs compared to alternative capital options. Operational efficiencies and cost savings are expected from new buildings compared to old or refurbished buildings because of the difficulty of designing out inefficiencies from older buildings.

4.2.8 In terms of whole life cost the expected efficiency gains from a purpose built building, option 2A, do not cancel out the capital cost differential of £2m. In addition Option 2B, despite being a part refurbishment, provides the opportunity to design out such significant variances compared to option1, which offers the least benefits arising from the capital investment. Thus of the three options, marginally option 2B offers the best return on investment.

4.3. Advantages and Disadvantages of the Options

4.3.1 In addition to the capital and whole life cost comparisons the following table highlights other key advantages and disadvantages of the three options:

| | 1. DCO Extension & Refurbishment | 2A. Grammar School Redevelopment | 2B. Grammar School Extension & Refurbishment |
|---|---|---|--|
| Capital value offers a return on development cost | No | Yes | Yes |
| On site parking improves future marketing for rent/sale and meets planning considerations | No | Yes | Yes |
| On site parking for the disabled and visitors | No | Yes | Yes |
| On site parking for some staff releases town centre parking | No | Yes | Yes |
| Improved working conditions for staff | Yes | Yes | Yes |
| No adverse impact on staff or service performance during construction period | No | Yes | Yes |
| Improved ease of access for staff by foot and public transport | Yes | No | No |
| Development meets sustainability criteria | No | Yes | Yes |

4.3.2 The table demonstrates that the constricted site of the DCO has clear operational and planning disadvantages that are not encountered with the more open and developable Grammar School site.

4.4 Conclusions

4.4.1 The availability and suitability of the Grammar School Site has been tested and offers viable options for Council office accommodation.

4.4.2 Option 1, Extension and Refurbishment of the District Council Office has a marginally comparable cost to Option 2B, Extension and Refurbishment of the Grammar School Site, but does present significant disadvantages regarding return on investment and service efficiencies.

- 4.4.3 Option 2A, Redevelopment of the Grammar School Site, after taking into account land acquisition for office development offers longer term advantages regarding return on investment and service efficiencies but its high capital cost, after taking into account whole life costs, is a restricting factor.
- 4.4.4 Option 2B, Extension and Refurbishment of the Grammar School Site, after taking into account land acquisition for office development offers longer term advantages regarding return on investment and service efficiencies and on balance provides a better return on capital cost and whole life cost.
- 4.4.5 Option 2B is the preferred choice for office accommodation and de-canting of staff will not be required; thus the retention of the Town Hall site for de-canting is no longer necessary and can be disposed of.
- 4.4.6 If Option 2B is the preferred choice then officers will need to negotiate the acquisition of the site as soon as possible to ensure that the new office accommodation is completed by 2010.

5. LEGAL IMPLICATIONS

- 5.1 Other than legal issues regarding the acquisition and disposal of assets there are no legal implications arising from this report.

6. FINANCIAL AND RISK IMPLICATIONS

- 6.1 There is no current provision for 'new' or refurbished office accommodation within the capital programme and neither is there provision within the revenue reserves for the one-off costs of £880K highlighted for option 1, set out in paragraph 4.2.5 above. A project of this size and cost can only be accommodated from borrowing from set-aside reserves with its attendant reduction in investment receipts.
- 6.2 The conclusions lead to a preferred option, 2B, that requires a provision of up to £7.75m in the capital programme to enable the necessary work to commence to ensure delivery of the office accommodation project by 2010. The report to Cabinet in July 2006 indicated that this sum may be offset from capital receipts of an estimated £3m from disposal of the vacated sites at Town Hall and Town Lodge. Grant assistance may be available towards the cost for sustainable/geothermal heat sources, estimated at 400k, as set out in paragraph 4.1.2.
- 6.3 Borrowing £4.75m from set a side capital reserves will result in an annual loss of investment interest of £240K, this will be off-set by reductions in revenue costs highlighted in paragraph 4.2.4 above.
- 6.4 Risks identified in paragraph 4.2.5 above regarding loss of staff morale and performance could be significant and will vary depending on the final option chosen. These and the other risks associated with the review and the implementation of the office accommodation strategy will be registered once recommended actions are agreed

7. HUMAN RESOURCE AND EQUALITIES IMPLICATIONS

- 7.1 It is important for staff that they are kept informed and consulted in line with the requirements of relevant HR Policies and Procedure's. Communication to staff should be balanced with updates on the home-working and mobile working project to paint a picture that the future accommodation requirements will be aligned to greater numbers of staff home-working, mobile working and hot-desking.

- 7.2 As the Home/Mobile working project has just commenced assumptions will need to be made about our future spacial requirements. Should these changes be substantial and the outcome be extension and refurbishment of existing buildings rather than new premises it would be wise to communicate realistic expectations to staff.
- 7.3 The recommendation is for accommodation that is in a town centre location this is likely to be attractive to staff. However the accessibility of parking facilities needs to be considered. The report assumes that 100 parking spaces should be available at the Grammar School site, this would resolve problems for staff and customers with mobility difficulty and accommodate parking for staff and members attending evening meetings.

8. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

- 8.1 Detailed consultation was carried out by GVA throughout the office accommodation review with management, staff, members and key stakeholders.
- 8.2 NHDC has held a development seminar with Hertfordshire County Council and the LGCHF. In summary, this seminar has revealed that there is a willingness to collaborate between partners in so far as options both further the prosperity of the town and sit comfortably with corporate priorities.

9. RECOMMENDATIONS

It is recommended that Cabinet:

- (1) Notes the report and that the preferred site option is 2B, the Extension and Refurbishment of the Grammar School Site.
- (2) Recommend to Council that a provision of £7.75 million be made in the capital programme to enable the necessary work for option 2B to commence to ensure delivery of the office accommodation project by 2010 at the latest.
- (3) Recommend to Council that funding of £4.75 million be provided under the prudential borrowing rules to meet the shortfall after the application of capital receipts from the sale of the surplus office sites.
- (4) That officers are instructed to negotiate the acquisition of the Grammar School site at best consideration.
- (5) That officers are instructed to engage specialist consultants to assist officers in the new office design and build and the relocation of services to the completed offices.
- (6) That the Town Hall site marketed for sale at the earliest opportunity and that the marketing of the Town Lodge site and associated property interests are marketed to coincide with the completion of the new office accommodation.

10. REASONS FOR RECOMMENDATIONS

- 10.1 That option 2B, Extension and Refurbishment of the Grammar School Site, offers longer term advantages regarding return on investment and service efficiencies and on balance provides a better return on capital cost and whole life cost.
- 10.2 To ensure budget provision is made for new office accommodation.

10.3 To ensure that work commences immediately on the design and tender of the proposed facility so that it meets the Council's needs and that completion is assured by 2010.

10.4 To ensure that all surplus office sites are disposed of as quickly as possible to contribute towards the capital cost of the new office facilities.

11. ALTERNATIVE OPTIONS CONSIDERED

11.1 In addition to the options outlined in the report, alternative options were considered in the previous report to Cabinet on 25th July 2006.

12. APPENDICES

12.1 None.

13. CONTACT OFFICERS

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14. BACKGROUND PAPERS

14.1 GVA report.

ITEM REFERRED FROM CABINET – 17 OCTOBER 2006 – PLANNING OBLIGATIONS: DRAFT SUPPLEMENTARY PLANNING DOCUMENT AND ASSOCIATED SUSTAINABILITY APPRAISAL AND STRATEGIC ENVIRONMENTAL ASSESSMENT

The following is an extract from the draft Minutes of the Cabinet meeting held on 17 October 2006:

85. PLANNING OBLIGATIONS: DRAFT SUPPLEMENTARY PLANNING DOCUMENT AND ASSOCIATED SUSTAINABILITY APPRAISAL AND STRATEGIC ENVIRONMENTAL ASSESSMENT

The Head of Planning and Building Control presented a report requesting Cabinet to recommend to Council the approval of the Planning Obligations Draft Supplementary Planning Document (SPD) and associated documents. Cabinet was reminded that the draft SPD had been the subject of public consultation, and that the document before Members incorporated a number of changes proposed as a result of that exercise. The report contained the following appendices:

Appendix 1 – Planning Obligations SPD, incorporating proposed changes;
Appendix 2 – Representations to Planning Obligations SPD Consultation Draft;
Appendix 3 – Representations to SA/SEA Final report on Planning Obligations SPD Consultation Draft.

The Chairman of the Scrutiny Committee presented that Committee's recommendations to Cabinet in respect of the draft SPD, as follows:

- (1) That the amendments made to the Planning Obligations Supplementary Planning Document, as set out in Appendix 1 to the report of the Head of Planning & Building Control, be endorsed;
- (2) That references to securing contributions towards the improvement and provision of public transportation be amended to have a more positive tone and demonstrate the commitment of the Council to these works;
- (3) That the amended draft Supplementary Planning Document: Planning Obligations and associated Sustainability Appraisal and Strategic Environmental Assessment be recommended to Full Council for adoption;
- (4) That the amended draft Supplementary Planning Document: Planning Obligations and associated Sustainability Appraisal and Strategic Environmental Assessment be used for Development Control Purposes from 17 October 2006;
- (5) That the Chairman and Vice-Chairman of the Scrutiny Committee work in liaison with the Chairman and Vice-Chairman of the Performance, Audit & Review Committee (PARC) to ensure monitoring information relating to the number and nature of Section 106 Agreements throughout the District is made available to Members and appropriately relayed through public forums including Area Committees.

The Head of Planning and Building Control commented that the SPD document would be amended to incorporate the comments of the Scrutiny Committee, with regard to a more positive tone being used for securing contributions towards the improvement and provision of public transportation.

RESOLVED: That the Planning Obligations Supplementary Planning Document become a material planning consideration for Development Control purposes, with effect from 17 October 2006.

RECOMMENDED TO COUNCIL:

- (1) That the Planning Obligations Supplementary Planning Document, as set out in Appendix 1 to the report, be adopted.
- (2) That the Head of Building and Control, in consultation with the Portfolio Holder for Planning & Transport, be authorised to agree any minor typographical and textual amendments needed to the SPD document prior to its finalisation and publication.

REASON FOR DECISION: To ensure that there is guidance on how to interpret existing policy and how it relates to current Government guidance.

The following is the report presented to Cabinet on 17 October 2006.

[Note: The Draft Planning Obligations SPD referred to as Appendix 1 to this report, and included with the agenda as part of a separate volume of appendices, is a “clean” copy, with all previous track changes removed]

TITLE OF REPORT: PLANNING OBLIGATIONS - DRAFT SUPPLEMENTARY PLANNING DOCUMENT AND ASSOCIATED SUSTAINABILITY APPRAISAL AND STRATEGIC ENVIRONMENTAL ASSESSMENT

REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL
PORTFOLIO HOLDER: COUNCILLOR R.A.C. THAKE

1. SUMMARY

- 1.1 Cabinet is requested to agree the amendments made to the Planning Obligations Supplementary Planning Document (SPD) following public consultation and recommend that Full Council adopts it. (The SPD with proposed changes is listed as Appendix 1 to this report, and is included as part of a separate volume of appendices attached to this agenda).

2. FORWARD PLAN

- 2.1 This report contains a recommendation on a key decision that was first published in the Forward Plan on 1st December 2005.

3. BACKGROUND

- 3.1 At its meeting on 25th April 2006, Cabinet agreed to issue a draft SPD on Planning Obligations and associated documents, namely a Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) of the SPD for public consultation. This consultation period lasted six weeks and a number of representations were received on the SPD. The comments received to the consultation draft are summarised in Appendix 2 to this report including, in the final column, the response to the comments in terms of changes to be made to the draft SPD (again, this appendix is included as part of a separate volume of appendices attached to this agenda).
- 3.2 The draft SPD outlines the Council's approach to planning obligations in relation to planning applications and reflects the Council's corporate priorities and objectives. It enables interested parties to be aware at an early stage what infrastructure, services and facilities may be sought to cope with additional demands brought on by new development and offset any harmful effect to the environment. The cumulative impact of development is recognised as an important issue and the standard charge approach is used to address some of the likely impacts. In addition, other issues are identified where there could be impacts but are not dealt with through a standard charge.
- 3.3 The SPD is one of a number of documents in the Local Development Framework (LDF) that are being prepared following the introduction of the Planning and Compulsory Purchase Act 2004. This act requires Supplementary Planning Documents to provide more details on the interpretation of *existing* policy. Therefore, this SPD will support Policy 51 – Development Effects and Planning Gain, of the 'saved' North Hertfordshire District Local Plan No.2 with Alterations (adopted 1996) until such time as this policy is replaced by new policies in the LDF. The SPD provides further details and guidance as to how the Council will apply Policy 51 in relation to

current Government guidance, i.e. Circular 05/2005: Planning Obligations and the recent Planning Obligations Best Practice Guidance published in July 2006.

- 3.4 The Council's consultants for the LDF, CAG produced a SA/SEA on the draft SPD. Few comments were received on the SA/SEA and these are included in Appendix 3 (as with Appendices 1 and 2, this appendix is included as part of a separate volume of appendices attached to this agenda). The main comments received were in relation to biodiversity, and how this should be an important consideration when including open space provision as part of a planning obligation. The SPD has been amended in the open space and environment sections to reflect this. Other comments received were advisory in relation to more recent publications to be considered as part of the Review of Plans and also for new indicators to be included in the Baseline Review. These will be taken forward as part of the SA/SEA on the LDF. Given the limited number of comments received and the general support for the SA/SEA, officers are of the view that the SA/SEA is to remain as a supporting document to the SPD and does not need to be amended or formally adopted.
- 3.5 In addition to the SPD on Planning Obligations, internal working arrangements are being reviewed to ensure that the system for dealing with applications that require planning obligations are streamlined and improved. This is a separate issue and does not in itself form part of this report.

4. ISSUES

- 4.1 Representations were received on the SPD from twenty-three interested parties. Each comment has been considered and amendments made to the draft according to whether the comments added value to the guidance. Changes, based on comments received, fall into six broad categories as follows:
- The blanket approach to the standard charges
 - Expenditure of contributions
 - Validation of planning applications
 - Justification of figures
 - Hertfordshire County Council Issues
 - Other comments and further amendments
- 4.2 Firstly, a number of comments were received on the issue of applying a blanket approach to the application of standard charges (Sections 3, Table 1 and Section 5 of the draft SPD and new Sections 3, 4 and 5 of the final version). Concern was expressed that this approach would not make allowances for site specific circumstances such as location, need and the capacity of existing facilities. It was the intention of the draft SPD to apply the standard charge to all developments meeting the thresholds contained in section 3.2.1 and 3.2.2 without assessing the need each time an application is submitted. Developments as small as one dwelling would be required to make standard charge contributions. The justification was that a need would arise as a result of additional demand brought on by new development. The draft SPD did recognise some exceptions to this, such as standard charges not being required if it is provided on site and children's play space not being required for elderly persons. In addition, the Council's standard charges were based on the size of dwelling so that one bedroom house would make a smaller contribution to a four bedroom house.
- 4.3 The draft SPD has been amended in response to the above comments. The thresholds will still remain the same, but the standard charges (with the

exception of waste collection/recycling and second strand sustainable transport) will now be based on assessment on a site-by-site basis. Therefore, contributions based on the standard charges will only be sought where it can be demonstrated that the proposed development will generate a demand and that there is insufficient capacity or quality of existing infrastructure, services and facilities to cope. For clarity reasons the original Table 1 in the draft SPD has been separated into Table 1 for North Herts District Council Standard Charges and Table 8 for Hertfordshire County Council Standard Charges. A blanket approach to the standard charges for sustainable transport (section 5.8) and waste collection/recycling (section 4.7) will still be applied, irrespective of location, as there is sufficient justification that demand will be generated where there would be insufficient capacity.

- 4.4 Secondly, expenditure of contributions was raised as an issue by a number of representations. Particularly in relation to the pooling of contributions. Stating that there should be a functional and geographical relationship between proposed development and expenditure. Whilst, this has always been the intention and as previously outlined in paragraph 5.3 (now paragraph 3.3 in the final version following amendment) bullet three in the draft SPD, the wording throughout the SPD has been amended accordingly to strengthen this point.
- 4.5 Thirdly, the Government Office for the East (Go-East) has expressed concern regarding the approach to invalidating planning applications as outlined in paragraph 8.1.4 of the draft SPD. They have questioned the statutory basis for this. No other interested parties have commented on this specific point. Legal Services has advised that there is nothing that makes the approach taken in the SPD incorrect in law. The SPD has been worded to allow for an element of discretion in cases where this is felt necessary, as with any new practice the approach will only be tested in its implementation.
- 4.6 The Town and County Planning Application Regulations 1988 and the Best Practice Guidance on the Validation of Planning Applications March 2005 are applied when validating applications. The Regulations say that an application must be on a form provided by the Council. However, it does not state whether the application can be treated as invalid if it does not provide all the necessary details for it to be processed. The more up-to-date guidance seeks to clarify this position and encourages Councils to have a checklist setting out the information that is required to constitute a valid application. Failure to adhere to this would render the application invalid. The Council has taken a practical approach by combing the checklist in this SPD to take into account the current guidance. Legal Services has also advised that the planning application form be amended to reflect the checklist requirements of the SPD. An amended version will be available by the time the SPD has been adopted.
- 4.7 Under the Planning and Compulsory Purchase Act 2004 there will be a new prescribed application form and validity will be determined by this. This section of the act is not yet in force. In July this year the Government issued a consultation document on the Validation of Planning Applications. It recommends the use of checklists associated with the local authorities standard application form. The approach the Council has taken is consistent with this.
- 4.8 Fourthly, the basis for justifying the figures contained within the SPD has been raised by a number of representations. These include, the SPD not being clear how the figures have been arrived at and that they should be fully justified and clarified. Go-East has stated that whilst it is not a requirement

for the authority to include the evidence for figures within the SPD it is important that they can be justified.

- 4.9 Justification of all the figures was not included within the SPD, but was instead contained within a background paper. This was to avoid the SPD document becoming too complex and long-winded. Those consulted were made aware of the background paper and it was made available on request. A new paragraph 1.4 has been added to the SPD to make it clear that there is a background paper available that supports the document. Responses in relation to specific points on the justification of figures are contained within Appendix 2 of this report. Further justification in relation to some of the more complex issues will be available on request.
- 4.10 The fifth category of representations relates specifically to Hertfordshire County Council (HCC) issues, outlined in section 6 of the draft SPD (now section 5 in the final version following amendment). Officers have been working closely with HCC to deal with these and the outcome of discussions has resulted in changes to the draft SPD. The main changes agreed with HCC are as follows:
- (i) HCC standard charges have been amended so that they are more tailored to dwelling type and they will be assessed on a site-by-site basis. This deals with the concerns relating to the blanket approach to the standard charges;
 - (ii) All the figures have been updated to 2006 costs as they were previously based on 2003 figures;
 - (iii) Further justification of the figures and why contributions are sought has been provided. Detailed justification will now be contained within the background paper accompanying this SPD. Complex justification of the model used for the education figures will be provided on request.
- 4.11 Finally, many comments were received in respect of clarification, factual and technical details. These have been incorporated where it was felt they would add to or clarify the guidance. In addition, a number of positive comments were received. These include supporting the general approach to planning obligations and the approach taken in relation to the cumulative impact of development; the document being clear and comprehensive; and that it is in general conformity with the policies in the Local Plan.
- 4.12 Further amendments have been made to the general format of the SPD resulting in various sections being moved for clarity. For example, the affordable housing section being moved from Section 4 to Section 6 in the final version of the SPD. This in turn has resulted in the renumbering of the paragraphs and Tables to reflect these amendments.
- 4.13 As part of the review of the draft SPD consideration has also been given to the recommendations on the topic areas appraised as part of the preferred option in the SA/SEA. The recommendations are listed in Appendix 3 together with officer comments stating how these have been included where appropriate in the final version of the SPD.

5. LEGAL IMPLICATIONS

- 5.1 Having undertaken six weeks of public consultation on the draft SPD, the Council is required to consider all responses duly made. Appendix 2 summarises the responses received, recommends amendments in respect of

these responses and the recommended final SPD is shown in Appendix 1. The Council is required to finally approve the SPD for adoption as soon as possible in order for it to have sufficient weight when determining planning applications.

- 5.2 Legal Services are working closely with Planning Services in seeking to streamline the s106 internal processes through the production of standard unilateral undertakings, legal agreements and protocols. Advice has also been provided on the legal implications associated with the SPD.

6. FINANCIAL AND RISK IMPLICATIONS

- 6.1 There are no financial implications arising directly from this report other than the cost associated with reproducing and issuing the SPD for adoption, which are covered within current budgets.
- 6.2 Should the SPD not be adopted by the Council there will be no up to date adopted guidance to support the Local Plan policy on planning obligations. As such decisions on planning applications will be made without the benefit of any locally agreed guidance. This potentially means inconsistency of decision making and leaves the Council open to challenge at Appeal. With SPD in place it will provide greater certainty for developers and in the Council's decisions on planning applications.

7. HUMAN RESOURCE AND EQUALITIES IMPLICATIONS

- 7.1 Together with an improved procedure, which is currently being developed, the SPD and standard charges will eventually reduce the amount of staff time spent on each individual planning application requiring planning obligations. However, dealing with standard charges on a site-by-site basis and lowering of thresholds in which contributions will result in more applications being referred to other service providers for comment. These will all require legal agreements or unilateral undertakings. However, this should be balanced against the improved and streamlined procedure, together with additional financial gains outlined in paragraphs 3.5 and 6.2 above.

8. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

- 8.1 The draft SPD and associated documents were issued to a wide range of stakeholders for comment. Details of the responses received are contained within Appendix 2 of this report. The draft SPD was also presented to CMT and discussed by Members of the LDF Working Party, PARC and Scrutiny Committee.

9. RECOMMENDATIONS

- 9.1 That Cabinet agrees and endorses the amendments made to the Planning Obligations Supplementary Planning Document (as set out in Appendix 1) to Full Council for the adoption of the Planning Obligations Supplementary Planning Document. That Cabinet also recommends that the SPD be used for Development Control Purposes from the date of the Cabinet Committee.

10. REASONS FOR RECOMMENDATIONS

- 10.1 There is a need for the Council to adopt the SPD on planning obligations to ensure there is guidance on how to interpret existing policy and how it relates to current Government guidance.

11. ALTERNATIVE OPTIONS CONSIDERED

- 11.1 Alternative policy options were considered as part of the draft SA/SEA report. The SA/SEA set out the implications of alternatives and concluded that the SPD is the most policy compliant option.

12. CONTACT OFFICERS

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13. APPENDICES

- 13.1 Appendix 1: Supplementary Planning Guidance Planning Obligations incorporating proposed changes
13.2 Appendix 2: Representations to Planning Obligations SPD Consultation Draft (April 2006)
13.3 Appendix 3: Representations to SA/SEA Final Report on the Planning Obligations SPD Consultation Draft (April 2006)

[Note – the above documents are included as part of a separate volume of appendices attached to this agenda].

14. BACKGROUND PAPERS

- 14.1 SA/SEA Full Report for Draft SPD – Planning Obligations
14.2 ODPM Circular 05/2005 – Planning Obligations, July 2005
14.3 DCLG Planning Obligations: Practice Guidance, July 2006
14.4 DCLG Validation of Planning Application, Consultation Document, July 2006
14.5 Report to PARC, Agenda Item 10, 26th January 2006
14.6 Report to Scrutiny, Agenda Item 13, 11th April 2006
14.7 Report to Cabinet, Agenda Item 8, 25th April 2006

NORTH HERTFORDSHIRE DISTRICT COUNCIL



***Planning Obligations Supplementary Planning
Document***

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CONTENTS

| SECTIONS | | PAGE No's. |
|-------------------|---|-------------------|
| SECTION A: | INTRODUCTION | 4 |
| SECTION B: | SECTION B: THE OVERALL APPROACH TO PLANNING OBLIGATIONS: | 5 |
| 2.1 | Main Aims | 5 |
| 2.2 | Sustainability Appraisal | 5 |
| 2.3 | Scope | 6 |
| 2.4 | Status of this SPD | 6 |
| 2.5 | What are planning obligations? | 7 |
| 2.6 | Legislation and National Planning Guidance and Circulars | 8 |
| 2.7 | Policy | 10 |
| SECTION C: | THE LIKELY IMPACTS OF DEVELOPMENT AND HOW THEY CAN BE ADDRESSED: | 14 |
| 3.2 | Thresholds | 14 |
| 3.3 | Standard Charges and Addressing the Cumulative Impact Of Development | 16 |
| 3.4 | Exceptions to the Standard Charge | 17 |
| 3.5 | Applications Involving Demolition | 18 |
| 3.6 | Legal Documents to be Submitted with a Planning Application | 18 |
| 4.0 | Contributions Sought by North Hertfordshire District Council | 18 |
| 4.4 | Community and Leisure Centres, Town and Village Halls | 20 |
| 4.5 | Open Space, Outdoor Sports and Recreation | 21 |
| 4.6 | Public Realm | 29 |
| 4.7 | Waste Collection Facilities and Recycling | 33 |
| 5.0 | Contributions Sought by Hertfordshire County Council | 34 |
| 5.3 | Education | 35 |
| 5.4 | Libraries | 36 |
| 5.5 | Youth and Childcare | 37 |

| SECTIONS | | PAGE No's. |
|-------------------|---|-------------------|
| 5.6 | Fire and rescue services | 39 |
| 5.7 | Circumstances whereby contributions will not be required in relation to County Council Services | 40 |
| 5.8 | Sustainable Transport | 40 |
| 6.0 | Affordable Housing | 44 |
| 7.0 | Other Issues to be negotiated on a Site-by-Site Basis: | 53 |
| 7.1 | Biodiversity and Environmental Issues | 53 |
| 7.2 | Economic Development | 55 |
| 7.3 | Information Technology | 55 |
| 7.4 | Community Facilities | 55 |
| 7.5 | Development and Flood Risk | 57 |
| 7.6 | Sustainable Construction Methods | 58 |
| 7.7 | Community Safety | 58 |
| 7.8 | Allotments | 59 |
| SECTION D: | COUNCIL PROCEDURES: | 60 |
| 8.1 | The Drafting and Completion of Legal Agreements | 60 |
| 8.2 | Phasing and Timing of Payments | 62 |
| 8.3 | Index Linking Contributions | 62 |
| 8.4 | Bonds | 63 |
| 8.5 | Payment of Legal and Monitoring Costs | 63 |
| 8.6 | Monitoring, Enforcement and Expenditure | 64 |
| 8.7 | Viability | 64 |
| 8.8 | Applications to Discharge or Vary an Obligation | 65 |

| LIST OF TABLES | | PAGE No's |
|-----------------------|--|------------------|
| Table 1 | North Hertfordshire Council's Standard Charges for dwellings | 19 |
| Table 2: | Standard Charge for Community Centres/Hall and Leisure Centres | 21 |
| Table 3: | Maintenance Contract Prices for Open Space 2006/7 | 25 |
| Table 4: | Calculation Example for 10 year commuted sum towards maintenance provision | 26 |
| Table 5: | Standard Charge for Open space Provision for Residential Development | 28 |
| Table 6: | Public Realm contributions for Non-Residential Developments | 32 |
| Table 7: | Contributions towards Kerbside Recycling | 33 |
| Table 8: | Hertfordshire County Council Standard Charges for Dwellings | 35 |
| Table 9: | Sustainable Transport Second Strand Approach: Standard Charges for Residential Developments | 42 |
| Table 10: | Housing Corporation Scheme Development Standards for Affordable Housing | 47 |
| Table 11: | Scenario for off-site provision of Affordable Housing | 52 |
| Table 12: | Annual Maintenance Costs for Community Centres | 57 |
| Table 13: | Costs for CCTV Camera Provision | 59 |
| Table 14: | Summary of Children's Play Space Requirements | 71 & 72 |
| Table 15: | Procedures for Assessing Planning Applications requiring Planning Obligations | 75 |

| APPENDICES: | | PAGE No's |
|--------------------|--|------------------|
| Appendix A | Objectives of the SPD | 67 |
| Appendix B | List of Relevant PPG's PPS's | 68 |
| Appendix C | List of Council's Strategies | 69 |
| Appendix D | Definitions of Open Spaces | 71 |
| Appendix E | Table 15: Procedures for Assessing Planning Applications requiring Planning Obligations | 75 |

SECTION A: INTRODUCTION

- 1.1 This Supplementary Planning Document (SPD) outlines the Council's approach to planning obligations in relation to planning applications and reflects the Council's corporate priorities and objectives. It enables developers and landowners to be aware at an early stage what infrastructure, services and public facilities may be sought to cope with additional demands brought on by new development and offset any harmful effects to the natural, historic or built environment. The cost of these requirements can then be taken into account when land is acquired and development schemes are prepared. The document also provides guidance for all other parties involved in the consultation, submission and determination of planning applications.
- 1.2 The cumulative impact of development is recognised as an important issue within this SPD. Many small developments are not enough in themselves to have a major impact on infrastructure, services and facilities within an area. However, collectively they do as new development, through incremental growth, creates additional demands. For example, increased pressure on the public realm and open space, education, community facilities; or on the transport system where there is a need to cope with additional movement. This SPD uses a 'standard charge' approach to address some of the likely impacts. Therefore, development as small as one dwelling will be required to make contributions where there is a demand generated by that development and there is insufficient capacity or quality of infrastructure, services and facilities to cope with this demand.
- 1.3 The document is divided into four main parts. Section B outlines the overall approach to planning obligations; Section C identifies possible impacts of development and how they can be addressed, as well as other issues not covered by a standard charge; and Section D outlines the Council's procedures.
- 1.4 A background paper, which supports this SPD, is available on request. This provides a justification of the standard charges and other figures contained within this document.

SECTION B: THE OVERALL APPROACH TO PLANNING OBLIGATIONS:

2.1 Main Aims

2.1.1 The main aims of this document are to:

- Set out the requirements for planning obligations to ensure that the additional demands upon infrastructure, services and facilities arising from new development are provided for and are put in place at the right time;
- Meet the relevant sustainability objectives contained within the Sustainability Appraisal to ensure that existing communities are not significantly harmed as a result of new development and prevention, compensation or mitigation measures are secured where it is necessary to protect or enhance the natural, built and historic environment;
- Ensure the Council provides a more consistent, transparent, practical and streamlined approach to the negotiations of planning obligations in accordance with Circular 05/2005: Planning Obligations; and
- Contribute towards achieving the District’s vision and the Council’s mission and strategic objectives as set out in the Corporate Plan (2005 – 2015) (see paragraph 2.7.9)

2.2 Sustainability Appraisal

2.2.1 The Government is committed to creating sustainable communities; communities that will stand the test of time, where people want to live and which enable people to meet their aspirations and potential. The Council has a role in delivering the four principles of sustainable development – economic development; social inclusion, environmental protection; and prudent use of resources.

2.2.2 A Sustainability Appraisal (SA) incorporating the requirements of the European Strategic Environmental Assessment (SEA) Directive (2001/42/EC) has been carried out. This is to ensure that the SPD supports the delivery of social, environmental and economic aspects of sustainability. A number of objectives and options were tested through the Sustainability Appraisal, which have informed the aims as

outlined above and the guidance set out in this SPD. The objectives are listed at Appendix A. A copy of the SA/SEA is available as a separate document.

2.3 Scope

2.3.1 The main topics covered within the SPD are identified in alphabetical order below:

- Affordable Housing
- Community Facilities, such as community and leisure centres, town and village halls
- Hertfordshire County Council Contributions – Childcare, Education, Fire Hydrants, Libraries, Youth and Sustainable Transport
- Open Space, Outdoor Sports and Recreation
- Public Realm
- Waste Collection Facilities and Recycling

2.3.2 In addition, there are other areas negotiated on a case-by-case basis and these are grouped under the heading 'other issues'. Whilst this document provides the types of obligations sought by the Council, it must not be considered as a definitive list and is not in order of any particular priority. Each site will be assessed on an individual basis.

2.4 Status of this SPD

2.4.1 This SPD provides further details and guidance of Policy 51 in the 'saved' North Hertfordshire District Local Plan No.2 with Alterations (adopted 1996) or any supervening policy. Under the Planning and Compulsory Purchase Act (Sept 2004) the policies of an existing Local Plan continue to have effect for a minimum of 3 years from the enactment of the above Act. (See paragraph 2.6.1)

2.4.2 This SPD will be a material consideration in the determination of planning applications, and refusal of planning permission is likely when proposals do not comply with the requirements of this SPD and all the tests contained in paragraph B5 of Circular 05/2005: Planning Obligations. Where obligations are sought and not agreed, developers will need to justify why they are inappropriate and whether there are any other material considerations that the Council should take into account.

2.5 What are planning obligations?

2.5.1 Planning obligations are agreements that are negotiated between the developer and the local planning authority, usually as a result of a planning application. They are intended to make development acceptable, which would otherwise be unacceptable in planning terms. Developers may offer benefits over and above what is required. However, these may not make a development to which there are fundamental planning concerns acceptable. Where this is the case, planning obligations will not be used to compensate for substandard development. The points below outline examples of how planning obligations may be used to:

- prescribe the nature of development, as a requirement that a given proportion of housing is affordable or restricting the development or use of land;
- mitigate or compensate for loss or damage caused by development, such as the unavoidable loss of open space or natural habitat, this could be by habitat protection, enhancement or creation. Such measures will need to be based on seasonally appropriate and recent pre-development surveys as a sound evidence base. In some cases, on-going monitoring will be required particularly where species relocation (as a last resort) is involved.
- mitigate the impact of development, for example the provision of infrastructure, such as sustainable transport measures or a financial payment (contribution) towards education facilities.

2.5.2 Planning obligations can also be secured through a unilateral undertaking presented to the local authority by the developer. This normally occurs when an agreement has not been reached and the application is taken to appeal. The Council can either accept an undertaking by granting planning permission or refusing planning permission if the obligations offered do not deal with all the issues felt necessary to grant planning permission. In the latter case, it will be for an inspector to recommend whether or not the unilateral undertaking is acceptable. Unilateral undertakings can be submitted directly to an inspector at appeal.

2.5.3 Unilateral undertakings can also be used as a tool for streamlining and speeding up the decision making process for straightforward obligations such as those applications where only standard charges apply. A standard unilateral template is currently being prepared by the Council for developers to submit for small schemes.

For more complex applications, planning obligations negotiated to reach an agreement (s106 agreement) will be expected. The Council is also currently preparing standard agreements that contain model clauses to speed up the process. It is intended that both these documents will be established by adoption of this SPD (See Section 3.3 which explains the legal documents to be submitted with a planning applications).

2.6 Legislation and National Planning Guidance and Circulars

- 2.6.1 The Town and Country Planning Act 1990 (as amended) sets out the current legal framework for planning obligations under Section 106. The Planning and Compulsory Purchase Act 2004 has given the Secretary of State the power to replace Section 106 with Sections 46 and 47, but the Secretary of State has not yet made regulations to do so.
- 2.6.2 In December 2005 the Government published 'Planning-Gain: A Consultation.' It proposes to introduce a Planning Gain Supplement (PGS). This would capture a proportion of the land value increases created by the planning process, the funding from this would be used to help finance additional infrastructure required by new development. The PGS money would go directly to the Treasury.
- 2.6.3 Alongside the PGS it is proposed to scale back the scope of planning obligations to only include affordable housing and those that specifically relate to the environment of the development site,. There will be draft legislation and further consultations. The Government has indicated that any changes will not be implemented before 2008. Therefore, in the interim period they have advised that Supplementary Planning Documents should be prepared on the basis of section 106 and Circular 05/2005 – Planning Obligations (See paragraphs 2.6.5 and 2.6.6 below). In this context, this SPD should be viewed as interim guidance and will be reviewed when fundamental changes are introduced by the Government.
- 2.6.4 The Government has set out its vision for sustainable communities in the document entitled Sustainable Communities – Building for the Future (February 2003) and is a key theme in all its guidance notes and publications.

Circular 05/2005 – Planning Obligations:

- 2.6.5 Circular 05/2005 is the main source of Government guidance on the use of planning obligations. It clarifies the basis on which planning obligations should be assessed for their acceptability. It also gives guidance on the process of securing obligations by encouraging local authorities to introduce changes to promote speed, predictability, transparency and accountability. The use of standard charges, together with standard clauses and agreements is recommended to provide greater clarity for developers. The approach taken within this SPD is consistent with the advice given in Circular 05/2005.
- 2.6.6 The Circular sets out the following tests that must be satisfied in order for planning obligations to be required. The obligations must be:
- relevant to planning;
 - necessary to make the proposed development acceptable in planning terms;
 - directly related to the proposed development;
 - fairly and reasonably related in scale and kind to the proposed development; and
 - reasonable in all other respects.
- 2.6.7 The Government is intending to produce a Good Practice Guidance Note relating to the application of this Circular. Revisions to this SPD will take this future document and any other changes in policy, legislation or guidance into account.

Planning Policy Supplement 1 – Delivering Sustainable Development (2005)

- 2.6.8 This guidance requires planning authorities to ensure that sustainability through social inclusion, economic development, environmental protection and enhancement and the prudent use of resources are at the forefront of policy making and implementation. It also recognises the possible impacts that proposed development may have on people who do not directly benefit and that planning obligations can be used to mitigate these impacts.
- 2.6.9 Appendix B lists other Planning Policy Guidance notes and statements that are relevant to this SPD.

2.7 Policy

Regional Planning Policy

- 2.7.1 Regional Planning Guidance for the South East, March 2001 (RPG9) sets out key principles for development within the region. North Hertfordshire now forms part of the East of England Region and the emerging East of England Plan. This sets out a strategy to guide planning and development in the East of England to the year 2021. It covers a number of issues covered by this SPD such as development, housing, the environment, transport, waste management, culture, sport and recreation. It aims to improve the quality of life, and sets out proposals, which will influence where people choose to work and live and how people move about the region. It also seeks to address issues such as social exclusion, the need for regeneration and the impact of climate change.
- 2.7.2 A deposit draft of the East of England Plan (EEP) was published in December 2004. The Examination in Public has taken place and finished in March this year. In June 2006, the Panel, which conducted the Examination in Public, published its report including recommended changes to the draft plan. This has been submitted to the Secretary of State. Proposed modifications to the draft plan are expected to be published in November this year. These will be subject to a further phase of public consultation, with responses being considered by the Government, prior to a final version of the East of England Plan being published in spring 2007.

Hertfordshire Structure Plan Review 1991-2011 (Adopted April 1998)

- 2.7.3 Policy 2 – Design and Provision of Development. This requires developers to provide or finance the cost of provision that is fairly and reasonably related in scale and kind to the proposed development. It goes on to state that:

“Planning obligations will be sought prior to the issue of planning permission. Provisions will cover those necessary to serve the development, to mitigate its impact or to offset the loss of or impact on an existing resource, or otherwise necessary in the interests of comprehensive planning and sustainable development.”

- 2.7.4 The supporting text to this document outlines that account will need to be taken of the potential cumulative impact of development.

North Hertfordshire District Local Plan No.2 with Alterations (Adopted April 1996)
(Local Plan).

- 2.7.5 Policy 51 – Development Effects and Planning Gain, highlights the importance of planning obligations and states that:

“The Council will seek an agreement (usually under section 106 of the Town and Country Planning Act 1990) to ensure contributions towards offsetting the costs to the community arising directly as a result of the development where these are relevant to planning.

Where the effects of development relate to wider issues relevant to planning, the Council will ask for voluntary agreements with developers or landowners to contribute financially or in kind towards the provision and maintenance of works, amenity areas, facilities or services needed as a result, in particular in town centres or elsewhere the Council has a planned programme.”

- 2.7.6 The Council is now required to produce a Local Development Framework (LDF), following the introduction of the Planning and Compulsory Purchase Act 2004. This will comprise a series of Local Development Documents that will set out the planning policies for the District. It will eventually replace the Local Plan and is intended that some of the Development Plan Documents will be submitted during 2007/8, in view of adoption in 2009. The Council has already approved a Local Development Scheme, which sets out an overall timetable and documents that will make up the LDF. In the interim period the Local Plan and Structure Plan are currently ‘saved’ under the above Act and are material considerations in assessing the acceptability or otherwise of planning applications.
- 2.7.7 This SPD provides guidance on the ‘saved’ policies and is one of the documents in the LDF. The Local Plan and Structure Plan policies were adopted before the recent Government Circular 5/2005. However, they do not conflict with the general aims of this circular. This SPD will be reviewed to take into account further documents produced for the LDF. It is expected that any revised versions that that will eventually supplement policies in the LDF will not differ significantly from this current document, unless national policies significantly change. Therefore, if there is an interim period whereby Policy 51 of the ‘saved’ plan is replaced by a new policy in the LDF, this SPD will still be a material consideration in the assessment of planning applications until a revised version is adopted.

North Hertfordshire District Council Corporate Plan 2005-2015 (Corporate Plan) and Council Strategies

2.7.8 The Corporate Plan sets out the Council's corporate priorities. These reflect the Community Strategy process and consultation outcomes, together with the Social Inclusion, Diversity and Rural Strategies that provide evidence of community need. The Council has worked with its partners in the Local Strategic Partnership to develop a vision for North Hertfordshire, which determines the aspirations for the future of the District. This places the emphasis on:

"Making North Hertfordshire a vibrant place to live, work and prosper."

2.7.9 Six objectives are identified in the Corporate Plan that aim to achieve this overall vision and directly reflect the community aspirations within the Community Strategy, soon to be reviewed and revised to comprise The NHDC Sustainable Community Strategy. These six objectives are identified below:

1. *Sustainable Communities* – Promoting sustainable development of the District to ensure we deliver adequate affordable housing, protect the environment and conserve the heritage of our historic towns and rural settlements;
2. *Safer Communities* – Encouraging responsible citizenship and creating safe communities with less crime and fear of crime;
3. *Healthier Communities* – Promoting first class leisure and cultural facilities to contribute to healthy living for all our citizens;
4. *Equal Communities* – Targeting resources and areas of disadvantage in the District to reduce social exclusion and improve the quality of life for everyone;
5. *Prosperous Communities* – Creating opportunities for all by promoting sustainable local economic development;
6. *Listening to You* – Ensuring that we listen to our citizens and deliver high quality, value for money, customer focused services.

2.7.10 The planning process provides mechanisms by which some of these priorities can be addressed when they are related to the need arising as a result of proposed

development. The Council has produced a number of strategies, which are relevant to negotiation of s106 agreements. A list of these is contained within Appendix C. The review and preparation of new strategies that may be adopted will also be taken into consideration.

SECTION C: THE LIKELY IMPACTS OF DEVELOPMENT AND HOW THEY CAN BE ADDRESSED:

3.1 This section includes guidance on thresholds by which the Council will assess whether or not planning obligations will be required. It is then divided into five main parts as outlined below:

- Standard Charges – Addressing the Cumulative Impact of Development
- North Herts District Council Standard Charges
 - Community and Leisure Centres, Town and Village Halls
 - Open Space, Outside Sport and Recreation
 - Public Realm
 - Waste Collection Facilities and Recycling
- Hertfordshire County Council Standard Charges
 - Education
 - Libraries
 - Childcare & Youth
 - Fire (standard clause for fire hydrants and not a standard charge)
 - Sustainable Transport Measures
- Affordable Housing
- Other issues that are dealt with on a site-by-site basis.

3.2 Thresholds

Residential Thresholds

3.2.1 On the basis of the Council's approach to addressing the cumulative impact of development, the standard charges within this SPD relate to developments of one or more dwellings. A dwelling can be defined as any self-contained unit of residential accommodation. The threshold for affordable housing is on sites of twenty or more dwellings, which is consistent with Policy 29A of the saved Local Plan.

3.2.2 The threshold for sustainable transport and fire hydrants will be for one dwelling as outlined above. (See section 5.8) For other Hertfordshire County Council services contained within sections 5 on education, libraries, child and youth provision, the threshold is five houses or ten (one or two bedroom) flats. This threshold has been

set on the basis of balancing resources for dealing with planning applications on a countywide basis and the likely outcomes.

3.2.3 Contributions from developments of less than 300 dwellings can be calculated using Table 1 for North Herts District Council Standard Charges and Table 8 for the Hertfordshire County Council Standard charges. These tables illustrate the threshold requirements for dwellings outlined above and the maximum standard charges that could apply. The Council will assess each application to determine whether there is a demand generated by the development. It will then assess whether the capacity and quality of the existing services, facilities or infrastructure can cope with that additional demand. Where there is a need for a contribution relating to an item in the table the standard charge will apply for that item. Please note that there are some anomalies for, sustainable transport, waste collection and recycling where different standards apply depending on type of dwelling proposed or location of the site. These are identified with a * in the table that applies to North Herts. A detailed explanation of these costs is contained within the relevant section for that particular standard charge.

3.2.4 Developments larger than 300 units will be considered individually and specific on-site or off-site provision may be sought for built facilities, such as schools and other community facilities. Where land is required, the cost of provision of the land and all services will normally be borne by the developer. Section 7.4 provides more details. On-site open space may be required for developments less than 300 dwellings. Section 4.5 explains the standards of open space provision in more detail.

Non-Residential

3.2.5 The Council's standard charges for non-residential development relate to the public realm and sustainable transport (Refer to sections 4.6 and 5.8 for the thresholds for these). Contributions towards libraries, childcare, open space and outdoor sports provision may also be sought from major employment related developments that result in a need to provide additional facilities to assist employees and/or the local community. These will be considered on an individual basis.

Other Issues not dealt with by the Standard Charge

- 3.2.6 Other issues that are not dealt with by a standard charge such as health provision, mitigating flood risks and the environmental issues etc will be negotiated on a case-by-case basis. Section 7 provides further details.

_(This section has been moved to follow sustainable transport and now reads as Section 6).

3.3 Standard Charges and Addressing the Cumulative Impact of Development

- 3.3.1 Many small developments are not enough in themselves to have a major impact on infrastructure, services and facilities within an area. However, collectively they do as new development, through incremental growth, creates additional demands. For example, increased pressure on the public realm and open space, education, community facilities, or on the transport system where there is a need to cope with additional movement.
- 3.3.2 This SPD uses standard charges as a means of addressing the likely cumulative impact of development in a fair and equitable way. Developers will be required to make financial contributions to fund both on and off-site provision, where the Council considers that the existing quality and capacity of local services, infrastructure or facilities cannot cope with the additional demand arising from the proposed development. This will be assessed on a site by site basis. Where there is a need for a contribution the standard charge will apply.
- 3.3.3 The pooling of contributions will be functionally and geographically linked to the application. They will be used in targeted areas to address particular needs arising as a result of new development in both the rural areas and the towns within the District. Annex B, paragraphs B21 – B24 of Circular 05/2005 – Planning Obligations legitimises this approach. The bullet points below illustrates how the standard charge approach complies with the five tests set out in the Circular:
- Relevant to Planning - All of the standard charges are relevant as they serve a planning purpose such as encouraging non-car accessibility through sustainable transport measures, through to the provision of and enhancement of community facilities and the public realm.

- Necessary to Make the Proposed Development Acceptable in Planning Terms - Standard charges will ensure that additional needs brought on by new development are met.
- Directly Related to the Development - Expenditure of the money raised through standard charges will be spent so that it would benefit the future occupants of the development. As an example, contributions towards off-site play provision would be spent on those within the locality of the development site, such as within the rural areas, neighbourhoods or for those serving the town as a whole. Money allocated within Hitchin will not be spent in Royston or elsewhere.
- Fairly and Reasonably Related in Scale and Kind to the Proposed Development - The standard charges have been calculated using a formula approach so that the amount payable is directly proportional to the size and type of development proposed.
- Reasonable in all other Respects - The approach to planning obligations will be more consistent, transparent, practical and streamlined. This will provide more certainty for all involved.

3.4 Exceptions to the Standard Charge

3.4.1 Applications may be refused unless there is a good reason why the standard charges should not apply to a particular scheme. In these cases, the applicant would need to submit a justification for non-compliance with standard charges with the planning application. Examples of when exceptions to the standard charges may apply are outlined below:

- Large scale schemes where specific facilities are provided on or in the vicinity of the application site. This may be through provision by the developer or by a contribution that is specific to the particular facility required and the application proposed;
- An area of open space such a play area may be provided on site. If this provision complies with part of the requirements in the 'saved' local plan, the standard charge would be scaled down accordingly to make an allowance for the cost of providing the play area on site;

- In the case of applications that may be exempt from some standard charges such as sheltered housing, rest homes, nursing homes (See paragraphs 4.5.17 and 5.7.1).
- Where it can be demonstrated that the existing quality and capacity of a service, infrastructure or facility can cope with the additional demand arising from the proposed development.

3.5 Applications involving Demolition

3.5.1 The standard charge will apply to the net number of dwellings or floorspace gained where an application involves demolition. For example, if it is proposed to build 20 dwellings in total, involving the demolition of 12, the standard charge would apply to 8 dwellings only.

3.6 Legal Documents to be Submitted with a Planning Application

3.6.1 In cases where only standard charges apply then applicants will need to submit a unilateral undertaking with submission of the application. This will be generally for application between 1 and 20 dwellings and for small non residential units. For other applications that have obligations in addition to the standard charge, such as affordable housing, specific highway measures, on-site provision and other issues contained within this SPD, proposed heads of terms will need to be submitted with the application. A s106 agreement will then be entered into if planning permission is granted. Standard documentation for both unilateral undertakings and s106 agreements are currently being prepared and will be available when this SPD is adopted. Further information in relation to what needs to be submitted with a planning application is contained within section 8.1 of this SPD.

4.0 Contributions Sought by North Hertfordshire District Council

4.1 North Hertfordshire District Council is responsible for ensuring a range of provision and facilities. This section outlines the Council's approach to seeking contribution based on formula. These are summarised in the Table 1 for residential development. Non-residential development will be required to make contributions to the public

realm and sustainable transport the formula for these are identified separately in Tables 6 and 9. Contributions will only be sought where a need has been identified as a result of the proposed development as outlined in paragraph 3.2.3.

Table 1: North Hertfordshire Council's Standard Charges for dwellings

| | | Number of Bedrooms Per Dwelling | | | |
|---|----------------------|---------------------------------|---------------|---------------|---------------|
| | | 1 | 2 | 3 | 4+ |
| | Occupancy Rate | 1.26 | 1.78 | 2.51 | 3.07 |
| Standard Charge | Cost Per Person in £ | Cost Per Dwelling in £ | | | |
| Community Centres/Halls | £188 | £236.88 | £334.64 | £471.88 | £577.16 |
| Leisure | £311 | £391.86 | £553.58 | £780.61 | £954.77 |
| Play Space | £296 | £372.96 | £526.88 | £742.96 | £908.72 |
| Pitch Sport | £146 | £183.96 | £259.88 | £366.46 | £448.22 |
| Informal Open Space | £160 | £201.60 | £284.80 | £401.60 | £491.20 |
| Sustainable Transport (*Applies to applications outside the town centre, see section 5.8 for within the Town Centre) | | £625 | £750 | £1,125 | £1,500 |
| Waste Collection Facilities & Recycling (*For flats see section 4.7) | | £71 | £71 | £71 | £71 |
| Total Contributions Per Dwelling | | £2,083 | £2,781 | £3,960 | £4,951 |

Notes

Schemes of 5 houses and 10 (one or two bedroom) flats or above will also be required to meet County Council requirements outlined in section 6 of this SPD.

Contributions are based at and will be index linked from first quarter of 2006. See Section 8.3 for further details.

See the background paper accompanying this SPD for further details relating to the above figures in this table.

4.2 The standard charges in section 4.4 for Community and Leisure Centres and section 4.5 on Open Space provision are calculated per person. The table above indicates the likely occupancy rate relating to the number of bedrooms. The figures within the table have been derived from the District's Housing Needs Survey 2002. This can be used with the standard charge to give a figure relating to the dwelling mix proposed. In exceptional circumstances, the Council will agree to vary the occupancy rate where the applicant can demonstrate a valid reason for such a variation.

4.3 In the case of applications for outline planning permission where the dwelling mix may not be known a general standard of 2.36 occupants per dwelling (2001 Census) will be used or a formula approach that can be worked out at a later stage in the planning process. One way of achieving the latter approach would be to assess the impact at the time of the application and append a table to the s106 listing the agreed standard charge for each type of dwelling. At a later stage in the planning process, when the dwelling mix is known, it will be clear from the table what the contributions will be. The background paper contains an example of this approach.

4.4 Community and Leisure Centres, Town and Village Halls

4.4.1 Community and leisure centres, town and village halls offer a range of facilities such as meeting places, club venues, entertainment, learning, sports and leisure. They are an important focal point as they provide activities that develop local groups and promote a sense of belonging to a community for the District's residents.

4.4.2 Community consultation and visioning as set out in the Community Strategy, Area Visioning Action Plans, Town Centres and Rural Strategies and Youth and Children's Fundamental Service Review have identified the need for community facilities. These recognised needs, together with population increases arising from new development will increase the demand placed upon existing centres and halls. The Council would like to ensure that these continue to meet the needs of its new and existing residents. Therefore, contributions will be sought towards the provision of new centres, halls or enhancement of existing facilities, together with any related projects, services and programmes that may be necessary.

4.4.3 Based on Council experience of recent new developments the standard provision for community centres is 100 square metres of floor space per 1000 people. This amounts to 0.1 square metres per person. In rural areas the ratio may be more as there are usually no other community facilities within the vicinity, the populations are generally smaller and there needs to be a basic size of hall, toilet facilities etc to make the centre viable. However, for the basis of calculating a standard charge the above ratio will apply to both community centres and halls.

4.4.4 The standard provision for leisure centres is based on the recently built new facility in Royston. The ratio of provision is 190 square metres of floor space per 1000 people. This amounts to 0.19 square metres per person.

4.4.5 The contributions required per person are based on the capital cost for providing a community centre at £1,879 per square metre and £1,640 per square metre for a leisure centre and the standards of provision outlined as above. These contributions are outlined in Table 5 as follows:

Table: 2: Standard Charge for Community Centres/Hall and Leisure Centres

| Community facility | Cost per person |
|---------------------------|------------------------|
| Community centres/halls | £188 |
| Leisure Centres | £311 |

4.4.6 Expenditure of contributions will be based on agreed programmes and any other agreed projects that may be necessary to cope with the cumulative increase in demand. This will be on the facility or project that serves the development. For example, where a proposal would result in a need for a contribution towards community facilities in relation to a development in Ashwell, the money received will be ring fenced for that purpose and spent on the village hall in Ashwell. Similarly, contributions for leisure facilities in Hitchin and the surrounding villages will be spent in Hitchin. There may be projects identified that would benefit residents on a town wide basis. If this is the case, contributions will be sought from developments within that town and the surrounding villages it serves. If a large scale development results in the need for significant extension or a new centre/ or hall this standard charge may not be appropriate. In these cases, there will be a need to assess such applications on an individual basis (Section 7.4 covers this in more detail).

4.5 Open Space, Outdoor Sports and Recreation

4.5.1 New residential development places increased pressure on open space, sport and recreation provision within the District. The Council’s responsibility is to enable and co-ordinate the provision of these, to ensure that they are located in the right places, are of high quality, offer opportunities for biodiversity and are well maintained to meet the needs of the community. Planning obligations play a role in ensuring that these facilities can cope with additional demand placed upon them by new development. This may be through contributions towards off-site provision and enhancement to take into account the cumulative impact of small schemes on the

quality of the existing open space, or the provision of on-site areas of open space and a contribution towards their maintenance.

National Planning Policy Guidance

4.5.2 Planning Policy Guidance Note 17: Open Space, Sport and Recreation 2002 (PPG17) states that:

“...Local authorities should ensure that provision is made for local sports and recreation facilities (either through an increase in the number of facilities or through improvements to existing facilities) where planning provision is granted for new developments (especially housing). Planning obligations should be used where appropriate to seek increased provision of open spaces and local sports and recreational facilities, and the enhancement of existing facilities” (paragraph 23).

4.5.3 The guidance also states that:

“...Planning obligations should be used as a means to remedy local deficiencies in the quantity or quality of open space, sports and recreational provision. Local authorities will be justified in seeking planning obligations where the quantity and quality of provision is inadequate or under threat, or where new development increases local needs” (paragraph 33).

The Council's Strategy

4.5.4 The Council has produced a number of strategies that assess existing quantity and quality of outdoor play and sport provision within the District, as recommended by PPG17. These strategies are:

- (i) Play Area & Outdoor Youth Provision Strategy 2004 –2010, Agreed (adopted) by the Council's Cabinet Committee on the 13th April 2004.
- (ii) A Pavilions, Playing Fields & Sports Pitches Strategy for North Hertfordshire 2005 – 2010. Agreed (adopted) by the Council's Cabinet Committee on the 24th February 2005
- (iii) Green Space Strategy – Currently being prepared. This work will bring the above strategies together into one strategy and feed into the new Local

Development Framework with the aim of identifying local standards as recommended by PPG17.

- (iv) Parish Playground Challenge, The Way Forward: Draft Discussion Document 2004.

4.5.5 These strategies identify areas of under provision where the Council will seek to create new areas of open space, sport and recreation and will be used as a tool for negotiating on planning applications. They also identify areas where the Council is seeking to improve the quality and quantity of existing facilities to meet the needs of new and existing residents. Contributions from new development will be used to assist in implementing these strategies by meeting the needs of new and existing residents and mitigating the impact of development in accordance with the policies contained within the saved Local Plan. The level of provision and/or contributions sought will be directly proportionate to the scale of development proposed and the impact as a result of the demand brought on by the new residents.

4.5.6 Until the Green Space Strategy identified in paragraph 4.5.4 (iii) above and the Local Development Framework have reached material weight as a consideration in assessing planning applications, the Council will use the NPFA Six Acre standards (2001) when calculating the level of open space and recreational facilities required through planning obligations. These standards are referred to in the saved Local Plan and are currently used by the Council for all new open space provision in new developments.

Local Plan Policy

4.5.7 The saved Local Plan Policy 57 – Residential Guidelines and Standards, Guideline 8 states that where public space can reasonably be expected, the National Playing Fields Association (NPFA) standards will be used. These standards recognise that the level of open space and play space required will be dependent upon the nature and extent of existing provision within the locality. The standards are as follows:

- Informal Open Space - 0.4 hectares per 1000 population
- Children's Play Space – up to 0.8 hectares per 1000 population

4.5.8 The saved Local Plan does not identify standards for sports pitch and recreational provision. However, local standards are outlined in the Council's adopted Pavilions, Playing Fields & Sports Pitches Strategy as:

- Pitches - 1.2 hectares per 1000 population.
- Outdoor Sport – 1.6 hectares per 1000 population

The pitch standard forms part of the overall standard for outdoor space. These are also based on NPFA Standards. The type of open space, sport and recreation provision for which the Council will seek to negotiate financial contributions are defined in Appendix D.

On-Site Provision

4.5.9 In assessing planning applications, the location of development in relation to existing facilities close to the site and whether there are deficiencies will be taken into account to determine whether on-site provision will be required. As an example, if a new residential development is close to an existing play area, it may be more appropriate to seek an off-site contribution towards the improvements of that existing facility rather than a new facility within the development area. In addition, the Council will consider the types of dwellings proposed and the likely requirements of the future occupants. Off-site contributions will not be required if appropriate provision is provided for within the development.

4.5.10 Where open space, sports and recreation provision is required on site, advice should be sought from the Council's Parks and Countryside Department as to the appropriate design, size and type. Specifications for play areas are contained within the Appendix 1 and 6 of the Play Area & Outdoor Youth Provision Strategy 2004 – 2010.

Maintenance and Transfer

4.5.11 The Council is normally prepared to adopt and maintain properly laid out public open space, recreation and play areas. This will be subject to a ten year commuted sum paid by the developer on the transfer of the land. The commuted sum will be calculated using the current maintenance contract prices and will be index linked. The conditions of the site, existing features and proposed features will be assessed

on an individual basis. However, as a guide Table 3 outlines the Council's contract prices for 2006/2007:

Table 3: Maintenance Contract Prices for Open Space 2006/7

| Feature | Unit | Annual Cost 2006/2007 in £ |
|---|--------------------------|---------------------------------------|
| Existing Woodland | 1 HA | 19,297.70 |
| New Woodland | 1 HA | 23,177.56 |
| Existing Hedgerow | 1 Linear metre | 2.54 |
| New Hedgerow | 1 Linear metre | 3.87 |
| Newly Planted Formal Tree (E.g. Avenues, roadside and specimen etc) | 1 Tree | 42.60 |
| Newly Planted Informal Tree (E.g. within a park) | 1 Tree | 20.44 |
| Existing Mature Tree | 1 Tree | 50.00 |
| LAPS (Equipped) | Activity zone and buffer | 2,798.66 |
| LAPS (Not Equipped) | Activity zone and buffer | 1,465.64 |
| LEAPS (5 pieces of equipment) | Activity zone and buffer | 3,565.06 |
| NEAPS (8 pieces of equipment) | Activity zone and buffer | 7,500.26 |
| | | |
| Football Pitch (grass) | Including buffer | 5775,16 |
| Amenity Grassland (parks & greens spaces) | 1 m ² | 0.18 |
| Fine Turf | 1 m ² | 0.95 |
| Conservation | 1 m ² | 0.09 |
| Ornamental Shrub Borders (Including herbaceous and Rose borders) | 1 m ² | 1.53 |
| Seasonal Bedding | 1 m ² | 20.88 |
| Open Space Hard surfaces (Footpaths that are not adopted by the County Council) | 1 linear metre | 0.32 |
| Litter Bin | 1 | 47.67 |
| Dog Bin | 1 | 151.39 |

4.5.12 These indicative annual costs provide a guide to the Council's current costs and will be reviewed on a regular basis. In calculating a ten-year commuted sum there would need to be a percentage increase per annum to take into account inflation. In addition, a discount will be calculated over a ten-year period based on the interest accrued annually. Outlined in Table 4 below is an example of a ten year commuted sum of £5,000 per year taking into account inflation and interest rates at this current time.

Table 4: Calculation Example for 10 year commuted sum towards maintenance provision

| | Annual Maintenance Cost | | Inflation Rate | | | Sinking Fund Capital | Interest Rate |
|-----------|-------------------------|---------|----------------|-------|-------------|----------------------|---------------|
| | | | | | Initial E* | 43929.53 | C * |
| End yr 1 | A* | 5000.00 | B* | 2.50% | | 40906.36 | 4.50% |
| End yr 2 | | 5125.00 | | 2.50% | | 37622.15 | 4.50% |
| End yr 3 | | 5253.13 | | 2.50% | | 34062.02 | 4.50% |
| End yr 4 | | 5384.45 | | 2.50% | | 30210.36 | 4.50% |
| End yr 5 | | 5519.06 | | 2.50% | | 26050.76 | 4.50% |
| End yr 6 | | 5657.04 | | 2.50% | | 21566.00 | 4.50% |
| End yr 7 | | 5798.47 | | 2.50% | | 16738.00 | 4.50% |
| End yr 8 | | 5943.43 | | 2.50% | | 11547.79 | 4.50% |
| End yr 9 | | 6092.01 | | 2.50% | | 5975.42 | 4.50% |
| End yr 10 | | 6244.31 | | | Residual D* | 0.00 | |

| | |
|----------|---|
| Notes: | |
| Value A* | The current annual cost of maintaining the proposed facility. |
| Value B* | The retail price index for the one year period immediately prior to calculation of the commuted revenue maintenance contribution. |
| Value C* | The current Bank of England base rate. |
| Value D* | Residual Capital at end of term |
| Value E* | Committed sum payable |

4.5.13 The Council currently contracts out all ground maintenance works. Any development that results in substantial areas of open space maintenance (such as major urban extensions) may be required to pay an increase in maintenance costs to take into account additional contractor overheads. These would include an increase

in depot resources and facilities, together with head office support. The increase will be 32% as set out in the Council's Ground Maintenance Contract.

4.5.14 Any open space to be transferred would need to have been laid out, planted and maintained to the satisfaction of the Council. For equipped play areas RoSPA (or suitable alternative organisation) will be required to undertake post installation certification inspections to confirm construction of any equipped play area is to appropriate British Standards or EN1176 and EN1177. Any recommendation of any such inspection will need to be implemented to the satisfaction of the Council prior to adoption. Alternatively a sum of money will need to be paid to the Council to bring areas of open space up to a standard that can be adopted. If developers do not intend to offer areas for adoption, the Council needs to be assured that satisfactory alternative arrangements are in place for maintenance in perpetuity. In Letchworth, the Letchworth Garden City Heritage Foundation is responsible for maintaining significant areas of open space and public realm. If development is proposed on the Foundations land, which will be managed by them, appropriate long-term maintenance will need to be agreed. This may involve a sum of money being paid to the Foundation.

Off-Site Provision

4.5.15 The Council wishes to ensure that the cumulative impact of development on the quality and quantity of open space, sport and recreation is addressed through the planning obligation process. This SPD provides a clear framework to ensure that small developments make a proportionate contribution towards the capital expenditure required to enhance existing areas of open space, sport and recreation as well as providing new facilities in areas where there are deficiencies in numbers.

4.5.16 It is important to note that 'necessary' as defined in Circular 05/2005 is not just what is physically required to make a development go ahead, but also includes the mitigation of off-site impacts resulting from the development. The incremental growth of small developments increases the population of the area and the demands placed upon existing facilities. It is, therefore, only right and proper that all residential new developments where there is a need should contribute. New residents expect the provision of open space, sport and recreational facilities whether the development is on a large estate with on-site facilities or a single dwelling. Large scale developments that are not proposing to provide open space, sport and recreation facilities on-site will also be expected to make off-site

contributions. The level of off-site contribution will be scaled down accordingly if developments meet part of their open space requirement.

Methodology for Calculating Contributions

Standard Charge for Residential Developments

4.5.17 Contributions towards the provision or improvement of open space are calculated using the capital costs of provision. This is set out in Table 5:

Table 5: Standard Charge for Open space Provision for Residential Development

| Facility | Standard in sqm | Cost per sq m | Contribution per person |
|--|------------------------|----------------------|--------------------------------|
| Play Space (Children's and youth provision) | 8 per person | £37 | £296 |
| Pitch Sports (Including pavilions) | 12 per person | £12.17 | £146 |
| Informal Open Space, such as parks. | 4 per person | £40 | £160 |
| | | Total | £602 |

Non-Residential

4.5.18 Non-residential schemes will be required to make a contribution towards open space provision. This is because a number of employees may use these facilities before and after work hours. These contributions will be negotiated on a case-by-case basis and will be dependent on the use proposed and number and types of employees.

Circumstances whereby Off-site Contributions will not be required

4.5.19 Off-site contributions outlined in Table 5 above will not be required for developments that meet all the open space requirements on-site. In cases where some, but not all the open space is provided on-site the standard charge will be scaled down accordingly. Contributions towards children's play space will not be required for rest homes, nursing homes and hostels. Requirements for other specialist housing will be considered on its merits.

Expenditure of Contributions

4.5.20 The strategies outlined within paragraph 4.5.4 above list potential projects where s106 monies for off-site provision could be effectively spent. These will be the priority areas. The projects for improvement will enable existing areas of open space and recreation to cope with the additional usage and demand resulting from new developments within the District. The Council will also seek to create new areas of open space in areas where there is an identified quantitative deficiency.

4.5.21 Contributions collected will relate to the area of open space that serves the development and will be ring fenced for that purpose. However, a number of parks, play areas, open spaces and sports pitches within the District serve the wider community and are for the benefit of the residents of the whole town and in some cases the surrounding villages. Therefore, if there are any of these areas of open space identified within a town or surrounding village where a particular development is proposed, contributions may be spent on these as well as or instead of in the immediate locality. Contributions towards children's play space will normally be spent within 600 metres of the boundaries of the development site where a need has been identified. This is considered to be a reasonable distance based on NPFA suggested catchment areas.

4.6 Public Realm

4.6.1 This standard relates to non-residential development within the Town Centre as defined in the 'saved Local Plan' and for out-of-centre retail. The quality of the environment within the District's towns makes an important contribution towards maintaining sustainable communities. The public realm for the purposes of this document relates to areas that are open to all members of the public.

4.6.2 Development that attracts visitors and employees into the public realm can result in increased wear and tear. This may result in the following additional needs:

- new and improved public spaces
- surfacing
- street lighting and furniture
- hard and soft landscaping
- improved signage
- public art
- litter bins
- CCTV

4.6.3 Healthy, safe and attractive environments within towns has clear benefits for occupiers and visitors of new developments in terms of their vitality, social and economic potential within the District. They also provide opportunities for biodiversity, such as improvements to the River Hiz walkway within Hitchin Town Centre. Contributions will be sought towards improvements to the public realm for all non-residential development that result in new floor space. This may be either a new build or extension to an existing building.

4.6.4 Community safety such as CCTV and street lighting are also integral parts of the public realm as they contribute towards people's perceptions of whether an area is safe and useable. It also directly delivers against the Government's Cleaner, Green, Safer, Streets and Respect Agendas. All premises or land used by the public has the potential to be perceived as unsafe, particularly those that are in isolated locations, not just in the towns but also within the rural areas. Community safety is dealt with in more detail in section 7.7 of this SPD including an indication of costs for CCTV provision.

National Planning Policy

4.6.5 Planning Policy Statement 6: Planning for Town Centres March 2005 – Seeks to promote high quality design, improve the quality of the public realm and protect and enhance the architectural and historic heritage of centres. It also states that centres should provide a sense of place that is attractive, safe and accessible.

The Council's Strategy

- 4.6.6 Many small developments are not enough in themselves to have a major impact on the public realm. However, collectively they do. Therefore, the pooling of contributions will be used in targeted areas to address particular local need. Contributions will be put into a project fund for the town in which it is located and allocated to improvement projects within a reasonable distance of the site used by the occupiers of the development. Such contributions will be functionally and geographically linked to the planning application.
- 4.6.7 Paragraph 4.6.8 below lists the Council's strategies. These provide a context for promoting changes and improvements that will benefit the future viability and vitality of the District's public realm. They also identify particular areas where improvements are required. Contributions from development within town centre project fund will be used to assist in implementing these strategies.
- 4.6.8 In May 2001, the Council adopted a Town Centre Template, which sets out the Council's intentions for developing town centre strategies. Work has already commenced on a number of strategies and planning briefs as outlined below:
- Hitchin Town Centre Strategy – Adopted November 2004
 - Paynes Park Planning Brief – Adopted January 2005
 - Churchgate Development Area Planning Brief – Adopted November 2005
 - Baldock Town Centre Strategy and Action Plan – Adopted January 2006
 - Letchworth Town Centre Strategy – in preparation
- 4.6.9 In addition to the town centre strategies, Action Plans have been prepared which identify community priorities:
- Area Action Plans for Letchworth, Baldock, Hitchin and Royston, December 2005
 - Revised Rural Area Action Plan May 2005
 - North Hertfordshire District Council Community Strategy
 - Street Scene Fundamental Service Review – Action Plan
- 4.6.10 The following additional strategies are also planned:
- Letchworth Town Centre Consultation Draft Autumn 2006
 - Royston Town Centre Consultation Draft Autumn 2007

- CCTV and associated lighting Strategy. This will identify areas that are currently perceived as unsafe or reprioritise the use of CCTV through the priority led policing and information agenda.

Expenditure of Public Realm Contributions

4.6.11 The projects identified in the above strategies will help to meet additional demands as a result of new development. Those identified within the strategies are not considered to be final and will change over time, depending on priorities within the District. However, they do provide a basis for which public realm contributions will be targeted. Additional suitable projects will be considered for funding by s106 contributions following consultation from time to time with Area Committees, Parish Councils, local residents and organisations.

4.6.12 The extent of contribution required has been calculated by assessing the existing floorspace of units within the town centre and their relationship with the public realm. This provides a ratio per town so that the public realm contribution is directly proportionate to the location and size of non-residential development proposed. A reasonable cost has been calculated for relating to the provision of public realm at £344 per square metre. In addition, a period of 20 years has been used which assumes a typical period in which areas of public realm would need to be replaced. The cost per square metre of non-residential development in each town is outlined in the Table 6 below as follows:

Table 6: Public Realm contributions for Non-Residential Developments

| Town | Ratio of Public Realm to Town Centre Floorspace | Cost Per Square Metre (Ratio x £344 divided by 20) |
|-------------|--|---|
| Hitchin | 1.09 | £19 |
| Letchworth | 0.9 | £15 |
| Baldock | 1.14 | £20 |
| Royston | 1.04 | £18 |

4.6.13 Direct works to the public realm will be accepted instead of or in addition to monetary contributions. For example, enhancements to the River Hiz in Hitchin, which may be directly adjacent to a proposed development. In addition, large-scale

developments will also need to provide areas of public realm within the application site. This could also be dealt with as part of the planning application.

4.6.14 Developers will be responsible for the maintenance of the areas of public realm provided as part of the application site. All parts of the public realm including any street furniture and signage and/or planting, would need to have been laid out and maintained to the satisfaction of the relevant authority. Alternatively a sum of money would need to be paid to the relevant authority to bring areas of the public realm up to a standard that can be adopted. If developers do not intend to offer areas for adoption, the relevant authority needs to be assured that satisfactory alternative arrangements are in place for maintenance in perpetuity.

4.7 Waste Collection Facilities and Recycling

4.7.1 This standard charge will always apply to new developments of one dwelling or above, as new facilities will always be required. The Council is committed to minimising domestic waste sent to landfill. This is an identified strategic priority within the Council’s Corporate Plan. A programme for North Herts is contained within the Hertfordshire Waste Partnership’s, Hertfordshire Waste Strategy 2002-2024. This has been modified since it was published and in September 2005 the Council agreed a programme that would ensure additional kerbside recycling facilities for all properties by September 2007 (Cabinet Report 20th September 2005). This will include collection of green garden waste for composting, glass, paper, plastic bottles and cans. Each dwelling will be provided with appropriate containers and the collected materials will be taken away to a recycling centre.

4.7.2 Contributions sought towards the capital costs of equipping new properties with kerbside and domestic waste containers are set out in the following table:

Table 7: Contributions towards Kerbside Recycling

| Type of Property | Cost per dwelling |
|---|--------------------------|
| House | £71 |
| Flat with its own self contained garden | £54 |
| Flat with shared or no amenity space | £26 |

4.7.3 Whilst the cost of providing these facilities is relatively small for each household, contributions will ensure that new developments will not drain existing resources. The contribution will provide for the following for houses:

- Two bins (residual and green garden waste for composting)
- Two boxes (glass and paper recycling)
- One Box (plastic and cans)
- Initial publicity material, such as instructions in relation to the recycling scheme

The cost of provision for flats is reduced, as some of the facilities will be provided communally. The cost will be index linked to the 'Retail Price Index'.

4.7.4 The revenue costs of collection will be covered through Council Tax. However, in the case of large-scale residential development, implementation costs may be required to cover the purchase of additional vehicles and setting up new or extended rounds. Contributions towards the provision of recycling banks and land to accommodate these will also be required for large development schemes.

4.7.5 Properties with no immediate access to the rear, together with flats may have no obvious means for storage of waste and recycling containers. This results in containers being permanently left in front gardens or by the roadside. Therefore, development schemes will be required to ensure appropriate arrangement for the storage of waste collection and recycling containers at the outset. This may be through communal shelters.

5.0 Contributions Sought by Hertfordshire County Council

5.1 Hertfordshire County Council (HCC) is responsible for ensuring the provision of a range of services and seeks contributions and/or facilities from development which would have an additional impact on service provision, including:

- Education
- Libraries
- Youth & Childcare
- Fire and rescue services
- Sustainable Transport Measures
- Other Issues, such as special needs housing and public rights of way.

5.2 This section outlines the role of the County Council in seeking planning obligations in relation to proposed development. Standard Charges based on a formula approach are used for most of the categories above and are summarised in a contribution table below. Contributions will only be sought where the need for improvement has been identified as outlined in paragraph 3.2.3.

Table 8: Hertfordshire County Council Standard Charges for Dwellings

| Contributions required per dwelling | | | | | | |
|--|-------------|---------------------|------------------|---------------|---------------|------------------|
| Open market, shared equity, key worker & other | | | | | | |
| Number of bedrooms | 1 | 2 (flat/app) | 2 (house) | 3 | 4 | 5 or more |
| Primary | £0 | £573 | £1,127 | £2,745 | £3,415 | £4,369 |
| Secondary | £0 | £474 | £989 | £3,204 | £4,198 | £6,820 |
| Nursery education | £0 | £112 | £224 | £453 | £539 | £596 |
| Childcare | £0 | £46 | £80 | £166 | £194 | £241 |
| Youth | £0 | £11 | £20 | £59 | £78 | £126 |
| Library | £102 | £129 | £153 | £206 | £228 | £266 |
| Total all headings | £102 | £1,346 | £2,594 | £6,834 | £8,651 | £12,417 |
| Affordable dwellings for social rent only | | | | | | |
| Number of bedrooms | 1 | 2 (flat/app) | 2 (house) | 3 | 4 | 5 or more |
| Primary | £0 | £2,043 | £2,043 | £3,880 | £5,649 | £6,957 |
| Secondary | £0 | £960 | £960 | £1,834 | £2,680 | £3,358 |
| Nursery education | £0 | £290 | £290 | £610 | £887 | £1,046 |
| Childcare | £0 | £121 | £121 | £224 | £316 | £373 |
| Youth | £0 | £18 | £18 | £38 | £59 | £77 |
| Library | £51 | £71 | £71 | £102 | £110 | £128 |
| Total all headings | £51 | £3,503 | £3,503 | £6,686 | £9,700 | £11,939 |
| Notes | | | | | | |
| Contributions are based at and will be indexed from PUBSEC base index of 168 (This is the indicative index for 2Q2006 - as of June 2006) | | | | | | |
| The figures for social rented affordable housing are different, as population figures indicate that child yield is higher. These would be considerably higher than shown but have been discounted to allow for the fact that some occupants of new affordable housing are likely to move locally and are already using the services. | | | | | | |
| Further details relating to the figures contained within this table are in the background paper supporting this SPD. | | | | | | |

5.3 Education

5.3.1 The County Council is the Local Education Authority and has statutory responsibility for the provision of education services. It has a duty to ensure that there are sufficient school places to meet the needs of the population. This provision includes nursery, primary, secondary, and sixth-form education and special needs services and facilities.

5.3.2 The demand for school and nursery education places from each development are calculated using a census based model, which forecasts child yield by age group. (Further details are available on request. [Please contact HCC Services Planning Obligations Team for further information - 01992 588137](#)). The model accounts for the number, type and mix of dwellings proposed. The cost of individual places is multiplied by the child yield to result in a contribution figure per dwelling, according to tenure and number of bedrooms (using an assumed relationship with habitable rooms) as outlined in the table 8 above.

5.4 Libraries

5.4.1 Library services contribute to the educational, economic, social, cultural and recreational well being of the community. The County Council has a duty to provide a comprehensive and efficient library service for everyone who lives, works or studies in the County. Facilities can range from large central libraries within towns, to community libraries, resource centres providing electronic access to services within multi-use buildings and mobile facilities.

5.4.2 New residential development will add pressure on the library service. The likely impacts have been looked at in the context of the Government's Public Library Service Standards (PLSSs). These are assessed on a countywide basis, of the ten standards Hertfordshire fully meets five. The remaining five standards are areas where improvement is required and additional demand by proposed development will impact the County Council's ability to achieve these. These standards are as follows:

- Opening hours (PLSS2) – This will be met from March 2007.
- The total number of electronic workstations with access to internet and library catalogue per 10,000 populations (PLSS4)
- Library visits per 1,000 population (PLSS6)
- Percentage of library users 16 and over who view their library service as good or very good (PLSS7)
- Percentage of users under 16 who view their library service as good (PLSS8)

5.4.3 Hertfordshire has recently launched its 'Libraries for the 21st Century' Change for Excellence 2005-2015 initiative. This takes account of national and local policy and sets out proposals for the improvement of Hertfordshire's library service. The web

site www.hertsdirect.org/libsleisure/libraries/services/L421C/ contains further details. The aim is to improve all libraries fit for the 21st Century.

5.4.4 In terms of North Hertfordshire, the areas of stress on the service have been assessed. Details of which are contained in the background paper accompanying this SPD. It indicates that all of the library services are at capacity in terms of the standards set and any additional impacts as a result of new development will put pressure on these. Therefore, the standard charge indicated in Table 8 will be sought in most cases.

5.5 Youth and Childcare

5.5.1 A combined figure has been sought in the recent past for youth and childcare. However, they are separate contributions in terms of expenditure and are dealt with independently below.

Youth

5.5.2 As required by the 1944 Education Act, the County Council provide youth services for 13-19 year olds such as social/meeting places plus support, information, advice and informal education opportunities. These responsibilities are distinct from and complementary to provision that may be sought from the District Council from a leisure perspective. The youth service also supports and works in partnership with HCC Children Schools and Families Service and local voluntary/community organisations to enhance local provision.

5.5.3 The County Council works in line with current national and local requirements and developments, in particular the Government strategies, 'Every Child Matters', 'Youth Matters' and 'Transforming Youth Work - Resourcing Excellent Youth Services'.

5.5.4 Resourcing Excellent Youth Services, published in 2002, sets out standards for youth work provision. It has a target that 25% of the total population aged 13-19 should be reached. This figure is the basis for the formula used to identify the standard charge indicated in Table 8. The background paper accompanying this document provides a full justification for this. Objective 2 states that authorities must secure convenient and suitable access for young people to high quality youth work

in safe, warm, well-equipped locations. Objective 3 states that provision should be attractive and relevant to promote participation.

5.5.5 The objectives above underlie that where such facilities are not available, young people often feel they are not valued as part of their community. As a result there may be increased incidents of youth nuisance and vandalism. Therefore, in order to overcome this, the youth service supports young people's transition to adulthood by providing alternative opportunities that enable them to reach their full potential. This is of benefit not only to young people but also the wider community.

5.5.6 Hertfordshire Youth Service Strategy for North Hertfordshire identifies a need to modernise centres, increase storage, equipment and activity space and extend the range of activities for the disabled. In some cases there is a need to relocate services in terms of the existing and future population. The provision of youth facilities and programmes makes an important contribution to reducing crime and disorder and encourages social inclusion for young people. New residential development may generate a proportion of young people, resulting in a demand for youth provision. This will require increased resources to enable equal access to those activities. Examples of resource requirements as a result of an increase in demand are contained in the background paper supporting this SPD.

Childcare

5.5.7 The County Council seeks childcare contributions from development. Contributions will be used to assist in the provision of a variety of facilities, in which Children's Centres and Extended Schools are currently a priority. These form an integral part of the national childcare strategy and impose a statutory duty on HCC in partnership with private and voluntary sectors.

Children's Centres

5.5.8 Children's Centres are part of a government initiative providing universal entitlement for all children up to the age of 5. They are crucial to the delivery of the Government's 10 year Childcare Strategy that now forms part of the Childcare Act 2006. They also contribute to improving child outcomes set out in 'Every Child Matters'.

5.5.9 In North Hertfordshire there are plans to provide ten Children's Centres. Each will cater for approximately 800 children providing integrated 'one-stop' facilities of childcare, health and parenting services. These are intended to help to tackle child poverty, improve children's achievements at school and enable parents to work that may not have otherwise been able to. Although both Central and local funding is available, it is often insufficient. Assistance with start up costs, and provision of accommodation are often required. Therefore, a proportion of the costs will need to be funded from new development, which generates children.

5.5.10 The first Children's Centre has already been provided at Oughton Primary School in Hitchin. This provides a day nursery, pre-school, toy library and community learning room, toddler group and speech therapy. As this provision exists, development in the area served by it may be required to make a reduced contribution to childcare. This will be considered on a site-by-site basis.

Extended Schools

5.5.11 Extended Schools will offer children, young people, families and the community access to a range of services through their local school. This would include childcare for school age children before and after school and within the summer holidays, which is becoming increasingly important for working parents. The target is that by 2008 one half of all primary schools and one third of secondary schools and all schools by 2010 will have access to these facilities.

5.5.12 A contribution is therefore sought towards the cost of providing the above facilities. This will be based on the number of children expected to live within the proposed development and contributions are shown in table 8.

5.6 Fire and Rescue Services

5.6.1 The County Council, in its capacity as the Fire Authority, has a statutory duty to ensure that all development is provided with adequate water supplies for fire fighting. Therefore, the developer is required to provide fire hydrants for all new developments. Every dwelling needs to have a suitable hydrant within 150 metres of its front door. This provision will be sought through standard wording in planning obligations. In practice, the need for hydrants is determined at the time the water services for the development are planned in detail, which is usually after planning

consent is granted. If adequate hydrants are available when the water mains are planed then no extra hydrants will be needed.

- 5.6.2 The ability of large-scale developments to be adequately served by fire and rescue services will be assessed on an individual basis. Any impacts will need to be addressed through planning obligations. This may be through the provision a new fire station or an extension to an existing facility.

5.7 Circumstances whereby Contributions will not be required in Relation to County Council Services

- 5.7.1 Sheltered housing, retirement homes, nursing homes, hostels, student accommodation, will be exempt from payment of the contributions for education, youth and childcare. Requirements for other specialist housing will be considered on its merits.

5.8 Sustainable Transport

Policy background

- 5.8.1 PPG 13 promotes accessibility to jobs, shopping, leisure facilities and services by passenger transport, walking and cycling and seeks to reduce the need to travel, especially by car. New development should be located so as to help achieve this objective.
- 5.8.2. Planning obligations can be used to ensure safe access and egress, minimise development-related impacts such as traffic congestion and maximise accessibility by non-car modes. In addition, well designed and located sustainable transport facilities such as cycleways, footpaths and greenways can provide links between habitats and provide opportunities for biodiversity. The Council has adopted a North Hertfordshire Towns Proposed Cycle Route Network, which identifies the types of facilities and cycle routes to which contributions would be sought.

A two strand approach

- 5.8.3 Safe access and egress and minimising development related access requirements are typically met by road and other infrastructure improvements in the area around the development where safety issues and traffic impacts are most concentrated and significant, using s106 agreements (or s278 agreements under highways legislation). These requirements are usually identified through Transport Assessments (TAs) or via site specific negotiations.
- 5.8.4 Smaller developments do not require TAs but the cumulative impacts of smaller developments are very significant and may well exceed those of larger developments in total. There is a need, therefore, for all developments to contribute towards maximising accessibility by non-car modes in line with the Hertfordshire Local Transport Plan objectives.
- 5.8.5 The Council will, therefore, use a two strand approach to planning obligations in order to address the immediate impacts of new development (the first strand) as well as the cumulative impacts of all development, large and small, on non-car networks (the second strand). The 'second strand' approach will provide pooled funding derived from a rate per parking space (See Table 9 for standard charges relating to the second strand approach). This funding is intended to be modest in scale and used to help enhance non-car accessibility within the catchments of new development. Funds will be spent on local schemes, as identified in the Local Transport Plan (LTP) and in the urban transport plans for Hitchin, Letchworth Garden City, Baldock and Royston. Schemes in addition to these plans will be considered where they are identified in other recognised strategies and a need has been identified as a result of new development.

The Standard Charge: Residential Development

- 5.8.6 A means of reflecting the accessibility of different locations is required to ensure reasonableness. This should ensure that obligations relate to development impacts, which should be reduced in those locations that are more accessible by non-car modes i.e. the better the existing accessibility by non-car modes, the lower the charge should be. It is proposed to base this variation on the number of on-site car parking spaces, as this is a good proxy for traffic impact: the better the accessibility, the fewer the spaces needed; the fewer the spaces, the lower the traffic impact.

5.8.7 Using provision of a parking space as a proxy measurement of travel impact, a reasonable benchmark charge for a single parking space (including garages) should be of the order of £500.¹

5.8.8 The Council’s SPD on Vehicle Parking Provision at New Development (adopted on 1st March 2006) illustrates variation in parking provision according to accessibility, as determined by the location of development. (See paragraph 3.61 in the above-mentioned SPD, which can be viewed on the Council’s website at: <http://www.north-herts.gov.uk/council/default.asp?step=4&pid=1148>).

5.8.9 Using the relationships between parking standards in table 3.2 of the SPD on Vehicle Parking Provision at New Development, charges will vary as follows:

Table 9: Sustainable Transport Second Strand Approach: Standard Charges for Residential Developments

| Location | Second strand charge per dwelling (£) | | | |
|----------------------|---------------------------------------|------|-------|-------|
| | Number of bedrooms | | | |
| | 1 | 2 | 3 | 4+ |
| Zone 2 (town centre) | £375 | £500 | £750 | £1000 |
| Elsewhere | £625 | £750 | £1125 | £1500 |

(For an explanation of the figures see footnote below).

The Standard Charge: Non-Residential Development

5.8.10 The residential charge provides a benchmark against which non-residential charges can be set. The appropriate basis for comparison is some measure of traffic impact: the greater that impact, the greater the need for accessibility measures.

5.8.11 Non-residential charges will be calculated at a rate per on-site car parking space, mirroring the residential charge where a charge of £500 equates to one space. Thus each on-site parking space associated with non-residential development will incur a

¹ The standard charge rate is derived from an assessment of the quantum of housing/likely number of parking spaces to be provided in North Hertfordshire and the level of private investment in infrastructure as a percentage of LTP capital investment. In addition benchmarking against other local authorities has been used as a check to determine reasonableness. The background paper associated with this SPD provides more detail and is available on request.

second strand charge of £500. This approach means that more accessible sites will incur lower charges, in accordance with the zone-based parking provision set out in the SPD on Vehicle Parking Provision at New Development. (See the SPD on the Council's website at <http://www.north-herts.gov.uk/council/default.asp?step=4&pid=1148> for detail on zoning and relevant urban maps).

Practicalities and exceptions

5.8.12 In all cases, contributions will be passed directly by the developer to either the planning authority or the highway authority as appropriate. Expenditure assessed in this way will include not only capital scheme costs but also administration costs, fees and any contingencies incurred in connection with a scheme.

5.8.13 It is intended to impose the second strand charge for one or more dwellings and for all non-residential developments in order to fully mitigate cumulative impacts.

5.8.14 The charge for non-residential developments will be calculated on the basis of the parking provision actually provided on-site in line with the Council's adopted guidance on Vehicle Parking. See the SPD on the Council's website at <http://www.north-herts.gov.uk/council/default.asp?step=4&pid=1148>.

5.8.15 Non-payment of the second strand charges will be considered only in very exceptional circumstances. These circumstances may include development where all aspects of accessibility are fully addressed.

Off-site car parking improvements

5.8.16 In accordance with the SPD on Vehicle Parking Provision at New Development, the Council may require developers to fund new car parking off-site where a shortfall in provision is identified. Developers may also be required to provide funding for Controlled Parking Zones (CPZ's) to ensure that developments do not have adverse consequences on street. Contributions such as these will be secured within a conventional s106 agreement (i.e. second strand charges are not for this purpose).

Travel Plans

5.8.17 Where Travel Plans are secured as part of the planning permission, the Council will seek contributions towards Travel Plan measures and the cost of on going monitoring within a conventional s106 agreement, as in the case above. Some of the measures may be “target triggered” but are unlikely to be second strand related. Travel Plans are normally required when an application is supported by a Transport Assessment (TA) for developments that have significant transport implications. Further guidance is contained within Section 3 of the Council’s Supplementary Planning Document: Vehicle Parking Provision at New Development. See the SPD on the Council’s website at [http://www.north-herts.gov.uk/council/default.asp?Step=4&pid= 114 8](http://www.north-herts.gov.uk/council/default.asp?Step=4&pid=1148)

Passenger Transport

5.8.18 The provision or enhancement of passenger transport is considered to be an important means of encouraging sustainable travel. Where there is a need for new enhanced services, passenger transport subsidies will be sought for large scale schemes, such as major urban extensions. In other cases, the pooling of contributions relating to the standard charge will include expenditure on passenger transport where necessary.

6.0 Affordable Housing

6.1 This section clarifies the Council’s approach to the negotiation for affordable housing on development sites, which fall over the threshold for affordable housing. It should be read in conjunction with policies in the saved Local Plan (particularly Policies 29 and 29A). [The definition of development sites includes smaller parcels of land, whose amalgamation could achieve the threshold number of dwellings.]

6.2 It covers three situations in order of preference:

- (i) where affordable housing units are built and the land and buildings are transferred for future management by a registered social landlord or other approved landlord.

- (ii) Where there are sound planning reasons why on site provision of affordable housing is not viable, the preferred option is to provide affordable housing on an alternative site. In these circumstances, we will negotiate a clause in the s106 agreement to prevent the release of a proportion of the open market housing on the principal site until the affordable housing has been delivered on the alternative site.
- (iii) In exceptional circumstances the Council may permit a payment in lieu of on site provision of affordable housing. This alternative will only be considered where neither the provision of affordable housing on site or on an alternative site is viable. Payments received will be used to aid provision of affordable housing elsewhere within the local community.

6.3 In all these cases the Council normally expects provision for affordable housing to be secured through a planning obligation. Future Local Authority social housing grant is likely to be restricted from April 2008. Therefore, funding will need to be established at an early stage through other resources, such as the Housing Corporation, an RSL with development capital, or the developer.

What is affordable housing?

6.4 It must be:

- subsidised (public or private) to enable occupation by those in housing need, i.e. those who need to move or need to be housed and who cannot afford a property on the open market that is suitable to their needs;
- provided to a reasonable space standard such as the Housing Corporation space and scheme development standards; and
- provided at or below Housing Corporation target rents.

6.5 In the case of private development schemes, land for affordable housing should be provided at a substantially lower value than for open market housing in order for the provision of affordable housing to be viable.

6.6 The current housing needs survey undertaken for the Council indicates that 65% of affordable housing should normally be provided by a registered social landlord (often referred to as social rented housing), with the remaining 35% being other tenures

aimed at those households on intermediate incomes. (These figures may vary in light of future Housing Needs Assessments).

General Provision

- 6.7 The Council expects developers and builders to take account of its policies, particularly the need for affordable housing, when acquiring land for housing development.

Level of Affordable Housing

- 6.8 The Council will negotiate for levels of affordable housing, which are consistent with its Housing Strategy 2004-2007 and Policies 29 and 29A in the saved Local Plan. Policy 29A requires 25% affordable housing on sites of twenty or more dwellings.

Design

- 6.9 The Council expects affordable housing to be provided on all development sites including 'design and build' schemes. They will need to take into account sustainable measures for water conservation and energy efficiency. The Council's requires all affordable houses to meet at least the very good standard for EcoHomes 2006 or equivalent. In exceptional circumstances where this cannot be achieved the applicant will need to demonstrate why this should be acceptable to the Council.
- 6.10 Dwellings (both affordable and general market housing) should be designed in accordance with Part M of the Building Regulations and where possible as Lifetime Homes – i.e. homes which are designed around a life cycle of needs, being adaptable to accommodate households with children, elderly occupants and / or the disabled. See Joseph Rowntree Foundation Study (www.jrf.org.uk). Registered Social Landlords signed up to the Council's Partnership Agreement will be aware of this requirement, together with other good practice guides such as Secured by Design, Egan compliant buildings, and the use of materials from renewable sources.

Nature of Affordable Housing Provision

- 6.11 The Council will seek the provision of affordable housing on site. This approach will also be followed in cases where land parcels are being assembled to form a greater site, unless it is agreed that this would be impractical.

Size of Property

6.12 The Housing Corporation build requirements are set out in their scheme development standards for affordable housing, which should be met in order to obtain grant monies (www.housingcorp.co.uk). The Council considers these are appropriate standards to meet for all affordable housing. The Council will use the most up to date standards, which currently are:

Table 10: Housing Corporation Scheme Development Standards for Affordable Housing

| | Gross Internal Floorspace | Persons |
|-----------------|--------------------------------------|----------------|
| 1 bedroom flat | 45 – 55 sq m | 2 and 3 |
| 2 bedroom house | 65 - 75 sq m | 3 and 4 |
| 3 bedroom house | 85 – 90 sq m | 4, 5 and 6 |
| 4 bedroom house | 95 – 100 sq m | 5 and 6 |

Involving Registered Social Landlords

6.13 The involvement of a registered social landlord approved by the Council in its Partnership Agreement is recommended at an early stage.

6.14 The choice and approval of registered social landlords will be recommended by the Council's Head of Housing and Environmental Health in conjunction with the Housing Strategy and Renewals Manager. The selected list of registered social landlords will take into account the character and nature of the development proposed, and the development will be offered to the RSL that best meets the following criteria:

- They have existing stock within the proximity of the new development;
- They have a specialism that is required to achieve the project aims;
- They have a record of development success within the District.
- Value for money – where all other criteria are met, NHDC will favour the proposal that has the best value for money not only in terms of cost but also in terms of quality. There are two ways of considering value for money. Firstly, the Housing Corporation consider each scheme for grant application

using their in house system before making an allocation. A grant will only be provided by the Corporation when they are satisfied that value for money has been achieved. Secondly, the Registered Social Landlord should provide evidence to the Council that value for money will be achieved, based on independent consultant advice.

Type of Property

6.15 The developer/applicant will need to discuss with both Planning and Housing Officers the type of affordable housing to be provided. The Council's view on the type will depend on the character of the proposed development and the surrounding area, the Council's planning policies and the priority needs assessed by the Council as the local housing authority for the area.

6.16 Development proposals should specify:

- the number of affordable housing units;
- their size by number of bedrooms;
- the type of property, e.g. flat, bungalow, house; and
- the location of the affordable housing units on site.
- Relevant information will be incorporated into the planning obligation or condition.

Intermediate Income Household Accommodation

6.17 Intermediate Income Households comprises the following:

- households in need because they cannot afford suitable housing in the private market either as tenants or homebuyers, but could afford to pay more than social rent; and
- households who cannot afford to meet their housing need within the authority or housing market area (e.g. for households requiring larger accommodation suitable for families) and therefore are unable to access suitable housing to meet their needs.

6.18 Intermediate income households includes the term 'Key Workers'. These groups of people have a particular occupation where there is a recognised shortage of skills

such as a policeman/woman, teacher, nurse etc and are unable to afford the relatively high cost of open market housing. Therefore, they are considered to be in housing need. A full definition of those that are eligible under the Key Worker scheme is available upon request from the Council's Housing Strategy and Renewals Manager.

- 6.19 Intermediate income households can be accommodated by tenure other than social rented, such as shared ownership. In exceptional circumstances higher proportions of shared ownership accommodation may be accepted on some sites (possibly up to 50% of the total), if overall numbers of affordable housing units are substantially increased. This would be a matter for discussion between the applicant and the Council, and would take into account provision made for intermediate income households, the relative suitability of the site for rented/general needs housing and the amount of affordable housing in total offered on the site.

Cost of Affordable Housing to be provided

- 6.20 The Council wishes to ensure that the affordable housing units are truly affordable by households on low incomes. The units provided should therefore be transferred to the registered social landlord at a sum, which meets the following conditions:

- *for rented properties:* the dwellings will be provided at current Housing Corporation target rent levels
- *for shared ownership properties:* the dwellings should be affordable to at least 10% of the applicants registered on the Council's Housing Register who are in housing need.

- 6.21 The New Homes Federation recommends that whole housing cost (i.e. mortgage, rent and any service charge) should not exceed one quarter of gross household income of the future occupants.

- *For intermediate rental properties:* rents should be no more than 70% of open market rents in the locality of the new development.

- 6.22 Advice may be obtained from the Council's Housing Strategy and Renewals Manager on a scheme by scheme basis. Average income per head in North

Hertfordshire for 2005 is £25,300 (mean), £21,428 (median) (Source: Annual Survey of Hours and Income, Office of National Statistics). www.statistics.gov.uk

Cost of Land for Affordable Housing

- 6.23 Land for affordable housing should have a considerably lower value than open market housing land, i.e. being made available at a proportion of the open market value for housing or provided at open space or agricultural value.
- 6.24 However in some cases it may be necessary to ascertain land values for the purpose of the planning obligation, for example in an outline planning application where the principle of residential use is being sought.

Transfer of Land and Affordable Housing Units

- 6.25 The provision of affordable housing units will be governed by a clause in a planning obligation. The clauses would control how the open market or unsubsidised part of the development may proceed. This will be discussed with the applicant, and one of two options followed:
- (i) A proportion or percentage of open market housing units cannot be sold or occupied until the transfer of affordable housing land has taken place, together with buildings; or
 - (ii) a specified part of the open market housing development will not be commenced until the transfer of affordable housing land with buildings to an RSL or equal approved social housing provider has taken place.

- 6.26 It will be reasonable to consider more detailed phasing arrangements on very large sites.

Building Costs

- 6.27 The Council expects affordable housing units to be built at reasonable cost, taking account of appropriate economies of scale and good working practices. The effective lower land value given to affordable housing should not be eroded by other costs.

Mortgagee in Possession Clause

- 6.28 Because registered social landlords invariably need to raise some money for their projects from the private sector, a mortgagee in possession clause may be requested. Its purpose is to enable the mortgagee (e.g. the bank) to sell the affordable housing units on the open market in order to reclaim money if the registered social landlord has defaulted on the repayment of a loan.
- 6.29 The Council will be guided in its judgement on this by the needs of the registered social landlord and the practicality of securing successful implementation of the affordable housing units.
- 6.30 The wording of any mortgagee in possession clause should ensure that if a registered social landlord is unable to repay its private loan, another registered social landlord has the opportunity to take over the affordable housing units (and financial liability), before the units could be sold on the open market.

Local Labour in Construction

- 6.31 The Council encourages developers and social housing providers to work together to employ local labour as part of its social inclusion and economic development initiatives.

Off site provision and Commuted Payments in lieu of Land/Buildings

- 6.32 The Council will normally only accept off-site provision in the circumstances outlined below. The developer will need to submit evidence to support this course of action.
- There are sound planning reasons why it is not reasonable to provide affordable housing on a site, and/or
 - There is an additional benefit. Such as additional affordable housing units or particular types of provision that would be best suited elsewhere.

Off-site provision

- 6.33 The requirement for balanced, sustainable communities and adherence to our strategic aims will need to be taken into account before off-site provision is given permission.

- 6.34 Developers wishing to provide affordable housing at a location away from the application site should be aware that this would increase the number of affordable dwellings required. This is because the Council will regard the total of on-site plus off-site dwellings as the number to which the affordable housing percentage applies – not just those dwellings provided on the application site.

- 6.35 Table 11 explains this. On a site capable of accommodating 100 dwellings (Site A, Scenario 1), the Council’s policy would require 25 affordable units and 75 private market dwellings, if the affordable housing were provided on-site. However, if the affordable housing is to be provided off-site the simple provision of the 25 units would reduce the original figure to only 20% of the total number of dwellings provided (Scenario 2). This is because of the increase in total number of dwellings to 125, of which 25 dwellings would be affordable.

- 6.36 In order to provide the 25% sought by policy in the North Hertfordshire District Local Plan No.2 with alterations, the off-site provision must equal to one third (33%) of the number of dwellings on the main site (Scenario 3). The total number of dwellings will be 133, i.e. 100 private market dwellings on the site (Site A) and 33 affordable units elsewhere (Site B). 25% of the total of 133 dwellings is of course 33, and hence the requirement in accordance with the policy is for 33 affordable units to be provided.

Table 11: Scenario for off-site provision of Affordable Housing

| Private and affordable provided on the same site (Scenario 1): | | | | |
|--|-----------------|---------|------------|--------------|
| | Total dwellings | Private | Affordable | % affordable |
| Site A | 100 | 75 | 25 | 25% |
| Off-site provision of same number of affordable units as example above (Scenario 2): | | | | |
| Site A | 100 | 100 | 0 | |
| Site B | 25 | 0 | 25 | |
| Total | 125 | 100 | 25 | 20% |
| Off-site provision to provide correct overall ratio of affordable housin (Scenario 3): | | | | |
| Site A | 100 | 100 | 0 | |
| Site B | 33 | 0 | 33 | |
| Total | 133 | 100 | 33 | 25% |

6.37 In other words, a decision to build affordable housing off-site means that 33% of the private market housing to be built on-site will be provided as affordable housing elsewhere. When off-site provision is required there will be a clause in the agreement preventing the release of a proportion of the open market housing on the main site until the affordable housing has been delivered on the other site.

Commuted sums

6.38 In exceptional circumstances the Council may permit a payment in lieu of on site provision of affordable housing. This alternative will only be considered where neither the provision of housing on site or an alternative site is viable.

6.39 As 100% of the development will be open market provision the payment in lieu of affordable housing must be equivalent to 33% (at 25% affordable development levels). This is based on the calculations for off-site provision outlined in paragraphs 4.33 to 4.37 above. The formula for calculating such a payment is:

Number of dwellings on development site x 0.33 x Housing Corporation grant level available. (Current grant levels for the District will need to be discussed with the Council's Housing Strategy and Renewals Manager).

7.0 Other Issues to be Negotiated on a Site-By-Site Basis

7.0.1 There are a number of issues where it is not appropriate to have a standard charge, as it is difficult to predict and quantify likely impacts. Many of the issues identified below are equally as important but are likely to vary considerably depending on specific site circumstances.

7.1 Biodiversity and Environmental Issues

7.1.1 The Council seeks to conserve and enhance public rights of way (PROW), archaeology, wildlife, geology, habitats and the landscape as well as creating opportunities for new environmental features including biodiversity. Where this is not possible, for reasons that outweigh these issues, the Council will see to minimise harm. Developers may be required to carry out Environmental Impact Assessments

or other studies to assess the likely impacts of proposed schemes and inform decisions on appropriate mitigation or compensatory measures.

7.1.2 Development that has the potential to have a significant impact on the environment will be required to contribute to the compensation and mitigation of these effects. The mechanisms for securing these measures will be either by planning condition or planning obligation. Obligations may involve the following:

- carry out specific works such as providing new habitats, river restoration or enhancing existing ecological features and wildlife;
- restrict development or access in sensitive areas (such as important natural or archaeological resources, wildlife sites and protected species) to ensure there is no harm or damage;
- The preservation in situ which allow development to take place without causing harm;
- provide for financial contributions so that the Council or other party can carry out the mitigation measures instead of the developer;
- ongoing monitoring to ensure mitigation measures are working and any unexpected adverse impacts can be remedied;
- compensation for the loss or damage of an area of particular nature conservation, historic or landscape value (only considered in exceptional circumstances);
- require short, medium and long term management and maintenance plans;
- provide education and information facilities such as information boards, display of archaeological finds, signs and leaflets;
- employment of specialists to maintain particularly sensitive habitats;
- measures to encourage local access to the countryside, such as creating new PROW;
- the development of countryside management schemes and/or the
- Community Forest Initiatives.

7.1.3 Each application will be assessed on its merits as to whether such obligations are required. Regard will be given to the relevant planning policies and government guidance, such as PPS9: Biodiversity and Geological Conservation and the Hertfordshire County Council's Biodiversity Action Plan: A 50 Year Vision for the Wildlife and Natural Habitats of Hertfordshire. In addition, the Council has adopted the North Hertfordshire District Council Biodiversity Action Plan (July 2005) and a

Landscape Character Assessment (April 2005). Appropriate mitigation and compensation measures must take these documents into account.

7.2 Economic Development

7.2.1 Large scale development both residential and commercial may create additional needs to serve economic development. The provision of a local labour manager and training initiatives (including those run in partnership with training providers such as the local colleges) to encourage skills that create demand as a result of new development within the District may be required. In addition, the provision of flexible units or start up units for small businesses within mixed use schemes that have employment uses work/live units will be encouraged.

7.3 Information Technology

7.3.1 All new development will need to provide information technology cabling to enable up-to-date links to the internet. For major residential schemes developers may be required to establish a community website where it would encourage the development of a sense of belonging and community spirit within a particular area.

7.4 Community Facilities

7.4.1 Creating sustainable development requires there to be consideration of appropriate facilities to serve the needs of the community both existing and new. These may include consideration for accommodation for persons who have special needs by reason of their age, vulnerability, illness, disabilities, health provision, social services, together with places of worship and emergency services. The relevant bodies, such as the Primary Care Trust and Hertfordshire Constabulary will be consulted to see if there is a need for additional provision as a consequence of the demand brought on by large scale developments.

7.4.2 The timing of the provision of these facilities will also be important to ensure people needs are met at the outset. If they are delayed, this could have adverse implications on the existing area in terms of spare capacity, sense of belonging to a community and whether or not people choose sustainable transport measures.

Therefore, the Council will seek obligations that provide facilities early on in the development process. Appropriate triggers will be negotiated on an individual basis. The developer will also be required to provide suitable temporary accommodation to avoid any time lag between the commencement of development and the availability of a new facility for public use.

- 7.4.3 In order to ensure that new development relates well to established communities, views will be sought on likely community obligations that may be required during the normal consultation process of a planning application. Parish Councils, Ward Members, Community Groups, Residents Associations and the public have an important role in understanding the communities that they live in and the impacts development may have. In addition, the visioning work that has been carried out with local people to inform the Community and Rural Strategies, together with Area Action Plans, already provides a good understanding of the needs of the community. In addition, other strategies prepared by the Council as listed in Appendix C and other agencies may also be relevant. These will be taken into account in assessing what community facility obligations are required.
- 7.4.4 In the case of major urban extensions and new settlements there may be additional size requirements to the standard outlined for community centres in section 4.4. This will depend on the location and type of development proposed. Major development will be expected to provide a range of facilities to serve its residents, along with capital start up costs, fitting out, equipment and provision of the land. The size of built facilities and level of contribution will be negotiated on an individual basis. As an alternative to a financial contribution, a developer or other outside agency may wish to build a community facility. This approach will only be acceptable where a specification is submitted to and approved by the local authority, following consultation with local residents. This will ensure that the use, design, location and functions will meet the needs of the community.
- 7.4.5 Developers that will be providing or contributing towards new built community facilities such as pavilions and community centres, for the purposes of the residents within their development, will be required pay a 10 year commuted sum towards upkeep and maintenance. In calculating a ten-year commuted sum reference should be made to paragraph 4.5.12 and Table 4. This figure will be negotiated on a case-by-case basis. As an example, the figures in the Table 12 below provided an idea of the likely annual costs for the upkeep and maintenance of a community centre. This works out at £3.75 a square metre. These example figures relate to the

cost of buildings only. Refer to paragraphs 4.5.11 to 4.5.14 and Table 3 for current contract prices for the maintenance of outside space. In addition, upkeep costs relating to potential vandalism will be negotiated on a case-by-case basis as these will depend on where the facility is located.

Table 12: Annual Maintenance Costs for Community Centres

| Size of Community Centre in sqm | Total Estimated Annual Cost |
|--|------------------------------------|
| 400 | £1,500 |
| 500 | £1,875 |
| 600 | £2,250 |

7.4.6 Where developers or other agencies wish to run and maintain facilities themselves from the outset, the Council will need to agree suitable management arrangements and that satisfactory measures are in place in the event of third party default. These will be negotiated as part of the s106 agreement.

7.5 Development and Flood Risk

7.5.1 In locations where development proposals in flood risk areas passes the sequential and exception tests applied in recent Government guidance, appropriate measures to mitigate the risk of flooding will need to be put in place. PPG25 Development and Flood Risk (July 2001) and more recently the PPS25 Consultation Document (December 2005) provide guidance on this. The Council is currently preparing a Strategic Flood Risk Assessment. Development will need to have regard to this.

7.5.2 Sustainable approaches to surface water drainage management are encouraged as they have benefits in relation to biodiversity, water quality and local amenity. Where practicable, Sustainable Urban Drainage Systems (SUDS) should be incorporated into development schemes. Examples of these are identified in PPS25 consultation document as:

- preventative measures including rainwater recycling, drainage-enhancing design and green roofs;
- infiltration devices to allow water to soak into the ground;
- filter strips and swales that mimic natural drainage patterns;

- filter drains and porous pavements;
- basins and ponds to hold excess water.

7.5.3 Construction and maintenance costs would need to be funded by the developer and incorporated into a legal agreement.

7.6 Sustainable Construction Methods

7.6.1 Sustainable construction methods such as energy efficiency and water conservation are important. New development will be required to meet with at least the Ecohomes 'very good' or equivalent standards and the BREEAM or equivalent standards for other developments. Policies relating to these will be developed within the LDF. Planning obligations or conditions will be required to secure these.

7.7 Community Safety

7.7.1 Safer Places – The Planning System and Crime Prevention, ODPM February 2004, states that the prevention of crime and community safety are matters that Local Planning Authorities should consider. It also states that planning applications should demonstrate how crime prevention measures have been considered and that this should form part of the applicant's design statement submitted with the application. The Secured by Design award scheme is promoted by the Hertfordshire Constabulary as a means of achieving some of the aims of safer places. Applicants are advised to consult with the Architectural Liaison Officer at Hertfordshire Constabulary before submitting an application.

7.7.2 Development has the potential to have an impact on community safety and may result in a need for additional policing, resources and extensions to or new police buildings. Hertfordshire Constabulary will be consulted on planning applications where it is felt there may be an impact in terms of community safety. They are already consulted for their views in relation to the layout of schemes and designing out crime, which is an integral part of the planning process.

7.7.3 The provision of CCTV has already been discussed in section 5.6 on the Public Realm in this document, where it relates to the cumulative impact on the public realm. In addition, it may be identified as a need from the outset of a large scale

development, particularly mixed use schemes and those incorporating entertainment and leisure venues, commercial and retail. Other isolated areas may also require CCTV. All these cases will be looked at on an individual basis. Where it is felt necessary as a consequence of development, the provision of or a contribution towards CCTV will be required. This will include the cost of the equipment, its initial set up, linking to the control centre, maintenance and running costs over an agreed time period.

- 7.7.4 Where it is known at the planning stage that CCTV is required, developers will be expected to lay the necessary cabling and connections at the outset. This will avoid unnecessary disruption to local residents when the cameras are installed and linked to the control centre. An indication of costs for CCTV cameras is outlined in Table 13 below:

Table 13: Costs for CCTV Camera Provision

| Description | Cost |
|---|---------|
| Camera installation and linking to control room | £26,709 |
| Annual operating & maintenance costs | £5,000 |

7.8 Allotments

- 7.8.1 In the case of large-scale residential developments, the provision of allotments will be required. These will be negotiated on a site-by-site basis taking into account the capacity of the existing allotments in the locality.

SECTION D: COUNCIL PROCEDURES:

8.1 The Drafting and Completion of Legal Agreements

8.1.1 Planning applications that are subject to s106 agreement(s) are generally perceived as time-consuming, costly, uncertain and responsible for delaying the process of implementing a development. Through adopting this SPD the Council would like to ensure that planning obligations are dealt with as quickly and effectively as possible. The procedures for assessing applications requiring planning obligations are shown in Table 16 at Appendix E. These procedures will be put in place at the time of adopting this document.

8.1.2 The Council expects planning applications to be determined within the timescales set by the Government. These targets are as follows:

- Major applications – 13 weeks
- Minor and other applications 8 weeks

8.1.3 In order to ensure that these standards are adhered to the Council does require that certain information is provided with a planning application where a deed under section 106 of the Town and Country Planning Act 1990 is expected. The checklist below sets out the scope of the information, which the Council requires in order to validate an application for planning permission.

8.1.4 This checklist is adopted by the North Hertfordshire District Council as a direction under Regulation 4 of the Town and Country Planning (Applications) Regulations 1988 and section 62 of the Town and Country Planning Act 1990. Failure to submit the information required by this Direction may result in an application being treated as invalid under Article 5(4) of the General Development Procedure Order 1995. Section 42 of the Planning and Compulsory Purchase Act 2004 will replace Section 62 referred to above. Once this is enacted the validity of applications will be considered on the basis of Section 42 and any Development Order issued by the Secretary of State.

Checklist

- Proposed heads of terms (the main aspects) of a legal agreement, draft s106 agreement or unilateral undertaking or a justification for non-compliance with the standard charges;
- Proof of the owners Title. All the owners of the site will need to enter into the agreement. If the land is registered this will be by recent office copy entries. If it is unregistered, an epitome of title should be provided;
- Names and addresses of any charges, lessees, mortgagees or other holders of security on the land, as all parties with an interest in the land;
- A solicitor's undertaking to pay the Council and County Council's reasonable legal costs in connection with the negotiation and preparation of the legal agreement/unilateral undertaking;
- Contact details if there is a solicitor acting on behalf of the applicant

8.1.5 Should the Council regard an application as invalid because the applicant has failed to provide the necessary information, the Council will write to the applicant explaining this and asking them to supply the information. The Council will acknowledge but not register the application until the information is supplied or written justification is provided as to why it is not appropriate in the particular circumstances. Meeting these requirements will mean that the Council can process the application more efficiently.

8.1.6 A timetable for completion of the legal agreement will be forwarded to the applicant following registration of the application. If a planning agreement or unilateral undertaking has not been completed within the appropriate time period, and it is believed that there has been an unreasonable delay, planning permission will be refused on the basis that planning obligations have not been entered into. A revised timetable may be agreed if a delay is considered by the Council to be unavoidable.

8.1.7 Pre-application discussions with a Planning Officer and other relevant parties are strongly recommended before a planning application is submitted. This will help establish the likely heads of terms and other planning requirements and ensure delays in registering and processing applications are avoided.

8.2 Phasing and Timing of Payments

8.2.1 The provision of infrastructure and facilities and the timing of payment of contributions will be negotiated on an individual basis for large-scale schemes. This may involve a phasing agreement with appropriate trigger points. Phasing will depend on the needs of the development, the type and scale of the proposal and the impacts it would have. Applications requiring a unilateral undertaking or a straightforward s106 agreement will be expected to pay contributions before commencement of development. The Council will accept a variation to this if the applicant can demonstrate a good case why payment of contributions should be made on a different basis. This will depend on site specific circumstances.

8.2.2 Interest will be payable if contributions are not paid to the Council at the agreed time. This will be 2% above the Bank of England base rate. A clause will be included in s106 agreements so that if the Council does not spend contributions within 10 years from the date of payment (or 20 years relating to the public realm) it will be paid back to the applicant. Should the applicant wish to negotiate a shorter time period, the Council will need to be satisfied that circumstances will allow for the money to be spent within the agreed time.

8.3 Index Linking Contributions

8.3.1 The commencement of development may not take place immediately after an agreement has been reached and could take a number of years. Therefore, financial contributions will be index linked so that their value stays in line with inflation and reflects changes in costs over time.

8.3.2 All figures within this document will need to be updated annually to reflect changes in capital costs. In the interim index linking will be from April 2006 and will continue to be the same until the following April, when they will be reviewed. Index linking for education, libraries, youth and childcare contributions will be from July 2006 as this is the base date the figures are taken from. The Retail Price Index (RPI) will be used for areas of open space and public realm contributions. Other contributions relating to construction use the Public Sector Index PUBSEC. Transport contributions will use the price adjustment formula for construction contract in the monthly bulletin of indices published by HMSO, as collated into a single index in

accordance with SPONS All Engineering Works Constructed Civil Engineering Cost Index.

8.4 Bonds

8.4.1 Bonds will be required where a developer intends to carry out work themselves instead of payment of contributions to the Council. For example, building a community centre that is required to meet the needs of the development. The bond sum can be drawn upon to provide the facility if the works are not carried out as agreed.

8.4.2 In addition, any buildings to be constructed by developers will need to have a specification agreed with the Council, in order to ensure that they will meet the appropriate standards and community requirements.

8.5 Payment of Legal and Monitoring Costs

8.5.1 Agreements will be drafted by the Council's Solicitor. The Council will require an undertaking from the Solicitor acting on behalf of the applicant to pay the Council's legal costs for preparing a legal agreement regardless of whether it is completed. The undertaking should be given in the sum of £1000 each for the Council and County Council. If negotiations exceed this amount the applicant will be notified that the undertaking should be increased to reflect the additional costs. This fee will be collected at the time of entering into an agreement.

8.5.2 Applications that require a unilateral undertaking will be required to pay a fixed sum of £250 towards legal costs.

8.5.3 The cost of administration and the monitoring obligations once entered into will also be required. The cost will be as follows:

- Unilateral Undertakings - £822
- S106 Agreements - £1370
- S106 Agreements for large-scale schemes (Generally in excess of 300 dwellings) – Individual basis

8.6 Monitoring, Enforcement and Expenditure

- 8.6.1 Obligations and/or financial contributions will be monitored to ensure that they are being undertaken or paid at the agreed trigger points. If there is a failure to comply, the Council will take appropriate enforcement action and full cost recovery will be sought. The spending of received contributions that are either specific to the application or pooled will only be used to fund provision that has a geographical or functional relationship with the proposed development. The s106 legal agreement for each application will ensure this. Contributions will also be closely monitored to ensure that they are spent by the Council or other agencies on what was agreed and within the correct time period. The Council will liaise closely with Hertfordshire County Council on matters such as sustainable transport, education, libraries and childcare to ensure appropriate monitoring and enforcement of all obligations covered by legal agreement.
- 8.6.2 Monitoring reports will be presented to the Performance, Audit and Review Committee (PARC) on an annual basis. These will include information on agreements reached, contributions received and expenditure. The monitoring report will also link to the objectives of the Council's Corporate Plan and indicate how obligations sought are directly related to the Council's priorities.

8.7 Viability

- 8.7.1 As stated in section 2.1 the purpose of this SPD is to ensure that likely requirements as a result of development are clearly set out at the outset. This allows for costs to be factored into early negotiations on land acquisition and when development schemes are prepared.
- 8.7.2 Where an applicant considers that the requirements by the Council would significantly harm the viability of a proposal, the onus will be on the applicant to demonstrate this. Where there is a need for the Council to appoint an independent valuation advisor to assess submitted viability evidence, the costs will be met by the applicant. Proven impact on viability will be a material consideration in the assessment of a planning application and the relevant weight given to this and failure to comply with the SPD will be considered on a case-by-case basis.

8.8 Applications to Discharge or Vary an Obligation

- 8.8.1 In exceptional cases, where an agreement has been entered into and a change in circumstances has resulted in the inability for an obligation to be carried out, applicants can apply for an obligation to be discharged or varied. However, this would only be agreed by the Council if it can be fully justified and is the last resort. This situation may arise where an anticipated need for a particular facility at the time of the grant of planning permission is no longer required. The variation or discharge of obligations will not be used as a means for developers to backtrack on obligations agreed where needs as a result of development still arise.

APPENDICES

Appendix A: Objectives of the SPD

Appendix B: List of Relevant PPG's PPS's

Appendix C: List of Council's Strategies

Appendix D: Definitions of Open Spaces

Appendix E: Table 15: Procedures for assessing planning applications requiring planning obligations.

LIST OF THE PLANNING OBLIGATIONS SPD OBJECTIVES

A.1 The full assessment of the objectives for the Planning Obligation SPD are set out in the Sustainability Appraisal/Strategic Environmental Statement of the Planning Obligations SPD. This is available as a separate document.

A.2 The final SPD Objectives are:

- To be compliant with Circular 05/2005: Planning Obligations and any other relevant guidance;
- Ensure that both urban and rural infrastructure and services are sustainable and meet the needs of the communities in which they serve;
- Ensure that the necessary infrastructure and services to serve the development are in place at the right time by putting in place mechanisms for securing facilities and that they are implemented so that requirements are delivered;
- Ensure that affordable housing is delivered in accordance with local needs;
- Ensure adequate recreational facilities (including open space, sports and play space);
- Limit the impact of the motor vehicle by seeking improvements to passenger transport, walking and cycling;
- Make available recycling and composting facilities at the outset of new developments;
- Limit impacts of new development by mitigating or securing compensation that seeks to enhance the natural and historic environment;
- Protect and improve the quality of the public realm from the impact of new development;
- Provide greater clarity and transparency on the types of contribution and mitigation measures sought from the outset.

LIST OF RELEVANT PLANNING POLICY GUIDANCE NOTES AND STATEMENTS:

- PPG3: Housing (2000)
- Draft PPS3 Housing Consultation Draft ODPM 2005
- PPG4: Industrial, Commercial Development and Small Firms (2001)
- PPG13: Transport (2001)
- PPG15: Planning and the Historic Environment (2001)
- PPG16: Archaeology and Planning (2001)
- PPG17: Planning for Sport, Open Space and Recreation (1991)
- PPG25: Development and Flood Risk (2000)
- Draft PPS25 Development and Flood Risk (Consultation Draft ODPM 2005)

- PPS1: Delivering Sustainable Development (ODPM 2005)
- PPS6: Planning for Town Centres (ODPM 2005)
- PPS7: Sustainable Development in Rural Areas (OMDP 2004)
- PPS9: Biodiversity and Geological Conservation (ODPM 2005)
- PPS10: Planning for Sustainable Waste Management (2005)
- PPS12: Local Development Frameworks (ODPM September 2004)
- PPG17: Planning for Sport, Open Space and Recreation (2002)
- PPS 22: Renewable Energy (ODPM August 2004)

LIST OF RELEVANT NHDC AND OTHER ORGANISATIONS STRATEGIES

C.1 Note: This is not an exhaustive list as new strategies are being prepared and the existing Strategies as listed below will be reviewed and possibly replaced. The most relevant and up-to-date Strategy will be referred to when negotiating a S106 application.

C.2 **NHDC Strategies and Plans:**

- North Hertfordshire District Council Corporate Plan (2005)
- North Hertfordshire District Local Plan No.2 with Alterations (April 1996)
- North Hertfordshire Housing Needs Study (2002)
- North Hertfordshire Housing Strategy 2004 - 2007
- North Hertfordshire Community Strategy (2003)
- Area Visioning Action Plans for Letchworth, Baldock, Hitchin and Royston, (December 2005)
- North Hertfordshire Community Safety Strategy (2005)
- The Rural Strategy for North Hertfordshire 2005-2010. (May 2005).
- Revised Rural Area Action Plan (May 2005)
- Social Inclusion Strategy 2005
- Play Area & Outdoor Youth Provision Strategy 2004 –2010. (April 2004)
- Pavilions, Playing Fields & Sports Pitches Strategy for North Hertfordshire 2005 – 2010. (February 2005).
- North Hertfordshire District Council Biodiversity Action Plan (July 2005)
- Review of Voluntary Managed Community Centres (March 2005)
- Leisure and Cultural Strategy
- Hitchin Town Centre Strategy (November 2004)
- Paynes Park Planning Brief (January 2005)
- Churchgate Development Area Planning Brief (November 2005)
- Baldock Town Centre Strategy and Action Plan (January 2006)
- North Hertfordshire District Council Car Parking Strategy (June 2004)
- Supplementary Planning Document: Vehicle Parking Provision at New Development (March 2006)
- North Hertfordshire Cycling Strategy (1999)

- North Hertfordshire Towns Cycle Route Network Study (2000)
- Hitchin Transportation Plan (1998)
- Museums Fundamental Service Review 2005
- Street Scene Fundamental Service Review – Action Plan 2006

C.3 **Other Organisations Strategies & Plans:**

- Hertfordshire Structure Plan 1991 – 2011
- Hertfordshire Local Transport Plan – 2006/7 – 2010/11
- Northern Area Transport Plan
- Hertfordshire Waste Strategy
- Hertfordshire Waste Local Plan 1995 – 2005
- Economic Development Strategy for Hertfordshire 2000 – 2005
- Hertfordshire environmental Strategy (2001)
- Health Improvement and Modernisation Plan (Himp)
- A 50 Year Vision for the Wildlife and Natural Habitats of Hertfordshire, A Local Biodiversity Action Plan (1998)

C.4 **Strategies under Preparation:**

- Letchworth Garden City Town Centre Strategy – (anticipated adoption Jan 2007)
- Royston Town Centre Strategy – (anticipated adoption Jan 2008)
- Baldock and Letchworth Urban Transport Plan - (anticipated adoption 2006/07)
- NHDC Green Space Strategy – (2007/08)

DEFINITIONS OF OPEN SPACES

D.1 The open space required under the standards in the SPD is defined as any land/greenspace² laid out as a public garden or used for the purposes of public recreation. Such areas must be of a suitable size and nature for sport, active or passive recreation or children’s and teenager play. All areas of public open space have the ability to provide opportunities for biodiversity and wider environmental gain. The SPD refers to four broad categories of open space. These can be defined as follows:

Children’s Play Space:

D.2 The main components of this type of open space includes a mix of carefully located facilities, such as equipped areas, and more natural/informal areas in which children and young people can take part in energetic activities. The facilities should normally be located within a large area of open space, which would provide the necessary buffer zone for the more energetic activities. The Council uses the NPFA 2001 standards, which recommends three categories for children’s play space provision. These are described below:

Table 14: Summary of Children’s Play Space Requirements

| Type of Play Area | Characteristics | Catchment Area (Straight Line Walking distance) | Activity Zone (Minimum size) | Buffer Zone (minimum depth from edge of activity area to boundary of nearest residential property) |
|-------------------------------------|--|--|-------------------------------------|---|
| LAP (Local Area for Play) | Small, low-key play area (may include demonstrative play features) Catering mainly for up to 6 year olds. | 60m | 100m ² | 5m |

² English Nature’s Accessible Natural Green Space in Towns is also relevant to the definition of open space. (See www.English-nature.or.uk/special/greenspace/default.htm).

| Type of Play Area | Characteristics | Catchment Area (Straight Line Walking distance) | Activity Zone (Minimum size) | Buffer Zone (minimum depth from edge of activity area to boundary of nearest residential property) |
|---|---|--|-------------------------------------|---|
| LEAP (Local Equipped Area for Play) | Min 5 types of play equipment, small games area Catering mainly for 4-8 year olds. | 240m | 400m ² | 10m |
| NEAP (Neighbourhood Equipped Area for Play) | Min 8 types of play equipment, opportunities for ball games and wheeled sports. Catering mainly for all ages up to 16 year olds. | 600m | 1000m ² | 30m |

D.3 The activity area will need to have safety surfacing, protective fencing where appropriate, seating and an adequate buffer area to protect residential amenity. The exact content and location of play areas will be subject to detailed negotiations to achieve the highest quality. All play equipment, fencing and surfacing should comply with standards BS EN 1176 and BS EN 1177, or any superseding standards, as well as the Council's adopted Play Area & Outdoor Youth Provision Strategy 2004 – 2010.

D.4 Provision should also be made to meet the needs of older children who can travel independently to use facilities, and whose aspirations will be different from younger children. This would include kick about areas, multi use games area, games walls and basketball hoops and wheeled sport facilities for example. Associated areas for sitting and socialising with friends can also be an important element. Such facilities could be included as part of a NEAP area.

Outdoor Youth Provision:

- D.5 Provision should be made to meet the needs of older children 15 years + and young people, who still need physical challenges and enjoy unsupervised interaction with peers. This would include making provision for:
- Wheeled sports – such as skateboard, roller blade or roller skate and bmx parks.
 - MUGA – Multi Use Games Areas
 - Youth shelters – these provide facilities/places for older children to meet and socialise.
- D.6 Such facilities should reflect the needs of the users, i.e. the young people and individual safety while respecting the rights in terms of residents.
- D.7 Details for the provision of such facilities are included in the NHDC Play Area & Outdoor Youth Provision Strategy 2004 –2010. (April 2004)

Pitch Sports:

- D.8 The Council in its Pavilions, Playing Fields and Sport Pitches Strategy (2005) refers to the NPFA standard for pitch space provision – i.e. youth and adult provision. Pitch sports include:
- Football, hockey, cricket and rugby pitches
 - Artificial turf pitches
 - Tennis Courts
 - Bowling Greens
 - Or pitches used for American football, baseball, Australian football, hurling, and polo or cycle polo.
- D.9 The playing pitch includes a delineated area for the sport pitch together with any run-off area. Car Parking, lighting and provision of a pavilion may also be included. The exact location and associated facilities and infrastructure of sport pitches will be subject to detailed negotiations to achieve the highest quality. All pitch sports and surfacing should comply with quality standards as specified in the NPFA Standards and any other relevant superseding standards. Sport England has prepared a

variety of design guidance documents some of these are outlined below. These together with other Sport England guides are available on their website at www.sportengland.org.

- Comparative Sizes – Pitches and Courts (July 2006)
- A Guide to the Design, Specification and Construction of Multi-Use Games Areas, including Multi-Sport Synthetic Turf Pitches
- Design Guidance Note, Natural Turf for Sport (2000).

Informal Open Space:

D.10 This is open space/greenspace within towns and villages that is not formally laid out for sports, children's play or youth provision. It can be used for passive and active informal recreation such as:

- Parks and gardens within the District's towns, which tend to be more formally laid out with bedding plants and shrub borders and areas for seating.
- Amenity Green spaces are areas provided as part of new housing developments or employment areas, both to enhance the appearance of the area with landscaping and provide opportunities for informal activities such as jogging, relaxing, sitting, dog walking etc.
- Natural green spaces include areas suitable for passive recreation such as woodland and grasslands. They should provide wildlife habitats and opportunities for walking, jogging or sitting out.
- Access corridors should provide links to other open spaces and open countryside where appropriate. They should be wide enough to allow wildlife to flourish, linking small and large habitats as well as providing opportunities for walkways and cycleways.
- District Parks are large areas of open space comprising a mixture of the above types of informal open space.

Appendix E: Table 15: Planning Application Timetable

| | | | | | | |
|-------------------------------------|--|---|--|--|---|---------------------|
| Days 1-4 Week 1 | Completed application and heads of terms or unilateral undertaking | Application checked, validated and registered/ returned for more information, cheque etc. | Case officer allocated within 2 days | Validated in 24 hours if simple. If complex/ controversial case officer needs to see prior to validation | Legal Services instructed to prepare draft legal agreement or check unilateral. Consultations needed identified and sent out for return in 21 days. | Notification of EIA |
| Days 2-10 Week 1-2 | Case history and development plan data sent to case officer | Site visit by case officer Preliminary view reached & assessment of need for minor amendments/ further information | Amendments to make acceptable Likely to be recommended for refusal If YES attached is it acceptable? | | If a major application, Identify if part if 60% target or 40% (if longer than 13 weeks) If member site visit necessary arrange within next 4 weeks | |
| Week 3-5 | Consultations returned | Letter to applicant requesting additional information/ amendments/further S106 contribution if required. Draft legal agreement sent. Applicant to respond within 10 days. Meeting held with applicant if necessary. | | | | |
| Week 6-7 | Further amendments/ information received. Delegation/ committee report drafted including conditions and heads of terms for S106. | Members site visit if necessary | Draft report checked by line manager, signed off if delegated and issued in 24 hours | If to go to committee material needed gathered, those who have made representations advised. Report sent to Committee Services | | |
| Week 7-8 Week 7-13 | Report to Committee or delegated report and decision notice issued within 24 hours if a unilateral undertaking submitted or no planning obligations required. Within 8 weeks or 13 weeks depending on type of application. | If S106 applicant to sign by the 8 or 13 week deadline. | | If application part of 40% more time allowed | | |

| Representations to Planning Obligations SPD Consultation Draft (April 2006) and Officer Responses: | | | |
|--|--|---|---|
| Note: For simplicity where paragraph numbers are stated under the Council's responses, these refer to the original paragraph numbers of the draft SPD. Where original paragraph numbers have changed as a result of amendments made these are referred to in brackets as (new paragraph numbers). | | | |
| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
| General Comments | | | |
| Government Office for the East (Ref:1) | | The SDP is in general conformity with the policies within the local plan that it supports. | Noted. |
| | | A blanket approach to the application of standard charges do not make allowances for the location of development relative to need in the context of existing facilities and capacity. A requirement for a contribution may not be necessary in some cases. If the authority wishes to pursue the blanket approach, then it should demonstrate an assessment of existing facilities and that development will generate a demand for that facility where there is insufficient capacity. Alternatively, the SPD should be amended to deal with applications on a site-by-site basis relating to existing provision. | The SPD has been amended to reflect an acceptance of the objection raised. Standard charges will only be required where the existing quality and capacity of facilities would not be able to cope with additional demand arising from proposed development. This will be assessed on a site-by-site basis. Amended paragraphs 1.2, 3.1, 3.2.3, table 1, 3.2.5 (new 3.4.1) and 5.2 (new 3.3.2). Discussions have also taken place with Hertfordshire County Council (HCC) relating to this objection. This has resulted in Table 1 showing both HCC and NHDC standard charges in the draft SPD being separated into revised Tables 1 and 8 with Section 6.0 (new 5.0) being more tailored towards the number of occupants within a dwelling rather than a blanket approach. Further clarification is also provided in the background paper to the SPD. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|--|---------------------------------|---|---|
| | | The SPD will need to clarify that contributions will only be used to fund provision that has a geographical or functional relationship with the proposed development which will be specifically identified in the Section 106 Agreement in line with the tests of the circular. | Paragraphs 5.2 (new 3.3.3) and 8.6.1 have been amended to clarify the point that that contributions will be used to fund provision that is linked to proposals. |
| Government Office for the East (Ref:1) | | Whilst it is not a requirement for the authority to include the evidence for figures within the SDP it is important that the charges levied can be justified. It is not clear where some of the figures have been derived from. See comments to 5.5.13 and 6.8.7 below. | Justification for the figures is contained within the background paper accompanying the SPD. A new paragraph 1.4 has been added that refers to the background paper. |
| Environment Agency (Ref: 6) | | Satisfied and support the majority of the contents. | Noted. |
| Barton Willmore Planning Partnership on behalf of West Stevenage Consortium (Ref: 2) | Table 1 and Section C. | The evidence for the standard charge figures is only based, in many cases, on a single case study example or on the advice of NHDC officers rather than a series of examples. There may be instances, particularly on large scale developments, where economies of scale could reduce the figures. The SDP needs to be flexible in this regard. | A variety of examples were used and the most reasonable/average scenarios were chosen. This is considered to be a reasonable approach. No further amendments required. It is agreed that large scale developments are likely to require individual approaches. Economies of scale may be possible in some cases, and other requirements may also come into play for such developments. The issue of flexibility relating to the standard charge is recognised in paragraph 3.2.5 (new 3.4.1), the new paragraph 3.5.1, and section 7.4 for large scale development. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|---|---------------------------------|--|---|
| Andrew Martin Associates on behalf of the Letchworth Garden City Heritage Foundation (Ref: 3) | | In relation to pooled contributions there is still a need to relate it to the five tests of the circular. There should be a casual link between the development and the contribution sought. There is no disagreement that the commuted sums should be 'ring-fenced' to the local area. However, the SPD does not provide any clear definition as to what the 'local area' may be for various types of contribution. In addition, s106s need to specify the general type of infrastructure that will be provided and the general location. | The third bullet point of paragraph 5.3 addresses this issue. However, this paragraph and 8.6.1 have been amended to clarify the point that contributions will be used to fund provision that is linked to proposals. Legal agreements will continue to specify the purpose of each contributions and that money will only be spent on facilities serving the area of the development in question. In addition, the text in the relevant sections relating to expenditure of various standard charges has also been amended. See relevant sections below for specific amendments. |
| | | It would be unreasonable to require contributions where there is surplus capacity. | See response to Go-East above. |
| | | There is no reference as to whether contributions should be calculated on 'gross' or 'net' level of development. It would be inappropriate to the former. The SPD should specify that it is the net number of dwellings or floorspace. | Agree. New paragraph 3.5.1 has been added to reflect this. |
| RPS Planning on behalf of Fairview Homes (Ref: 4) | | The standard charges and thresholds should reflect the 'actual impact'. Applying the standard charges to all developments would be contrary to the Circular. All contributions should be dealt with on a site by site basis. Contributions should only be made where there are insufficient levels of facilities which can reasonably be accessed from the site. | See response to Go-East above. |
| Hertfordshire County Council (Ref: 7) | | Views the SPD in a positive light. It is clear and comprehensive. Securing contributions from developers to cope with additional demands created by new development and to offset any negative or damaging impacts is important. | Noted. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|---|---------------------------------|---|---|
| | 1.2 | Supports the emphasis on the cumulative impact of development and recognises the importance of getting contributions from small developments as well. | Noted. |
| Sport England (Ref: 8) | | Welcomes the introduction of the SPD and generally considers it to be a very good example. It is clear, comprehensive and robust and broadly in accordance with Sport England's guidance on the preparation of SPDs. | Noted. |
| English Nature (Ref: 9) | | Welcome the objectives of the SPD. The SPD should adhere to the Key Principles set out in paragraph 1 of the PPS9 which states that the potential impacts on biodiversity and geological conservation are fully considered. | Noted. Reference is made to PPS9 in appendix B. Section 7 has been amended throughout to strengthen the reference to biodiversity, geology and PPS9. |
| Cambridgeshire County Council (Ref: 10) | | Supportive of the approach set out in the SPD. | Noted. |
| Network Rail (Ref:11) | | Pleased that the cumulative impact of development is in the SPD. | Noted. |
| Hitchin Forum (Ref:12) | | The publication is welcomed. It is hope that when adopted the SPD will facilitate greater clarity and transparency. It is disappointing that the document makes no reference to public engagement. At the very least there must be a mechanism for informing the public of what was agreed. | Section 8.6 of the draft addressed this issue sufficiently. Annual monitoring reports will be presented to PARC. The views of the local people are obtained at the Area Visioning, public consultation on strategies etc. These inform the planning obligations and how they will be spent. In addition, relevant members of the public and organisations are consulted on planning applications. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|---|---------------------------------|--|--|
| Hitchin Forum (Ref:12) | | The measures proposed in the SPD will need dedicated staff to ensure it is effective and consistent. | Internal working arrangements are currently being set up to manage the implications of the SPD. |
| The Countryside Agency (Ref:13) | | The documents are focused and helpful. The general approach in setting out standard charges and when they will apply and when negotiated is supported. The conclusions of the sustainability appraisal are supported. | Noted. |
| Knebworth Parish Council (Ref:15) | | The SPD concentrates mainly on larger developments and the cumulative effect of minor developments in Parishes is not highlighted sufficiently. | The cumulative impacts of small developments is highlighted in paragraph 1.2 and throughout the document. The SPD covers all areas within the district both rural and within towns. It would not be considered appropriate to request contributions for minor developments such as householder extensions. |
| South Bedfordshire District Council (Ref: 16) | | The SPD is a high quality, clear and potentially useful document. It would be useful to have an explanation of how the developer contributions have been arrived at. There is a need to develop a clear evidence base and audit trail. This could be in an appendix or other format outside the main document. | The background paper provides justification of figures. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|--|---------------------------------|---|---|
| Ickleford Parish Council (Ref: 20) | | Regular production of documents is turning into 'analysis paralysis'. The rules need to be followed if the SPD is to become effective. The word infrastructure is absent where future plans are proposed. Concerns that costs of contributions will fall on the tax payer. Water shortages should be a reason for refusal in this area. | An Environmental Impact Assessment would be required in cases where there are likely to be significant impacts in relation to infrastructure. Issues such as whether a proposed development would result in water shortages relates to the assessment of individual planning applications and wider policy issues rather than this SPD. For large scale developments the Environment Agency and water companies would be consulted to look into the capacity of the existing systems. |
| Hertfordshire Biological Records Centre (Ref: 22) | | It is strongly recommended that planning applications take note of PPS9. Specific reference is made to protected species and habitat. | See response to English Nature above. |
| The Wildlife Trust (Ref: 23) | | The Trust's approach to the integration of biodiversity into the LDF is compliant with the Association of Local Government Ecologists, Framework for Biodiversity: Integrating Biodiversity into Local Development Frameworks (2005). SPDs can bring a range of benefits for biodiversity. These are listed in the response. In addition other relevant documents are referred to as sources for their detailed responses outlined below. | Noted. |
| SECTION B: THE OVERALL APPROACH TO PLANNING OBLIGATIONS | | | |
| The Wildlife Trust (Ref: 23) | 2.1.1 | The word 'prevention' should be added to this paragraph. | This paragraph has been amended to reflect this point. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|--|---------------------------------|--|--|
| Hitchin Forum (Ref:12) | 2.3.1 | The scope should include pavilions in the section on sport and recreation and museums in the section on community facilities. These would be compatible with the objectives of 'Healthier Communities'. Also public conveniences in community facilities or public realm. | Pavilions are included in the standard charge for pitch sport. See Table 8 (New Table 5). Section 7.4 Community facilities would not exclude public conveniences where a need as a result of a proposed development is identified. |
| Barton Willmore Planning Partnership on behalf of West Stevenage Consortium (Ref: 2) | 2.4.2 | Applications should only be refused where the tests of Circular 05/2005 are not met, not where the proposals do not comply with the requirements of the SDP. The text should be amended to reflect this. | The guidance provided within the SPD is in accordance with the circular. However, paragraph 2.4.2 has been amended to address the objection raised. |
| | 2.5.1 | The authority has no powers to prescribe the proportion of affordable housing. The advice is that they should negotiate in a flexible manner. | No change proposed. It is accepted that the proportion of affordable housing should be negotiated and this is recognised in the first part of paragraph 2.5.1. The objection has been taken out of context. The word <u>prescribe</u> relates to once an agreement has been reached and what will be written into a legal agreement in terms of how an obligation can be used. |
| The Wildlife Trust (Ref: 23) | 2.5.1 | Alternative wording for bullet 2 provided as follows, 'Mitigate or compensate appropriately, where loss of open space or natural habitat is unavoidable, by habitat protection, enhancement and creation. Such measures will be based on seasonally appropriate and recent pre-development ecological surveys, as sound evidence-base for mitigation or compensatory measure agreements. On going monitoring will be required where species relocation (as a last resort) are involved.' | This bullet point has been amended to reflect this. However, specific reference is not made to ecological surveys in the text as surveys could relate to other issues such as archaeology or landscape. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|--|---------------------------------|---|--|
| Hitchin Forum (Ref:12) | 2.5.1, 2.6.6 and 5.2 | The words 'They are intended to make development acceptable, which would otherwise be unacceptable in planning terms', implies that planning obligations will be used to enable unacceptable or poor developments to be granted planning permission. This suggest that the development will be allowed through the use of 'sweeteners'. Planning obligations should not be used to compensate for poor development. | The words 'making development acceptable in planning terms' is taken from Circular 05/2005 and are commonly used and accepted. Therefore, no change to these are proposed. However, 2.5.1 has been amended to make it clear that planning obligations will not be misused in the way suggested. |
| Knebworth Parish Council (Ref:15) | 2.6.2 | The Planning Gain Supplement (PGS) raises a levy on land value increase. Why is it intended that the funding go to central government rather than locally? | No changes proposed. This paragraph is just stating what the governments intentions are for the PGS. It would not be appropriate here to elaborate any further. This question has been asked by a variety of bodies in response to the governments own consultation. It will be for the government to consider this issue not the Local Authority. |
| Barton Willmore Planning Partnership on behalf of West Stevenage Consortium (Ref: 2) | 2.6.3 | There is no suggestion in the Planning Gain Supplement that affordable housing will be scaled back. | This was not the intention. Paragraph 2.6.3 has been amended to reflect this point. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|--|---------------------------------|--|--|
| Environment Agency (Ref: 6) | 2.6.8 | The wording should be changed to read: '...environmental protection and enhancement and the prudent use...' | Paragraph 2.6.8 amended. |
| Government Office for the East (Ref:1) | 2.7.1 and 2.7.2 | Separate references are made to both the Regional Spatial Strategy and the East of England Plan. These are the same document. | Amend the SDP to take this into account. |
| Barton Willmore Planning Partnership on behalf of West Stevenage Consortium (Ref: 2) | Table 1 | See general comments section. Guidance should be provided as to how the occupancy rates have been derived and whether these are appropriate for all types of development. | Paragraph 5.3 (new 4.2) and Table 1 identifies that the occupancy rates have been derived from. This paragraph has been amended to recognise that in some circumstances the Council will agree to a variation of these. In relation to the average of 2.32 dwellings this has been derived from Government statistics. |
| SECTION C: THE LIKELY IMPACTS OF DEVELOPMENT AND HOW THEY CAN BE ADDRESSED | | | |
| Thresholds | | | |
| Hertfordshire County Council (Ref: 7) | 3.1 and Table 1 | This paragraph refers to HCC standard charges. Fire Hydrants are listed. However, this is not covered in Table 1 or paragraph 6.6.1. It would be helpful if the document to explain if there is a standard charge for fire hydrants and provide more detail of what this is. | |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|--|---------------------------------|---|--|
| Barton Willmore Planning Partnership on behalf of West Stevenage Consortium (Ref: 2) | 3.2 | No basis is set out as to how the various threshold figures have been derived. | The basis for the thresholds set by the Council is explained in 3.2.1. A low threshold has been chosen as it is recognised that developments, however small they are, have the potential to have an impact 'the cumulative impact'. HCC's thresholds have been set based on balancing resources and the likley outcomes. |
| Knebworth Parish Council (Ref:15) | 3.2 | The County Council thresholds should be reduced to one dwelling for developments within rural areas. In Knebworth the primary school is at capacity and currently unable to accommodate all village children wishing to attend. Further development, however small would exacerbate this. | HCC have indicated that they could have resource implications in terms of administration and collection of contributions with a lower threshold. Particularly when they are not the determining authority on planning applications and they deal with planning obligations on a County wide basis. HCC has considered the specific point relating to Knebworth Primary School and have responded by saying that is very unlikely to be increased in size, and only if a very large number of dwellings were to be built would a new school be justified. |
| Royston Town Council (Ref:14) | 3.2.3 | The charging of properties should relate to the size of property as larger properties would recycle more. | No changes proposed. The cost to the Council is the same for houses as each house gets the same containers. The costs have been reduced for flats as they generally have combined facilities. See 5.7.2 (new 4.7.2). |
| Sport England (Ref: 8) | 3.2.1 | Supports the threshold for one or more dwellings as this is considered necessary to ensure the cumulative impacts of development are fully met. | Noted. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|---|---------------------------------|--|--|
| Government Office for the East (Ref:1) | 3.2.2 | Where thresholds are introduced within the SDP, in the absence of policies in the plan, it should be clear how these have been derived with an evidence base. HCC's threshold for 5 houses and 10 flats it is not clear what the justification for this is. | Paragraph 3.2.2 has been amended to justify the approach to thresholds taken by HCC. |
| Andrew Martin Associates on behalf of the Letchworth Garden City Heritage Foundation (Ref: 3) | 3.2.2 | There is no clear explanation for the thresholds and why they are different. If the approach taken by HCC is robust and has been tried and tested, then it is illogical not to use the same threshold for North Herts Contribution. | NHDC and HCC have different approaches to setting thresholds. This is because the two authorities are separate organisations with individual issues to consider. The nature of the obligations are also different. HCC have indicated that they could have resource implications in terms of administration and collection of contributions with a lower threshold. Particularly when they are not the determining authority on planning applications and they deal with planning obligations on a County wide basis. Therefore, it is reasonable for each authority to determine what is appropriate for its own circumstances. This Council's justification is outlined in the response to Barton Willmore's comments above. |
| Barton Willmore Planning Partnership on behalf of West Stevenage Consortium (Ref: 2) | 3.2 and 3.2.5 | This section should include reference to the need to phase contributions in relation to the phasing of development. There should also be a recognition that some facilities may have been provided in earlier phases of development (which may be the subject of separate applications) that negate the need for full contributions. | The phasing of contributions is dealt with in section 8.2. Specific issues such as the example used in this objection would be dealt with at the time of the application and the s106 negotiations. |
| | 3.2.5 | There should be clear guidance stating when exceptions to the standard charges apply to provide developers with some certainty. The word 'may' is ambiguous. | The word 'may' in this case is appropriate as there could be a whole host of exceptions. Therefore, only a range of examples are given as each application would be discussed on its merits. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|---|---------------------------------|---|--|
| | 3.2.5 Bullet 1 | The reference to section 7.4.4 is unclear as this section only relates to community centres, whereas the exception to the standard charge should apply to all standard charge contributions as well as site specific mitigation. | Reference to 7.4.4 has been deleted in the text. |
| Andrew Martin Associates on behalf of the Letchworth Garden City Heritage Foundation (Ref: 3) | | All the County contributions require explanation as to how the costs are calculated. It may be that an appendix containing the calculation methodology is included. The SPD adopts HCC approach without critical examination or justification | The methodology used by the County Council to justify their figures has been added to the supporting background paper. |
| Andrew Martin Associates on behalf of the Letchworth Garden City Heritage Foundation (Ref: 3) | 3.2.5 | It would be unreasonable to require contributions where there is surplus capacity. To present a fair and balanced approach this exception to be added to the list in 3.2.5. | Additional bullet point has been added to paragraph 3.2.5 (new 3.4.1) to address this issue. |
| English Nature (Ref: 9) | 3.2.5 | Exceptions to the standard charge could also include developments which provides the multifunctional greenspace referred to within the ODPM document 'Greening the gateway', that included features for biodiversity gain, and or integrating biodiversity into development. Various documents are referred to as examples. | Paragraph 3.2.5 (new 3.4.1) does not exclude multifunctional greenspace. It just refers to a range of examples. This highlights the fact that it would not be appropriate to be ridgid exceptions. See response to Barton Willmore's comments to this paragraph above. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|---|---------------------------------|---|--|
| Legal Documents to be Submitted with a Planning application | | | |
| Sport England (Ref: 8) | 3.3.1 | Supports the use of standard s106 and unilaterals. | Noted. |
| Affordable Housing | | | |
| Ickleford Parish Council (Ref: 20) | 4.0 | More affordable rented accommodation should be made available for young people. If land prices were controlled in some form, this would help reduce the building costs and ensure lower priced housing. | It is agreed that affordable rented accommodation should be made available for young people where there is a proven need. The level of need will be reflected in negotiations on the individual planning application based on the most up to date housing needs survey. The last Housing stock survey showed a priority housing need for 2 bed houses (young families) followed by 1 bedroom properties (singles and couples). This property mix has been sort on developments over the past 2 / 3 years. In practice the planning authority does not have the ability to control land prices. |
| Knebworth Parish Council (Ref:15) | 4.0 | The threshold for Affordable Housing should be lowered for rural areas where development tends to be smaller. | This SPD cannot change the thresholds set in the 'Saved' Local Plan. The thresholds will be looked at when the Council reviews its policy as part of the Core Strategy in the LDF process. |
| | | In rural areas affordable housing should have covenants to ensure that it is only made available for local people. | The Local Plan policy 29 provides for rural exception sites for development of housing to meet a proven local need. Policy 29a holds that new build is made available to local people in need. Local is defined as someone who lives currently in that village, its parish or an adjoining parish. This will form part of a s106 agreement. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|--|---------------------------------|---|--|
| | 4.1 | What proportion will be designed as lifetime homes and how will this be defined? | The words 'proportion' have been deleted from paragraph 4.10 (new 6.10). Details of what is required can be found at http://www.jrf.org.uk/housingandcare/lifetimehomes/ |
| Government Office for the East (Ref:1) | 4.1 and 4.8 | The SDP refers to Policy 29A of the Local Plan and also the 35% provision of affordable housing as recommended by the Housing Needs Survey. Paragraph 4.8 introduces a degree of uncertainty regarding the level of affordable housing that the Council is seeking. There needs to be a clear statement in the SDP that the provision of 25% as set out in the Local plan is what the Council will pursue. | Agreed. Paragraph 4.8 (new 6.8) has been amended to avoid uncertainty and clearly state that 25% is current policy. The proportion of affordable housing will be looked at when the Council reviews its policies as part of the Core Strategy in the LDF. This will bring it more in line with the most up to date housing needs survey. The Council will have regard to the most up to date housing needs survey information when negotiating affordable housing. |
| Barton Willmore Planning Partnership on behalf of West Stevenage Consortium (Ref: 2) | 4.2(i), 4.13, 4.14 | A Local Planning Authority cannot insist upon involvement of an RSL nor seek to nominate development partners. Many housebuilders are now approved partners of the Housing Corporation (HC) as a consequence of the Housing Act 2004 and it is not necessary to involve an RSL. The Government is currently considering further regulatory relaxation so that 'for profit' landlords can be registered by the HC. | Any 'for profit' landlord must comply with the same requirements that are made of social landlords ie SDS, target rents, priority in access. Rights to tenants, perpetual affordability etc. To ensure equality of outcomes to [potential] tenants of RLSs & unregistered bodies. This is considered reasonable. Paragraph 4.2(i) (new 6.2(i)) has been amended to reflect this. Paragraphs 4.13 to 4.14 (new 6.13 and 6.14) are just outlining the process when RSLs are involved. It is not insisting upon this. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|--|---------------------------------|---|--|
| | 4.2(ii) | It is unreasonable to delay development by preventing the release of a proportion of the open market housing on the principle site until the affordable housing has been delivered. The Guidance allows for off-site payment so it would be unreasonable to insist a developer has to procure an alternative site. | The provision of mixed, balanced communities is the key goal. Demand for AH outstrips supply in the district therefore opportunities for provision must be maximised. Off-site provision may not fulfil this goal of mixed balanced communities and is only acceptable where there are sound planning reasons why on-site provision is not viable. Again, payment in lieu is not in keeping with creating mixed balanced communities and maximising the supply of AH and will only be considered as a last resort. Preventing the release of open-market housing until AH is delivered on an alternative site is a tool to ensure delivery. This is not considered unreasonable. |
| Knebworth Parish Council (Ref:15) | 4.2(iii) | How will payment in lieu of affordable housing provision be spent in the community that did not acquire the affordable housing? There is no indication as to who will receive the money and how it will be applied. The land must have a commercial value for whatever use it is. How does the District Council expect to enforce lower land values for affordable housing unless it owns the land? | Payments will be received by the Council and held to aid provision of affordable housing elsewhere within that community. Paragraph 4.2(iii) (new 6.2 (iii) has been amended accordingly. |
| Barton Willmore Planning Partnership on behalf of West Stevenage Consortium (Ref: 2) | 4.3 | It is not clear why funding will be restricted post April 2008. The budget of the Housing Corporation has been increased. | LA funding will no longer be available post April 2008 as existing funds will be exhausted by then. Housing Corporation funding will still be available and the Council will be working towards their revised funding programme. However, this is likely to concentrate on strategic sites. Therefore, the smaller sites may not have any funding. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|-----------------------------------|---------------------------------|---|---|
| | 4.4 | SDS are only a requirement when Housing Corporation moneys are invested. Local Authorities have no power to impose standards of construction that exceed Building Regulations. If subsidised home ownership is agreed then the cost of occupation will exceed target rents - this sentence makes the provision of intermediate accommodation pointless. | It is reasonable to expect that schemes that are not funded by the Housing Corporation or Local Authority should meet the same standards. |
| Network Rail (Ref:11) | 4.4 | Contributing to other facilities/infrastructure in this SPD, together with any decontamination, access constraints etc will reduce the level of affordable housing that can be delivered if a scheme is to be viable. There should be flexibility regarding the mix of housing where projects will deliver or fund infrastructure improvement works such as station upgrades. A policy to assess such developments is required so that some (or all) of the contributions can be waived in cases where the development would enhance public transport facilities. | To amended the document as suggested would seek to prioritise contributions sought so that public transport facilities would be top of the list. Other issues may be equally, more or less important. Each case will need to be assessed on its merits. The Council will consider cases where the viability of a scheme is an issue, this is outlined in section 8.7 of the report. |
| Knebworth Parish Council (Ref:15) | 4.5 | The reduced costs of affordable housing should be quantified as a percentage of the open market value rather than being 'substantially lower'. | This will be considered on a site by site basis as each case could be different. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|--|---------------------------------|--|--|
| Barton Willmore Planning Partnership on behalf of West Stevenage Consortium (Ref: 2) | 4.6 | A local Planning Authority has no power to prescribe tenure. | Paragraph 4.6 (new 6.6) has been amended by deleted reference to assured tenancies. |
| | 4.8 | Reference should be made to the level of affordable housing set out in the 'saved' local plan policy 29A, which refers to 25%. The Housing Strategy is not subject to scrutiny in the same way as Local Plans or DPDs. | Agreed. See response to Go-East above. |
| | 4.9 | Reference to EcoHomes very good is laudable, but it is set against a specific publication date as the standard could change, this provides uncertainty if there are future revisions. This issue could be more appropriately dealt with by condition. Cannot impose more than Building Regulations. | Any changes in standards will be considered when the SDP is reviewed. Paragraph 4.9 (new 6.9) now refers to 2006. In the interests of sustainability this is a reasonable requirement. |
| Council for the Protection for Rural England - The Hertfordshire Society (Ref:17) | 4.8 | The commitment to affordable housing is welcomed. However, the second bullet point seems to suggest that every greenfield opportunity will be used. It should only be at the last resort. The criteria used to evaluate the suitability of the site should be the same whether it is affordable housing or not. Both bullets may not be necessary. | Agreed. It should only be used as a last resort, but this relates to where greenfield land has been granted permission above the threshold. Bullet points have been deleted. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|---------------------------------|---------------------------------|--|--|
| | 4.9 and 7.6 | In one case it is a target and in the other it will be encouraged. A more appropriate word would be to require. | These paragraphs have been amended to 'require'. |
| Ashwell Parish Council (Ref: 5) | 4.9 and 7.6.1 | There is a discrepancy between paragraph 4.9 which uses the words 'expects' and 'target' for EcoHomes and paragraph 7.6.1 which states that new development will be encouraged. To avoid confusion more prescriptive words should be used, such as 'will be required'. | Agreed |
| | 4.9 | Reference to water conservation should be applied to all development not just affordable housing. | Agreed |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|---|---------------------------------|---|---|
| English Nature (Ref: 9) | 4.8 and 4.9 | Allocations on greenfield and brownfield land should reflect the need to conserve and enhance environmental assets, including biodiversity and landscape as well as affordable housing. Biodiversity should be recognised in this section of the SPD along with water conservation. In general sites can support biodiversity as listed in circular 06/2005 Biodiversity and Geological Conservation. North Herts should seek to conserve and enhance existing biodiversity and geodiversity and the creation of new areas of value consistent with the requirements of PPS9, with the minimum target of no net loss to biodiversity. | Amend paragraph 4.9 (new 6.9) to acknowledge biodiversity. Also have regard to this in a biodiversity paragraph in another part of the SPD. |
| Andrew Martin Associates on behalf of the Letchworth Garden City Heritage Foundation (Ref: 3) | 4.9 and 4.27 | There is a contradiction between the Council's aspirations to achieve EcoHomes 'very good' standard for affordable housing and its objective to build affordable homes at reasonable cost. The standard has been proven to add to construction costs. On greenfield sites it is difficult to achieve using reasonable parameters, because substantial number of points in the scheme rely on 'brownfield' land and remediation. The SPD should recognise the 'very good' standard as an aspiration and when it cannot be achieved the applicant will need to demonstrate why. | The Housing Corporation will only fund schemes that meet the 'very good' Eco Homes building standards. There is an understanding that this standard will add cost to the construction costs of the units. Paragraph 4.9 (new 6.9) has been amended so that where this standard cannot be achieved the applicant will need to demonstrate why. However, where applicants who do not meet this standard for affordable housing they run the risk of not getting funding. The argument relating to greenfield sites is not accepted as there are many examples where these standards can be achieved on greenfields. |
| Barton Willmore Planning Partnership on behalf of West Stevenage Consortium (Ref: 2) | 4.10 and 4.12 | Same comments as 4.9 above. A local Planning Authority has no power to impose standards of construction that exceed Building Regulations. | In the interests of sustainability this is a reasonable requirement. See comments above. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|--|---------------------------------|---|--|
| | 4.20 | Seeking the provision of affordable housing to a nominated RSL at a nil-grant price is unlawful. This was successfully debated at the West Stevenage Inquiry. | It is only unlawful if the site is bought at today's market rate in an attempt to drive down the cost of land. There may be a situation where no grant is available to enable the scheme therefore partnership working may assist in the enabling of the scheme. |
| | 4.21 | A Local Authority has no power to seek to restrict a service charge and such attempt to conflict with leasehold enfranchisement legislation. If occupants cannot afford necessary service charges it suggests the scheme is not an appropriate location for such provision. | If a developer is seeking to provide affordable housing, there is a need to consider the costs involved to ensure the units that are provided are affordable. In any case the relevant paragraph is only stating what the New Housing federation recommends. |
| | 4.25 | Same as 4.20 above. | See comments above. |
| Hertfordshire County Council (Ref: 7) | 4.36 | This section that refers to '...sought by policy' should be clarified to state that this is the policy in the North Hertfordshire District Local Plan No.2 with Alterations (Adopted April 1996). | Accept and the relevant paragraph amended (new 6.36). |
| Standard Charges and Addressing the Cumulative Impact of Development | | | |
| The Wildlife Trust (Ref: 23) | 5.0 | This refers to queries specific to the greenspace strategy. | A separate response relating to these queries has been sent to the Wildlife Trust. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|---------------------------------------|---------------------------------|---|---|
| Hertfordshire County Council (Ref: 7) | 5.0 | The use of standard charges is supported. Additional updates and justification supplied. However, the County is intending to update the figures again. In view of changing costs the SPD will become out of date. One solution would be to use a folder format so that pages can easily be amended. | HCC have provided further updates to the figures for this SPD (See section 5) and additional details for the background paper. Paragraph 8.3 refers to the figures within the SPD being index linked to allow for changes in inflation. The figures will be updated to allow for this and will be published in the background paper. The need for publishing this SPD outweighs waiting for the County to update their figures again. Particularly as this is not likely to be for some time as they have implications for the whole of the County and not just North Herts. The extent of any further changes would need to be looked at individually to see if any further consultation may be required. In any case this SPD will be reviewed when relevant policies in the Local Development Framework are adopted. The possibility of a folder format when publishing will be looked into. |
| Ashwell Parish Council (Ref: 5) | 5.0 | Concern over the ability of the school to cope with the expanding population and the sewage system. The introduction of a standard charge is welcomed. | The additional demand for school places has been acknowledged by the County Council. Funding is available to make two additional classrooms available which should allow a small increase in administration limit to the school. However, careful consideration would need to be given to any significant development proposals as there would be insufficient site capacity to further extend the school on its current site. Issues relating to sewage are dealt with by condition and are not appropriate for s106. For large scale developments the Environment Agency and water companies would be consulted to look into the capacity of the existing systems. |
| Knebworth Parish Council (Ref:15) | 5.0 | Where Parish Councils are responsible for services where standard charges apply, will money be automatically passed to the relevant authority. How will local people see the monies applied to their area? | Internal arrangements will be in place to transfer money from contributions received to the relevant authority. Initially the money will come to the Council or HCC as they will be party to the legal agreements. In addition, this will allow for monitoring of spent money to administered. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|---|---------------------------------|---|---|
| Andrew Martin Associates on behalf of the Letchworth Garden City Heritage Foundation (Ref: 3) | 5.2 | Do not disagree with the pooling of contributions to be used in targeted areas. However, the SPD and subsequent s106s need to be clear as to what those targeted areas are, both in terms of geographical location and in terms of general infrastructure required. What does 'within the locality' mean for different types on contribution. | Paragraphs 5.2 (new 3.3.3) and and 8.6.1 have been amended to clarify the point that that contributions will be used to fund provision that is linked to proposals. In addition, further clarification has been provided in terms of locality for contributions. See individual sections. |
| RPS Planning on behalf of Fairview Homes (Ref: 4) | 5.2 | This section should state that the developer contributions will be assessed on a site by site basis. | Paragraph 5.2 (new 3.3.2) has been amended accordingly. |
| South Bedfordshire District Council (Ref:16) | 5.3 | It would be useful to explain in more detail where the figure of 2.32 persons per dwelling came from together with the formula for outline applications. | New paragraph 4.3 reflects this. |
| Barton Willmore Planning Partnership on behalf of West Stevenage Consortium | 5.3 | Further clarification is require as to how a formula will be agreed for calculating dwelling occupancy rates. | It is not intended that there will be a formula to work out dwelling occupancy. The text in new paragpah 4.3 clarifies the approach taken. |
| Knebworth Parish Council (Ref:15) | 5.5.4 | The outdoor play and sports provision strategies relate to urban areas. Where is the provision for rural areas considered? | A parish play areas survey has been undertaken to guide future provision of play areas in the district. This has been added to the list in paragraph 5.5.4 (new 4.5.4). The Green Space strategy will take into account rural areas.B98 |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|---|---------------------------------|---|---|
| Community and Leisure Centres, Town and Village Halls | | | |
| RPS Planning on behalf of Fairview Homes (Ref: 4) | 5.4 | Contributions should only be made when there are insufficient levels of facilities which can reasonably be accessed from the site. | Paragraph 5.2 (new 3.3.2) amended to reflect this. See coments in response to Go-East concerns above. |
| Sport England (Ref: 8) | 5.4.2 | Supports the proposal to require contributions towards leisure centre provision. However, this must be supported through assessments of need which identify deficiencies in provision as set out in the guidance in PPG17. It is not clear what strategies/assessments have been undertaken. The SPD needs to refer to these as this will provide a justification to seeking developer contributions. | Each case will be considered on a site-by-site basis so that it can be judged on its merits. Work is under investigation and will provide the necessary background justification. |
| | 5.4.4 | A local standard for leisure centres is welcomed. However, to ensure that this is robust it is recommended that the Sport England Sport Facility Calculator which will provide an estimate of the demand for indoor community sports facilities is used. | See comments above. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|--|---------------------------------|---|--|
| | 5.4.6 | There is a lack of guidance in this section on how spending will be prioritised. Such as developments in Hitchin having their contributions spent in Hitchin. | Paragraph 5.4.6 (new 4.4.6) amended accordingly. |
| Barton Willmore Planning Partnership on behalf of West Stevenage Consortium (Ref: 2) | 5.4.3 and 7.4.4 | Clear clarification and a full justification as to how the figures are calculated should be provided, citing a range of examples. The standard charge figure includes maintenance. However, this should be met through the Council Tax via NHDC or the Local Parish or from the private operator. | Justification is provided within the background paper accompanying this SPD. The standard charge figure does not include maintenance. References to maintenance in section 7.4.5 relates to new built facilities for the purposes of the residents within their development. In this instance paragraph B18 of Circular 05/2005 legitimises this. |
| | 7.4.4 | The floor area figures suggested are substantially less than that proposed at West Stevenage which would indicate that there would be a shortfall from other developments or there will be an over provision at West Stevenage. | Paragraph 7.4.4 states that there may be additional size requirements to the standard outlined for community centres in 5.4 (new 4.4). This is dependent on the location and type of development proposed. A minimum viable size for a centre to operate needs to be considered for newly built facilities. In addition, the relationship of new built facilities and distance from dwellings and existing facilities in the vicinity of the site needs to be taken into account. Which will be assessed on a site-by-site basis. In the case of West of A1(M), additional space requirements relate to rooms being available for outside agencies, site specific circumstances and its relationship with Stevenage were taken into account. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|---|---------------------------------|--|--|
| | 7.4.4 | Paragraph 7.4.4 indicates that in the case of major development larger facilities may be required and the developer should bare the capital start up costs, fitting out, equipment and provision of land. It would be unreasonable to require developers of large scale development to make greater provision per occupant than for smaller development where the cumulative impact with other developments would be the same. | In most cases small incremental developments will not result in a completely new facility and refurbishment/extensions or additional services may be necessary instead. The standard charge is therefore considered reasonable in this respect the provision of land and start up costs are not included. However, for completely new built facilities as a direct result of development, it is reasonable to expect developers to pay all the costs associated. |
| Andrew Martin Associates on behalf of the Letchworth Garden City Heritage Foundation (Ref: 3) | 5.4.3, 5.4.4 and 5.4.6 | The methodology for calculating the build costs appears to be based on new build. However, contributions could be spent on refurbishment or enhancement of existing facilities. The build cost for extending a facility will be considerable less than the cost of new build. The calculation should reflect this. | In some cases the cost for extending may be more. This will depend on site specific circumstances, which at this stage the Council cannot predict. In view of the costs of land and initial start up costs are not included using new build as a basis is considered reasonable to cover all aspects of development. |
| Barton Willmore Planning Partnership on behalf of West Stevenage Consortium (Ref: 2) | 5.4.4 | Clarify how the Royston Leisure Centre Space standards were derived as the appropriate example. | This is contained within the background paper. |
| | 5.4.5 | The basis for contribution costs should be clearly referenced. | The background paper provides further details. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|---|---------------------------------|---|---|
| Hitchin Forum (Ref:12) | 5.4 | Public toilets and museums should be included here. Also in section on community facilities. | Section 7.4 does not preclude museums and public conveniences as it relates to all types of community facilities required as a result of development where a need can be justified. |
| Open Space, Outdoor Sport and Recreation | | | |
| Royston Town Council (Ref:14) | 5.5 | Allotments should be included. The District Council has a considerable waiting list. More and more families are seeking to provide fresh products for themselves. The need is likely to increase. | A new paragraph 7.8 has been added to refer to allotments. |
| Hitchin Forum (Ref:12) | 5.5 | Pavilions should be included in this section. | Table 8 (new Table 5) refers to pavilions in the sports pitch contribution. |
| The Wildlife Trust (Ref: 23) | 5.5 | Raise issues relating to long-term management for the green space strategy and perpetuity years are raised. | Paragraph 5.5.14 (new 4.5.14) refers to long-term management. Perpetuity has been added to strengthen the SPD. This accords with Circular 05/2005 and the new Best Practice Guidance. |
| RPS Planning on behalf of Fairview Homes (Ref: 4) | 5.5 | Contributions should be based on the need for such provision following an open space audit in accordance with PPG17. Should be on a site by site basis. | Paragraph 5.5.5 (new 4.5.5) amended to reflect this. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|---|---------------------------------|--|---|
| The Countryside Agency (Ref:13) | 5.5.4 | Welcomes the fact that the Council will prepare a Green Space Strategy. Using the NPFA standards for calculating open space requirements is a sensible interim arrangement. The Agency advocates looking at a coherent network of open spaces and greenways to meet needs for informal greenspace within the broader landscape. The basis for this will come from the Green Space Strategy. | Noted. |
| Andrew Martin Associates on behalf of the Letchworth Garden City Heritage Foundation (Ref: 3) | 5.5.5 and 5.5.6 | The Council needs to exercise caution in seeking to rectify existing open space deficiencies through commuted payments. Whilst areas of deficiency may highlight locations where commuted payments will be justified, it would be unreasonable in the context of Circular 05/2005 to seek to extract greater contributions to rectify deficiency in existing provision. This needs to be made clear in these paragraphs as it gives the opposite impression. | Paragraph 5.5.5 (new 4.5.5) amended to reflect this. |
| English Nature (Ref: 9) | 5.5 and table 6 | Biodiversity, conservation and enhancement should be referred to in this section. Open space offers considerable opportunities to meet the requirements of PPS9. Features in table 6 should include targets for biodiversity. | Paragraph 5.6.3 (new 4.6.3) has been amended to take into account biodiversity. In addition section 7.1 has strengthened reference to biodiversity. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|---|---------------------------------|--|---|
| Sport England (Ref: 8) | 5.5.6 | For clarity it would be helpful to explain in the SPD why it is proposed that NPFA standards will be used in the interim of the Green Spaces Strategy being completed e.g is this because the Council currently uses NPFA standards for new open space provision in developments. Without an explanation the open space standards could be challenged. PPG17 recommends local standards. | Paragraph 5.5.6 (new 4.5.6) has been amended to address this point. |
| | 5.5.8 | To avoid confusion it should be clarified that the proposed standard for sports pitches forms part of the overall standard for outdoor sport as it could be interpreted that it is separate. | Paragraph 5.5.8 (new 4.5.8) has been amended to address this point. |
| | 5.5.11 | Sports England supports the requirement for developers to pay a 10 year commuted sum towards open space maintenance. | Noted |
| Andrew Martin Associates on behalf of the Letchworth Garden City Heritage Foundation (Ref: 3) | 5.5.11 | The Foundation is responsible for maintaining significant areas of open space (public or otherwise). Commuted sums should be paid to the foundation for these areas and not the Council. The distinction in Letchworth needs to be recognised. | Paragraph 5.5.14 (new 4.5.14) has been amended to recognise that the Heritage Foundation are responsible for maintaining significant areas of open space in Letchworth. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|--|---------------------------------|--|--|
| Barton Willmore Planning Partnership on behalf of West Stevenage Consortium (Ref: 2) | 5.5.11 and 5.5.12 | There should be flexibility for the developer to pay commuted sum on a yearly basis or other appropriate basis, particularly where there will be a phasing of development over a long period of time. | Phasing and timing of payments relating to large scale schemes is dealt with in section 8.2. This will be subject to negotiation on individual sites. In general commuted sums are paid on transfer to the Council. It is likely that large scale development would transfer land on a phased basis. |
| RPS Planning on behalf of Fairview Homes (Ref: 4) | 5.5.11 | Objects to the 10 year commuted sum. 5 years is more reasonable. | A ten year commuted sum is considered reasonable and is current and Council practice. |
| | 5.5.13 | Justification for the 32% increase in maintenance costs should be provided. Surely where there are substantial areas of open space there should be cost savings relating to economies of scale. These should be built into the equation. | Paragraph 5.5.13 (new 4.5.13) has been amended to provide further justification. Any economies of scale would be negotiated on an individual basis. |
| Government Office for the East (Ref:1) | 5.5.13 | The SDP states that some developers may be required to pay a 32% increase in maintenance costs. It is not clear where this figure is derived from. | The figure is from the Council's Ground Maintenance Contract. Paragraph 5.5.13 (new 4.5.13) has been amended to refer to this. |
| South Bedfordshire District Council (Ref:16) | Tables 6 and 8 | There needs to be a guide or linked document to explain how the figures have been arrived at. | Further clarification is provided in the background paper for Table 6 (new Table 3). In relation to Table 8 (new Table 5) the figures come from assumptions in relation to the Ground's Maintenance Contract. These will be provided if requested during individual negotiations. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|---|---------------------------------|---|---|
| Barton Willmore Planning Partnership on behalf of West Stevenage Consortium (Ref: 2) | 5.5.14 | Clarification as to the RoSPA certified standard should be provided. | Further clarification has been provided. The RoSPA certified standard depends on a range of circumstances any interested developer would need to refer to these and liase closely with the Council. |
| | Table 8 | The basis for the standard charges the contribution figures should be provided. The opportunity for the developer to make the provision in lieu of contributions should be included. | Paragraph 5.5.19 (new 4.5.9) has been amended to cover this point. |
| Andrew Martin Associates on behalf of the Letchworth Garden City Heritage Foundation (Ref: 3) | 5.5.18 | It is inappropriate to require an additional contribution from non-residential schemes, because it introduces a substantial element of double counting. There is an overlap between local residents and employees. It could result in double the scale of contributions required. | Employees may use the open space near to their work as well as at home which are likely to be in different locations. Therefore, no amendements are proposed. See Sport England comments below. |
| Sport England (Ref: 8) | 5.5.18 | Supports the proposal to secure contributions towards open space provision for non-residential development as employees will put extra pressure on them. A number of local authorities have successfully secured this. Details are on the Sport England website. | Noted. |
| | 5.5.20 | Reference to strategies to guide how financial contributions will be secured is supported. However, the document should provide guidance on how the spending of contributions will be prioritised and where the contributions will be used. See comments to 5.4.6 above. | Paragraphs 5.5.20 (new 4.5.20) and 5.5.21 (new 4.5.21) have been amended accordingly. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|--|---------------------------------|---|---|
| Barton Willmore Planning Partnership on behalf of West Stevenage Consortium (Ref: 2) | 5.5.21 | Contributions will need to relate to the development in accordance with Circular 05/2005. It should be clear in the text that where contributions are not spent in the immediate locality it will be proven that it relates to the development. | Paragraphs 5.5.21 (new 4.5.21) has been amended. The new monitoring system and internal arrangements will make provision for ensuring that the money is spent on what it should be spent on and that it would have a relationship with the development. Developers will have the opportunity to check this with the Council. |
| Public Realm | | | |
| Hitchin Forum (Ref:12) | 5.6 and 5.1 | Paragraph 5.1 rightly refers to the incremental impact on the public realm and other areas. However, residential developments are excluded from the public realm standard charge. High density residential development can have as much or greater need for improvements to the public realm, such as CCTV. | Officers are of the opinion that it would be unreasonable to expect residential development within town centre locations to contribute to public realm costs as well as the full list of standard charges as specified in the SPD. It is considered more appropriate for non-residential development to make such contributions given their direct relationship in terms of vitality to ensure that safe and attractive environments are provided and maintained for visitors and employees. No amendment required. |
| English Nature (Ref: 9) | 5.6 | Biodiversity is relevant to this section of the SPD. | Agree. Paragraph 5.6.3 (new 4.6.3) is amended to make reference to biodiversity as part of certain features included in the public realm. |
| Hitchin Forum (Ref:12) | 5.6 | Public toilets should be included in the public realm section or in community facilities | The section on community facilities does not preclude making provision for public conveniences if considered appropriate and related to the development. The public realm is concerned with physical aspects of spaces such as streets, parks and squares that are available for public use. No amendment required. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|---|---------------------------------|---|--|
| Government Office for the East (Ref:1) | | Pooling of resources for the public realm would not be in accordance with the circular, if contributions were being used solely to resolve existing deficiencies or on provisions that are not geographically or functionally linked to the proposal. | Noted. Public realm requirements are identified in relevant town centre strategies and the community safety strategy and would be functionally and geographically linked to the application. Amendment made to paragraph 5.6.6 (new 4.6.6) in the SPD to clarify this point. |
| Andrew Martin Associates on behalf of the Letchworth Garden City Heritage Foundation (Ref: 3) | 5.6 | We are concerned about the principle of extracting public realm payments. A majority of towns in North Herts are endeavouring to maintain their position in the retail hierarchy and attract town centre uses. This additional 'tax' will disadvantage these centres compared to competition and could act as a disincentive. Promotion of investment in North Herts town centres is also a sustainability issue. | Contributions to the public realm are relatively small and would enhance the area in which these companies are wanting to locate. Which could be seen as an economic incentive rather than disadvantage. |
| Hertfordshire County Council (Ref: 7) | 5.6.2 | It would be useful to know if the public realm will also incorporate bus shelters/poles and flags. | Bus Shelters/poles and flags would be included under public transport measures as part of the contributions sought for sustainable transport by Herts County Council. (Section 6.8 (new 5.8) of the SPD) |
| Andrew Martin Associates on behalf of the Letchworth Garden City Heritage Foundation (Ref: 3) | 5.6.11 | Responsibility for maintenance of some of the public realm in Letchworth (including car parks) lies with the Foundation. Some of the money should go to the Foundation to reflect their joint role with the Council. | Noted. Point to be investigated further in relation to setting up of internal protocols and legal agreements between NHDC and LGCHF. No impact on SPD. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|--|---------------------------------|---|--|
| | 5.6.12 | The figure of £344 needs explanation. It is not clear where it comes from or whether it is reasonable. | The Council has produced a background paper which sets out the rationale for the cost quoted in the SPD. This paper was available on request in support of the draft SPD consultation document and will be made accessible to developers/ the public as part of the suite of documents supporting the SPD once adopted. |
| Barton Willmore Planning Partnership on behalf of West Stevenage Consortium (Ref: 2) | 5.6.12 | The basis and justification for the £344 figure should be provided and the 20 year typical period. This should be amended to 10 years in light of the West Stevenage Inspectors report which clearly recommends that maintenance periods should be limited to 10 years. | See comment above for justification of figure. Limiting the period to 10 years is not acceptable. The Reasons for 20 years is explained in the text. The West Stevenage scenario in this case is different as the 20 years in the SPD refers to a typical period of life for elements of the public realm, such as replacement and not maintenance. No change required. |
| | 5.6.13 | The provision of areas for public realm in large development should not form part of the S106 but should be dealt with as part of the application proposals. It should then be for the developer to decide how much to manage the area, whether via the Council or alternative means. | For the first point, while the paragraph does not specifically say it must be dealt with by S106, in some cases it may need to be and in others it will form part of the application. Amend paragraph for clarity to include an additional sentences stating: 'This could also be dealt with as part of the planning application'. (new 4.6.13) For the second point, it is agreed that where developers make provision for public realm as part of an application they should have the opportunity to be responsible for its maintenance. However certain standards would need to be met if the developer wished to transfer such areas to the Council or another organisation such as Hertfordshire Highways. This would be to the satisfaction of the relevant authority. A new paragraph at 4.6.14 has been included in the SPD to address this point. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|---|---------------------------------|--|---|
| South Bedfordshire District Council (Ref:16) | Table 9 | There is a need to have a more detailed explanation regarding how the ratio has been calculated and the cost per square metre. | The Council has produced a background paper which sets out the rationale for the cost quoted in the SPD. This paper was available on request in support of the draft SPD consultation document and will be made accessible to developers/ the public as part of the suite of documents supporting the SPD once adopted. |
| Waste Collection and Recycling | | | |
| Ickleford Parish Council (Ref: 20) | 5.7 | An increase in bins will result in them being left out on the pavement. | 5.7.5 (new 4.7.5) already addresses this issue. |
| Knebworth Parish Council (Ref:15) | 5.7 | This is a positive environmental move. | Noted. |
| Andrew Martin Associates on behalf of the Letchworth Garden City Heritage Foundation (Ref: 3) | 5.7.1 to 5.7.4 | The collection of domestic waste is a Council service. Guidance on the use of obligations is clear that they should not be used to relieve the Council of its legitimate duty to deliver local services. The provision of recycling bins through developer contributions is not legitimate. As with collection this should be paid for by Council tax. | No changes proposed. This is a capital cost to the Council which is only required as a result of the development. It is legitimate to seek a contribution to such costs. |
| | Table 10 | The figure of £71 appears to be excessively high and the cost of publicity material appears to be excessive. | The figures are reasonable. Further justification is provided in the background paper. |
| South Bedfordshire District Council (Ref:16) | Table 10 and 5.7.3 | There needs to be a guide or linked document to explain how these figures have been arrived at. | See comment above. |
| RPS Planning on behalf of Fairview Homes (Ref: 4) | 5.7.1 to 5.7.4 | This is a tax or betterment levy on the developer. | No changes proposed. This is a capital cost to the Council which is only required as a result of the development. It is legitimate to seek a contribution to such costs. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|---|---------------------------------|---|--|
| Education | | | |
| Andrew Martin Associates on behalf of the Letchworth Garden City Heritage Foundation (Ref: 3) | Table 11 | It is recognised that the contributions are taken from existing HCC practice. Contributions for primary and secondary for 1 bedroom units and two bed flats is unreasonable, as the demand is minimal. | The contributions required are relatively small, but reflect available data. However, to avoid unnecessary confusion in the future, HCC has taken the view that no contributions will be sought from 1 bedroom units. |
| RPS Planning on behalf of Fairview Homes (Ref: 4) | Table 11 | Where there is sufficient capacity contributions should not be sought. In addition, the child yield of two bedroom units is likely to vary by type and location of development and in some instances two bedroom development have an extremely low child yield. Therefore, there should be an assessment on a site by site basis. | Assessment will be on a site-by-site basis. Paragraphs 6.2 (new 5.2) and 3.2.3 have been amended to reflect this. In relation to the second point, the figures for small dwellings reflect available data. HCC is willing to consider specific evidence in relation to individual sites where appropriate. |
| Barton Willmore Planning Partnership on behalf of West Stevenage Consortium (Ref: 2) | 6.3.2, 3.2.3 and Table 11 | Clarification should be provided as to how the contributions are derived and the model inputs. Education contributions for social rented dwellings should be deleted as these should such local needs should have already been accounted for. This will not be a new demand. | HCC provides supporting evidence upon request. Further details are discussed on an individual basis if necessary. Requirements for social rented dwellings are discounted to allow for locally moving families. |
| | 6.3.4 | Provision should be made for third parties to provide education facilities. | HCC is willing to consider third party provision, but any arrangements must ensure that HCC can secure facilities in the event of third party default. This will be negotiated on an individual basis. New paragraph 7.4.6 has been added to reflect this comment. |
| Libraries | | | |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|--|---------------------------------|--|--|
| Barton Willmore Planning Partnership on behalf of West Stevenage Consortium (Ref: 2) | 6.4.2 | Full justification for the basis of this figure should be identified and provided. Provision should also be made in the text to enable developers to also provide facilitate in lieu of contributions. | HCC provides supporting information in this respect. Further details have been supplied for the background paper. Third party provision may be acceptable if precise requirements are agreed at the planning application stage. Arrangements must ensure that HCC can secure facilities in the event of third party default. New paragraph 7.4.6 has been added to reflect this comment. |
| Youth and Childcare | | | |
| Barton Willmore Planning Partnership on behalf of West Stevenage Consortium (Ref: 2) | 6.5.5 | Full justification for the basis of this figure should be identified and provided in accordance with the tests set out in Circular 05/2005. In particular, consideration should be given to the capacity of existing facilities. Where large scale developments are proposed HCC should be required to provide full justification as to how the funds are to be spent. Provision should also be made in the text to enable developers to also provide facilitate in lieu of contributions. | Supporting information is now provided as part of the background paper. Assessment will be on a site-by-site basis. Paragraphs 6.2 (new 5.2) and 3.2.3 have been amended to reflect this. An example of this is the reduced contributions will be required in the catchment of the Children's Centre at Oughton Primary School, Hitchin which is already up and running. This is outlined in new paragraph 5.5.10. |
| Fire and Rescue Services | | | |
| Royston Town Council (Ref:14) | 6.5 | In view of the re-organisation within the Fire Services it is interesting to note this paragraph. Would the planning obligations stretch to providing extra staff? | It is not likely to be appropriate to use planning obligations to fund fire and rescue service staff costs. Staffing requirements depend on the size and type of fire station which does not normally change incrementally. Only very large developments are likely to lead to a need to increase the capacity of an existing fire station, or provide a new one. |
| Sustainable Transport | | | |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|---------------------------------------|---------------------------------|--|---|
| Ickleford Parish Council (Ref: 20) | 6.8 | Little concern has been given to car parking. On street parking will result in roads becoming increasingly congested. Particularly in light of the projected housing figures. | Existing SPD on vehicle parking at new development will ensure parking provision and on-street issues will be addressed at planning application stage. The two strand approach to S106 obligations will allow for developers to provide contributions towards addressing parking problems within a sustainable transport context. |
| English Nature (Ref: 9) | 6.8 | The promotion of sustainable transport is welcomed. Well designed and located cycleways and footpaths can have the additional benefits of providing green links between habitats. | The two strand approach will provide considerable opportunities to negotiate infrastructure or financial contributions towards sustainable transport facilities that both provide links between habitats as well as promoting habitat diversity. |
| Highways Agency (Ref: 18) | 6.8.3 and Table 12 | It is not clear if the standard charges in Table 12 are in addition to s106 and s278 agreements. In respect of improvements required to the strategic highway network the Highways Agency would require them to be identified through a Traffic Assessment and funded by the developer through a s278. | Include reference to Table 12 (new Table 9) in para. 6.8.5 (new 5.8.5). The guidance does not seek to supersede the normal arrangements for the Highways Agency to negotiate and secure developer contributions towards the strategic highway network via a Transport Assessment. |
| Hertfordshire County Council (Ref: 7) | 6.8.5 | Supports the approach to sustainable transport. Amend 'urban travel plans' to read 'urban transport plans' | Accept and amend accordingly (new 5.8.5). |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|---|---------------------------------|---|--|
| Government Office for the East (Ref:1) | 6.8.7 | It is not clear where the figure of £500 has come from. | Provide footnote to para. 6.8.7 (new 5.8.7). |
| Andrew Martin Associates on behalf of the Letchworth Garden City Heritage Foundation (Ref: 3) | 6.8.7 and Table 12 | It is not clear where the figure of £500 has come from and what the funds will be required to support. | See above response. The funds secured through will be used to implement schemes identified in the LTP and, specifically the Urban Transport Plans for the main towns of the District (as set out in para. 6.8.5 (new 5.8.5) of the SPD). |
| South Bedfordshire District Council (Ref:16) | Table 12 | There needs to be an explanation as to how the figures have been arrived at or cross reference with another document to improve the SPD. | See above response to GO-East. Table 12 (new 9) is linked to footnote for an explanation. |
| Barton Willmore Planning Partnership on behalf of West Stevenage Consortium (Ref: 2) | 6.8 - 6.8.17 | As suggested in 6.8.15 it will not always be appropriate to rely on the Standard Charge in relation to large scale developments as in practice the standard charge will not always be necessarily proportionate to the size of development and provision. This is particularly the case where developments are phased with greater up front delivery provided in an earlier phase. This should apply to both first and second strand charges. | Comments noted. Para. 6.8.15 (new 5.8.15) allows for determination of exceptional circumstances where second strand contributions may be waived. It is not possible to identify or quantify those types and scale of developments that will be exempt from the second strand contribution but the comments made will be helpful in assisting the Council identify these circumstances. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|---|---------------------------------|--|--|
| Hertfordshire County Council (Ref: 7) | Table 12 | Concerned that the figures arrived at use the funds calculated in the LTP2 document. This document relates to capital funding. This includes passenger transport infrastructure and vehicles but does not include revenue support. Therefore, the passenger transport element is underestimated. | Larger scale developments that require new or additional public transport (PT) services will require the full capital and revenue support costs to support them secured from the developer as a first strand contribution. Second strand contributions will focus on capital contributions to schemes identified in the LTP/Urban Transport Plans which tend to be capital schemes. It is extremely difficult to disaggregate the revenue element of PT provision for each urban area and, in many respects, the location of new development in towns will help support the commercial viability of PT services. |
| | 6.8.12 | This excludes the use of funds for revenue support, such as bus services and other passenger transport services. This is a concern as the County Council have in the past secured developer contributions for bus services. | See above comment. |
| Andrew Martin Associates on behalf of the Letchworth Garden City Heritage Foundation (Ref: 3) | 6.8.14 | The purpose of the contribution relates to actual traffic generation, therefore it should be linked to the actual number of car parking spaces provided, not the Council's standard, particularly since the standards are a maximum provision. The developer will have to pay the maximum contribution, even where actual traffic generation may be reduced by a reduction in on-site parking. | Agreed. Paragraph 6.8.14 (new 5.8.14) of the SPD has been amended so that the second strand contributions are related to actual on-site car parking provision and this will only vary in exceptional circumstances. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|--|---------------------------------|--|---|
| | 6.8.15 and 6.8.17 | For non-residential development in particular, the provision of Green Travel plans should provide an exception from the standard charge. As they should provide measures to reduce car use and encourage non-car travel. The provision of public car parking should also be an exception to the standard charge. Particularly for major town centre redevelopment schemes. | Exceptions to the standard charge will be considered on a case-by-case basis. The quality of a Green Travel Plan (GTP) will be the crucial determinant in terms of whether exception from the second strand charge is acceptable. Contributions may be waived where the scale of development requires a Transport Assessment and sustainable transport measures have been secured through first strand contributions. |
| Network Rail (Ref:11) | 6.8 | The pooling of contributions should also be used for roads and rail services that may become necessary as a result of emerging plans. To include railways station and interchange improvements in the list. | Agreed but road and rail schemes should be identified in LTP/Urban Transport Plans or other recognised plans/strategies. |
| | 6.8 | There is an intermediary level in between the first and second strand which should be included in s106. This would include works required to major infrastructure such as roads and public transport facilities, including railway stations. This would be where the development has an impact but not sufficient enough to justify a contribution towards the entire thing. | Not agreed. The strategic road and rail authorities should be able to negotiate contributions to schemes via first strand contributions or, by agreement with the Planning and Highway Authority, reasonable access to accumulated second strand funding. |
| Environmental Issues | | | |
| The Countryside Agency (Ref:13) | 7.1 | Welcomes the inclusion of environmental issues negotiated on a site by site basis. | Noted. |
| South Bedfordshire District Council (Ref:16) | 7.1 | It would be useful to explain why these are negotiated on a site-by-site basis and not by a standard charge approach. | An additional paragraph has been added at the beginning of section 7.0 to address this issue. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|--|---------------------------------|---|---|
| The Wildlife Trust (Ref: 23) | 7.1.1 | The first bullet should also require applicants to carry out recent ecological surveys. Compensatory measures should be included. | It would not be suitable to just pick out ecology as there are lots of other surveys that may be required. 'Compensatory' has been added to the text. |
| | 7.1.2 | Reword bullet 2 to refer to natural and archaeological resources. | This has been amended accordingly. |
| Hertfordshire Biological Records Centre (Ref: 22) | 7.1 | Very concerned that environmental protection is relegated to other issues. It is important enough to have a section on its own (LDF guidance text is referred to). | It is difficult to predict and quantify likely environmental impacts this is why it is not contained within the standard charge section. It is agreed that this issues are equally important. See additional paragraph at the beginning of section 7.0. |
| | 7.1.1 | The Council should seek to enhance existing ecological features and wildlife as well as minimising harm and habitat creation (see PPS9) | The first bullet of paragraph 7.1.2 has been amended accordingly and 7.1.1. |
| | 7.1.2 | The principle of the developer pays should be applied when it is shown that development is likely to have a detrimental impact on habitat and/or species. If environmental issues are to remain as negotiated on a site-by-site basis strengthened wording is suggested relating to wildlife sites, protected species and access restriction. | The bullet points in 7.1.2 provide examples only and is not a definitive list. Some have been amended to strengthen the wording. |
| Barton Willmore Planning Partnership on behalf of West Stevenage Consortium (Ref: 2) | 7.1.2 | Bullet 2 should reflect the ability to develop subject to preservation in situ and other mechanisms which allow for development to proceed without causing harm to archaeology in accordance with PPG16. | An additional bullet has been added to reflect this comment. |
| Environment Agency (Ref: 6) | 7.1.2 | The first bullet should include 'river restoration'. | River restoration is now referred to. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|---|---------------------------------|--|--|
| Knebworth Parish Council (Ref:15) | 7.1.1 and 7.1.2 | The word 'may' needs strengthening and be replaced with 'will'. | The Council cannot insist that Environmental Impact Assessments or other studies will be required. The use of may is considered to be acceptable in this context as each application will need to be considered on a case by case basis. Some application may not require assessments where it is clear from the outset that the impact will be minimal. |
| English Nature (Ref: 9) | 7.1.1 | This section is welcomed. Advise that the wording is changed to read 'The Council seeks to conserve and enhance ...wildlife, geology and habitats'. This is set out in the key principles of PPS9. | This paragraph has been amended to reflect this. |
| | 7.1.2 and 7.1.3 | These paragraphs are welcomed. | Noted. |
| The Wildlife Trust (Ref: 23) | 7.1.3 | Add reference to PPG9 and the County BAP. Also compensation as well as mitigation. | Paragraph 7.1.3 has been amended to reflect this. |
| Hertfordshire Biological Records Centre (Ref: 22) | 7.1.3 | Where appropriate, obligations should ensure the delivering of targets (habitat and species) as set out in the County BAP. The Environmental Stewardship Scheme is capable of delivering appropriate management. | Paragraph 7.1.3 has been amended to reflect this. |
| Economic Development | | | |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|--|---------------------------------|--|--|
| Barton Willmore Planning Partnership on behalf of West Stevenage Consortium (Ref: 2) | 7.2.1 | The provision of flexible units or start up units for small business should reflect adopted local plan policy to be delivered through application proposals and should not be dealt with by way of this SDP. | The SPD is just seeking to encourage flexible units. It is therefore not proposed to amend this paragraph. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|--|---------------------------------|---|---|
| Community Facilities | | | |
| Barton Willmore Planning Partnership on behalf of West Stevenage Consortium (Ref: 2) | 7.4.4 | Same comments as paragraph 5.4.3 above. It is welcomed that the SDP makes provision for facilities to be provided by the developers, subject to specification submitted to and approved by the Local authority. It is assumed that the specification would reflect that provided in other community halls set out in paragraph 5.4.3. | The specifications agreed by the Council will be dealt with at the appropriate time of submission. Each case will be different as it will be depend on a range of issues such as the locality, the specifics of the scheme, the population it would serve etc. It is not considered necessary to amend the paragraph. |
| | Table 13 | See comments to Table 1. | See response above. |
| Development and Flood Risk | | | |
| Hertfordshire Biological Records Centre (Ref: 22) | 7.5.1 | The SPD should recognise that flood mitigation measures have the ability to deliver biodiversity, not just as SUDS, but wetlands in their own right. | The issue of biodiversity has been covered sufficiently in amended section 7.1. |
| English Nature (Ref: 9) | 7.5 | It is recommended that the Environment Agency is consulted on mechanisms for delivering these objectives. | The Environment Agency have been consulted and have not raised issues relating to this paragraph. They will be consulted individually on applications that involve such measures. |
| Sustainable Construction Methods | | | |
| Royston Town Council (Ref:14) | 7.6 | The 'encouragement' should be as strong as possible to ensure that these measures are properly provided within new developments. | This paragraph has been amended to reflect this. |
| Barton Willmore Planning Partnership on behalf of West Stevenage Consortium (Ref: 2) | 7.6.1 | See comments to 4.9 above. It is not clear what planning obligations will be sought to secure 'very good' EcoHomes and BREEAM standards. | It would not be appropriate within this document to specify what obligations will be sought. In simplest form an obligation would require 'ver good' standards to be met and it will be for the individual developer to choose how they wish to meet the standard. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|--|---------------------------------|--|--|
| Community Safety | | | |
| Barton Willmore Planning Partnership on behalf of West Stevenage Consortium (Ref: 2) | 7.7.3 | The ongoing operating costs and maintenance of CCTV should be provided through Council Tax and Business Rates, particularly where it relates to the public realm. Recognition should be given to developers who may seek to provide their own systems. | This requirement is reasonable over a set period of time before adequate levels of Council Tax/rates can support this. |
| South Bedfordshire District Council (Ref:16) | 7.7 | There is more to community safety than CCTV. It is a part of urban design. South Beds have adopted a Community Safety and Design Guide which may be of use. | This is accepted. However, many community safety issues are not S106 issues. The relevant paragraph also refers to issues of layout and design. Paragraph 7.7.1 has been amended to refer to other issues as required by Hertfordshire Constabulary. See comments below. |
| Hertfordshire Constabulary, Community Safety Unit (Ref: 21) | 7.7 | Recommends additional wording taken from the 'Safer Places' document. Support in achieving a suitable standard for Secured by Design would also be appreciated. | Paragraph 7.1.1 has been amended to reflect this. In addition, Design and Access statements are now required to be submitted with planning applications in which crime prevention measures required to be considered. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|---|---------------------------------|---|---|
| SECTION D: COUNCIL PROCEDURES | | | |
| | | | |
| Drafting and Completion of Legal Agreements | | | |
| Government Office for the East (Ref:1) | 8.1.3 - 8.1.5 | The approach to invalidating applications on the basis of not having submitted all the details contained within the checklist is inappropriate as there is no regulatory or statutory basis for it. The document should be either amended or establish that there is a legal basis. The SDP should also recognise that Section 42 will soon be replaced by Section 62 of the Planning and Compulsory Purchase Act 2004. | Regulation 4 of the T&CP (Applications) Regs 1988 allows for the authority to 'direct' that further information be supplied to it or that particulars of any information given be supported by evidence. Regulation 4 does not permit the local authority to ask for plans and drawings for outline applications. The checklist does not seek to do this. The Best Practice Guidance on the Validation of Planning Applications (2005), page 17 and 18 is clear that a validation checklist can be adopted as SPD. It also encourages the SPD to take the form of a direction so that it has a blanket approach to all applications. The wording of paragraph 8.1.4 of the SPD allows for an element of discretion. Reference to the new section 62 has been added to take into account future changes brought in by the new Act. |
| Phasing and Timing of Payments | | | |
| Hertfordshire County Council (Ref: 7) | 8.2 | Supports the payment of contributions before commencement and the 10 year timescale for paying back unspent contributions. | Noted |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|--|---------------------------------|---|---|
| <p>Andrew Martin Associates on behalf of the Letchworth Garden City Heritage Foundation (Ref: 3)</p> | <p>8.2.1</p> | <p>Requirement for contributions before commencement will be unreasonable in most cases. For many developments the cash flow will not occur until after occupation and the impacts will not occur until then either. It is recognised that there is a theoretical argument that the mitigation measures should be in place before harm arises. However, the practical position is that many contributions will be pooled and funds will not be spent immediately. Payment upon occupation would be more reasonable and phasing may be required for large schemes.</p> | <p>Paragraph 8.2.1 has been amended to allow a variation to when payments are made if a good case is put forward by the applicant. Phasing for larger schemes is already covered in this paragraph.</p> |
| <p>Barton Willmore Planning Partnership on behalf of West Stevenage Consortium (Ref: 2)</p> | <p>8.2.1</p> | <p>Notwithstanding phasing associated with larger scale developments, it is not always appropriate for contributions to be paid prior to commencement and this should be recognised in this paragraph.</p> | <p>See comments above.</p> |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|---|---------------------------------|---|--|
| | 8.2.2 | The Council will need to justify the period within which the contribution is spent in respect to each contribution, particularly if the Council are indicating that contributions should be made prior to commencement. A shorter period would be more appropriate in many instances in line with other Local Authorities. The Council should be required to confirm where the contributions have been spent where they relate to pooled contributions. | A ten year payback period is considered reasonable in relation to the pooling of contributions. As time needs to be allowed to build up funds. Paragraph 8.2.2 has been amended to allow for circumstances where a shorter payback period might be acceptable. The Council will monitor the progress of S106 Contributions and report to the appropriate committee. This information will be provided if it is requested by the developer for their particular site. |
| Index Linking Contributions | | | |
| Hertfordshire County Council (Ref: 7) | 8.3 | The County Council use the Confederation of passenger Transport Index in relation to bus services contributions. | If there are any provisions relating to bus provision negotiated as part of a S106 this index will be used. |
| Andrew Martin Associates on behalf of the Letchworth Garden City Heritage Foundation (Ref: 3) | 8.3.1 | Returned contributions should be index linked. | Any payback clauses within the s106 will include an obligation to payback with any interest gained. |
| Monitoring, Enforcement and Expenditure | | | |
| Andrew Martin Associates on behalf of the Letchworth Garden City Heritage Foundation (Ref: 3) | 8.6 | The payback of funds needs to be covered here. The practical realities for how this would work for pooled contributions is not clear. The SPD is too vague about the rules of expenditure. There needs to be greater clarity as to how the contributions will be monitored, and how individual S106s will allow the return of unused funds. | The potential for some confusion is appreciated. Paragraph 8.2.2 states that a payback clause will be included in s106 agreements. Internal arrangements will be put in place with finance to ensure that pooled contributions are ring fenced to a particular application. The Council currently holds a database of s106 contributions for monitoring purposes. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|--|---------------------------------|--|--|
| | 8.6.1 | To justify the use of pooled contributions and to allow for monitoring by the applicants themselves, there should be an 'open book' approach, with the Council having published accounts or published data. The SPD should stress the availability of these accounts to the public. There needs to be a clear audit trail as set out in paragraph B21 of the Circular. | See comments to the above paragraph. In addition, paragraph 8.6.2 allows for this. PARC committee reports are available to the public. |
| Bonds | | | |
| Barton Willmore Planning Partnership on behalf of West Stevenage Consortium (Ref: 2) | 8.4.2 | Where specifications are to be agreed with the Council there will need to be disputes clauses included. | No amendments proposed. This will be a matter for individual negotiations on the S106. |
| APPENDICES | | | |
| | | | |
| Appendix C | | | |
| English Nature (Ref: 9) | | The Hertfordshire BAP and North Hertfordshire District Council BAP need to be added to this list. | The North Hertfordshire BAP is already included. The other has been added. |

| Respondent and Reference | Paragraph /Section of draft SPD | Comment Summary | Council's Response/Amendments |
|--------------------------|---------------------------------|---|---|
| Appendix D | | | |
| Sport England (Ref: 8) | 1.5 | Provision for outdoor facilities for youth is supported. This is often overlooked in new developments. | Noted |
| | 1.9 | As well as reference to NPFA standards, reference should be made to Sport England's design guidance for outdoor sports facilities as NPFA focuses on playing fields. Sport England has a 'Natural Turf for Sport' guide which covers playing pitches and bowling greens. Also published guidance for pavilions, MUGAs and synthetic turf pitches. | Reference to these has been added to this appendix. |
| English Nature (Ref: 9) | 1.10 | Welcomes the reference to the role that natural green spaces provide for. However, there needs to be more reference to biodiversity and wider environmental gain that open space can provide. See PPG17 for more detail. English Nature's Accessible Natural Greenspace (ANGS) targets are also relevant to the definition of open space and should be referred to in this section. | Paragraph 1.1 of Appendix D has been amended to address this issue. Paragraphs 7.1 and 5.5.1 (new 4.5.1) of the main report have also been amended to strengthen reference to biodiversity. Reference to English Nature's Accessible Natural Greenspace has been included in paragraphs 1.1 and 1.10 of appendix D. |

| Representations to SA/SEA Final Report on the Planning Obligations SPD Consultation Draft (April 2006) | | | |
|--|-------------------|---|---|
| Respondent and Reference | Paragraph/Section | Comment Summary | Council's Response/Amendments |
| SA/SEA General Comments | | | |
| The Countryside Agency (Ref:13) | | The conclusions of the sustainability appraisal are supported. | Noted. |
| English Nature (Ref: 9) | | The relevant environmental objectives have been correctly identified and taken into account. | Noted. |
| English Nature (Ref: 9) | | Although the summary of SA/SEA mentions lack of consideration of biodiversity in the draft SPD within the body of the document, it does not include (i) the impact of the SPD on biodiversity in the 'Summary of Appraisal Results'. It should be included here to provide clarity on the impact of the SPD on economic, environmental and social issues. (ii) It is not clear from the SA/SEA how the SPD is likely to impact on statutory and non-statutory sites. | Noted. For point (i) 'environmental' is used in the broad sense and would include biodiversity. For point (ii) Statutory and non-statutory sites would be covered in the SA/SEA on the Core Strategy and Development control DPD - the SPD makes reference to 'environmental issues' which would include such sites as referred to in PPS9. The SPD does not influence what sites are developed - this is a matter for the core strategy and other DPDs and will be addressed in the SA of the core strategy. |
| English Nature (Ref: 9) | | Broadly supports the proposed changes to the SPD objectives and preferred option. (i) For SPD Objective 2 advise that 'biodiversity' is specifically referred to within the definition of 'sustainable'. (ii) The preferred option should deliver the conservation and enhancement of biodiversity assets including statutory and non-statutory sites, protected species and priority habitats as required under PPS9 rather than merely to compensate for losses to biodiversity. The aim should influence the whole of the SA/SEA and the documents in the LDF. | Noted. For point (i) Paragraph 2.2.1 of the SPD sets out the principles of sustainable development. The principle relating to environmental protection would include biodiversity. The second bullet point at paragraph 2.1.1 links the concept of sustainability to the sustainability objectives within the SA/SEA. Point (ii) is noted and will be considered when assessing other DPD's relating to the LDF. |

| Respondent and Reference | Paragraph/Section | Comment Summary | Council's Response/Amendments |
|---|-------------------|---|--|
| English Nature (Ref: 9) | | Based on the information provided , EN is satisfied with the reasoning behind the selection of the preferred option and how the Sa/Sea was undertaken. | Noted. |
| English Nature (Ref: 9) | | No section within the SA/SEA appears to address the measures envisaged concerning monitoring in accordance with Article 10 of the directive. | Biodiversity monitoring indicators have been identified within Appendix 3 of the scoping report. The planning authority should continue to monitor these when monitoring the impact of the LDF, including the SPD. |
| SA/SEA Appendix 1: - Key sustainability Issues | | | |
| English Nature (Ref: 9) | | Welcome the consideration of sustainable development and biodiversity issues. May wish to give additional consideration to how climate change may alter the environment of North Hertfordshire and incorporate measures to work with these changes within the SPD, by promoting the creation and enhancement of wildlife corridors. The SA/SEA should also consider if the SPD will affect the problem of invasive non-native species, and its impact on air pollution. | Noted. The SPD covers Environmental Issues under other issues to be negotiated on a site-by-site basis, but is limited in terms of impacts on air pollution. Developments resulting in impacts on air pollution would be dealt with through national guidance and policies in the LDF and Environment Act. The issues of non-native invasive species is one example of the many biodiversity issues that may be raised by the development of a site. The SPD aims to promote biodiversity enhancement that is relevant to the each specific site. Therefore it would be inappropriate to focus on one aspect of biodiversity that may not be relevant to all sites. In order that non-native invasive species and other biodiversity issues are correctly identified, paragraph 7.1.1 refers to Environmental Impact Assessments or other studies. |

| Respondent and Reference | Paragraph/Section | Comment Summary | Council's Response/Amendments |
|--|-------------------|---|--|
| SA/SEA Appendix 2: Review of Plans, Programmes and Policies | | | |
| Hertfordshire Biological Records Centre (Ref: 22) | | Under 'A 50 year vision for the wildlife and Natural Habitats of Hertfordshire: BAP' amend text to update where relevant information on the BAP is held. | Noted and text to be amended accordingly as part of the SA/SEA on the Core Strategy and Development Control DPD. |
| English Nature (Ref: 9) | | The relevant plans, programmes and policies appear to have been reviewed. Some specific comments are made with respect to more reference given to biodiversity when referring to PPG17 and PPS1. Also the PPS9 guide to Good Practice and circular 05/06 should also be referred to. | Context review to be updated accordingly for the SA/SEA on the Core Strategy and Development Control DPD. |
| SA/SEA Appendix 3: - Baseline Data | | | |
| Hertfordshire Biological Records Centre (Ref: 22) | | Under 'Environmental Protection: 3(a) Protect and enhance biodiversity: populations of wild birds' Note that data does exist at county level. Analysis of this data is carried out annually and can be obtained from the HBRC. Summary of data is listed by HBRC for inclusion in the Baseline Review | Noted - Baseline review to be updated accordingly for the SA/SEA on the Core Strategy and Development Control DPD. No change for this SPD. |

| Respondent and Reference | Paragraph/Section | Comment Summary | Council's Response/Amendments |
|---|-------------------|--|--|
| English Nature (Ref: 9) | | Based on the information available, many aspects of the current state of the environment and key trends appear to have been correctly identified. Additional advice is offered to assess other issues relating to: (i) statutory and non-statutory site resources open to the public should be reviewed. Such information is available from HBRC. (ii) up to date info on location, area and condition of SSSI's can be obtained from EN. (iii) May wish to refer to EN's accessible Natural Green Space targets | Noted - Baseline review to be updated accordingly for the SA/SEA on the Core Strategy and Development Control DPD. No change for this SPD. |
| SA/SEA Appendix 8 - Matrices appraising the Preferred Option | | | |
| English Nature (Ref: 9) | | Consider Objectives 3 and 4 have potential to provide positive benefits for biodiversity, if implemented using multifunctional greenspace consistent with PPG17 and PPS9. Agree with conclusions with respect to Objective 9. | Noted. |

| SA/SEA Appendix 7 - Conclusions and Recommendations on topic Areas for Preferred Option | | |
|--|---|---|
| Topic Areas | SA/SEA Recommendation | Council's Response/Amendments to Draft SPD |
| Affordable Housing | It is recommended that the impact of the SPD on the number of affordable housing developments coming forward should be monitored to ensure that it is not having an unexpected adverse impact. If an adverse impact is record the SPD should be amended if necessary. | Noted. Housing monitoring takes place on a quarterly basis where number of affordable units are recorded and contribute to the Annual Monitoring Report. |
| Community and Leisure Centres, town and village halls | The SPD makes clearer that the contributions would be spent on centres that are located close to the housing that they are meant to serve. | Paragraph 4.4.6 in the SPD has been amended to take this into account. |
| Open space, Outdoor Sport and Recreation | The SPD makes clearer that employment developments in pockets of high unemployment will not normally be expected to contribute towards open space, sport and recreation facilities. | Noted. Each application will be considered on its own merits, i.e. on a site-by-site basis. |
| Public Realm | The SPD makes clearer that the list of potential improvements to the public realm in paragraph 5.6.2 to also include improved pedestrian routes and cycling facilities. | Contributions towards pedestrian routes and cycling are covered as part of the contributions sought for sustainable transport measures. Section 5.8 of the SPD. |
| Waste Collection and Recycling | None | Noted. |
| Contributions sought by HCC - Education | Consideration is given to adjusting the comparative contributions from affordable and open market dwellings so as to remove any disincentives to developing affordable housing. | A discount has been given for affordable housing in the education section of the SPD - see revised Table 8. |

| Topic Areas | SA/SEA Recommendation | Council's Response/Amendments to Draft SPD |
|---|--|--|
| Contributions sought by HCC - Education | The impact of the education contributions on the following is monitored: – The development of affordable housing – The price / rental cost of newly developed affordable dwellings as compared with open market dwellings. | Noted: Consideration needs to be given to appropriate monitoring. |
| Contributions sought by HCC - Libraries, Youth & Childcare, Fire & Rescue | None | Noted. |
| Contributions sought by HCC - Sustainable Transport | These obligations are waived for employment generating developments close to the most deprived estates in Letchworth and Hitchin where developers are willing to enter agreements to provide training and employment for residents of these estates. | Noted. Each application will be considered on its own merits, i.e. on a site-by-site basis. |
| Other Issues to be negotiated on a site-by-site basis | That the SPD is revised as follows: - Contributions towards local labour and training agreements and units for small business will be targeted at the long term unemployed and other low income groups and the most deprived areas in the district. | The precise details of the local labour managers role, training agreements and small business units will be negotiated as part of a S106 agreement. It is the intention of the SPD at paragraph 7.2.1 to not be too restrictive so as to enable appropriate negotiation to take place. |
| | - The text is strengthened to say that EcoHomes or BREEAM very good standards will normally be required. | Agreed. Paragraph 7.6.1 in the SPD has been amended accordingly. |

TITLE OF REPORT: QUESTIONS FROM MEMBERS

To consider any questions submitted by Members of the Council, in accordance with Standing Order 10.4(a).

TITLE OF REPORT: NOTICE OF MOTIONS

To consider the following motion submitted by Members of the Council, due notice of which has been given in accordance with Standing Order 11.1.

Public Transport

To be moved by David Billing and seconded by David Kearns:

“That Council acknowledges that public transport in North Hertfordshire is in a disastrous state of decline. There is still no integration between rail and bus timetables, access or fares, rail stations are still not accessible by physically disabled people, fares often encourage car use instead, buses are not planned for the users’ convenience, and bus routes and schedules are bizarre and constantly reducing. While this is mainly due to the continuing effects of bus de-regulation and under-investment by private rail companies, there is more that this Council can be doing.

Therefore, the Council resolves to take urgent, forceful and coherent action to explore and use all means at its disposal to improve significantly and rapidly public transport in and to/from North Hertfordshire, for example exploiting its powers related to the wellbeing of the community, and the opportunities provided by the County’s Network Review and the County’s Northern Hertfordshire Transport Plan. To this end, the Portfolio Holder for Planning and Transport should bring a focused, determined and imaginative plan, and specific proposals, to the Cabinet meeting in December 2006.”