

Application ref. 3/13/1501/OP

HCC Development Services

Hertfordshire County Council (HCC) Development Services Team have set out their policy regarding s.106 contributions in respect of education, early years, youth, libraries, adult care, waste (disposal) and fire and rescue services. Below is a summary of their representations in 2013 in respect of education. This is followed by summaries of correspondence in 2014 in which they update their requirements in reply to s.106 package offers from Countryside. Finally, a copy of their letter of 26 February 2015 in which they withdraw their objection to the application and set out their revised requirements for all relevant services, is reproduced in full.

A Consultation replies dated 15 July, 03 September, 22 October 2013 and 06 December 2013

- 1 The County Council have determined educational need based upon in-house modelling where the final housing mix is not yet known. It has been tested at appeal in relation to proposed development 'West of Stevenage'.
- 2 In summary, across ASRs 1-5 as a whole:
 - early education facilities are required for 3 and 4 year olds;
 - since there is little or no spare capacity in existing local primary schools, the proposals will result in the need for 5 forms of entry at primary level, taking into account both long term pupil yield and a 9 year long peak from 2021; and
 - there is little and uncertain capacity in existing secondary schools in the school planning area and the proposals will therefore result in the need for 5 forms of entry at secondary level, again taking into account the peak.
- 3 *Secondary* Following the Secretary of State's dismissal of HCC's plans to secure new secondary school sites on the south side of the town, which could have accommodated the additional demand from BSN, the County had to rethink its strategy for secondary education.
- 4 Surveys of existing schools in the school planning area showed that there was limited physical capacity to expand, and that there were

significant planning issues to be overcome in some cases. Furthermore, the County has no power to impose expansion on the schools, which also have their own admissions policies. County therefore took the view that a site for a secondary school should be identified within BSN where it would be well located to serve the needs of the new community, minimising the impact of pupil movement on the highway infrastructure of the town.

- 5 The Consortium considered that the new secondary school should be built on land at Patmore Close, off Hadham Road, that HCC were holding for the purpose of secondary education. The County Council acknowledged that the site had been identified to meet future growth but that they were unwilling to release the site simply to provide education facilities required as a result of the developers' proposals. The release of the Patmore Close site for secondary education would leave the County Council with no fall-back position to address other educational demand.
- 6 *Primary* Although the Consortium proposed only a 1fe school in ASRs 1-2, and 2/3fe in ASRs 3-4, HCC were clear that there is a need for two 2fe primary schools with nursery provision. One of the schools should be able to expand to 3FE when required by the County to accommodate the peak, which, because of its length, should be a permanent expansion.
- 7 The County were concerned that a 1fe school on ASRs 1-2 would not be adequate to meet the demand from the development of ARSs 1, 2 and 5 at the same time. They also consider that schools of 2fe and more provide a better education opportunity than 1fe. They suggested a potential solution would be a 2fe primary school on ASRs 1-2 with an all-through school on ASRs 3-4 i.e. a 5fe secondary school and a 2/3fe primary school. That would help provide the flexibility and stability required in the early years of the development as pupil numbers grow.

B Letter dated 20 October 2014

- 8 *Primary* The letter followed refusal by the Consortium to provide the land for an additional form of entry to accommodate the pupil yield from ASR 5. A revised s.106 offer from Countryside Properties included a site for a primary school and a contribution to the build costs, based on 0.7fe, which the County confirmed was the primary pupil yield from 329 homes.
- 9 However, they also said they are unable to make provision for just 0.7fe and for practical reasons would need to build a full 1fe school on

ASR 5. They therefore proposed that Countryside should transfer the site to them on an unfettered basis so that they could offer it back to Countryside at market value if HCC found a more efficient and, in education terms, more effective way of providing the primary facilities for ASR 5 off-site.

- 10 As regards build costs, HCC said that the cost of a 1fe primary school with nursery provision was estimated to be £4.9m but that in order to achieve parity with the contributions from the Consortium, where economies of scale could be achieved by building a school of 2fe or more, a contribution of £3.5m would be acceptable. This was in excess of the £2.45m being offered by Countryside.
- 11 *Secondary* In respect of secondary education, again the point was made that the County cannot build just 0.68fe (the secondary pupil yield from 329 dwellings) and that a contribution was required to cover the cost of 1fe at the proposed secondary school on the Consortium's land, which was £4.0m.
- 12 They concluded by saying that discussion would be held with EHDC regarding affordable housing provision in relation to seeking appropriate financial provision for education.

C Letter dated 23 December 2014

- 13 HCC noted an offer of £2.8m from Countryside towards the cost of building 1fe of the proposed secondary school, which equates to 70% of the £4.0m requested by County i.e. in line with the 0.7fe secondary pupil yield from ASR 5.
- 14 However, an offer of £2.45m towards the cost of building a 1fe primary school was rejected as being less than 0.7 of the £4.9m cost of a 1fe school, which would be £3.43m. It is also less than the £3.5m per fe agreed with the Consortium where economies of scale would apply.
- 15 HCC emphasised that it required either the full cost of a site and buildings to be provided or an unfettered site that it could convert into resources to enable it to buy a site at another location where a better education solution could be achieved. Their objection to the application therefore remained.
- 16 HCC also emphasised the case for a contribution towards the cost of replacing the Household Waste Recycling Centre at Woodside which operates above capacity at peak times and for which a detailed case was set out in their consultation response of 06 December 2013. They

considered that the case was compliant with CIL Regulations even though a site had not yet been found.

D Letter dated and received 26 February 2015

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Following the offer of an unfettered primary school site in a letter from Countryside dated 12 January 2015, HCC were able to withdraw their objection to the planning application for 329 houses. They also set out their position with regard to the other HCC services that would benefit from s.106 contributions from the funding available following the viability assessment. The letter is reproduced in full below.

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& Director of Performance and Resources
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My ref AM 03/541
Your ref 3/13/1501/OP
Date 26th February 2015

By Email

Dear Mr Steptoe

Planning Application 3/13/1501/OP: Land between Hazelend Road and Farnham Road (including ASR5) Bishop's Stortford

I am writing in respect of the application 3/13/1501/OP (329 dwellings) on ASR 5 and the planning obligations sought to mitigate the impact of this proposal on Hertfordshire County Council's (HCC) non-highways services. Please note this response does not apply to application 3/13/0886/OP (369 dwellings).

As this response is made further to the ongoing discussions on this proposal and the most recent offer by Countryside Properties, I have not repeated the full policy or service details previously covered my response of December 2013 however, please let me know if you have any queries regarding either aspect. The following summarises the offer made and HCC's position in respect of each service

Education

Nursery Education

Early Education facilities (Nursery) will be required for 3 and 4 year olds arising as a result of residential development on the BSN site. This need should be addressed through provision being made alongside the new primary school provision (please see below).

Primary Education

The proposed development of Bishop Stortford North (BSN) (covering ASRs 1-5 and the SCA) must provide appropriate and adequate infrastructure to deal with the primary education population it will generate. Demographic modelling indicates the development of this area will result in a combined estimated requirement of 5 forms of entry (FE) at primary level. ASRs 1-4 and the SCA will provide land and funding for 4FE however this will not cater for the need resulting from ASR5.

Following the ongoing assessment of viability and negotiations regarding the needs generated by the proposal, Countryside Properties have offered a serviced site of 1.2 ha for a 1FE primary school (including nursery) at no cost to HCC and £2.45m (index linked) towards building costs. To address HCC's concerns in respect of the sustainability of a 1FE school in this location, flexibility has been built into this offer via HCC having the ability to elect to receive an additional financial contribution (equivalent to the Open Market Value of the site assuming permission for its development for housing) towards build costs, in place of transfer of the site, in the event an alternative location for the primary school provision is found and secured.

Previously HCC has objected to this application on the grounds that it did not address the primary school need generated by the proposed development. Based on the offer summarised above and set out within Countryside Properties' letter to East Hertfordshire District Council (EHDC) dated 12th January 2015 in addition to the agreed position between EHDC and Countryside Properties in respect of the viability of this proposal, HCC withdraws its objection to application 3/13/1501 provided that the obligations within this response are confirmed by the applicant and EHDC.

Secondary Education

The proposed development of BSN must provide appropriate and adequate infrastructure to deal with the secondary education population it will generate. Demographic modelling indicates the development of this area will result in a combined estimated requirement of 5 forms of entry (FE) at primary level. ASRs 1-4 and the SCA will provide funding for 4FE however this will not cater for the need resulting from ASR5.

Countryside Properties have offered a financial contribution of £2.8m towards secondary education provision (index linked).

Childcare Provision

Countryside Properties has offered a financial contribution of £48,739 (index linked) based on Table 2 of HCC's Planning Obligations Toolkit (Jan 2008).

As this application is made in outline and owing to the scale and nature of the mitigation required, HCC would seek the inclusion of Table 2 (index linked) within any Section 106, as opposed to the above single figure, to enable the financial contribution to be calculated according to the final mix of dwellings.

Youth Provision

Countryside Properties has offered a financial contribution of £19,051 (index linked) based on Table 2 of HCC's Planning Obligations Toolkit (Jan 2008).

As this application is made in outline and owing to the scale and nature of the mitigation required, HCC would seek the inclusion of Table 2 (index linked) within any Section 106, as opposed to the above single figure, to enable the financial contribution to be calculated according to the final mix of dwellings.

Library Provision

Countryside Properties has offered a financial contribution of £66,196 (index linked) based on Table 2 of HCC's Planning Obligations Toolkit (Jan 2008).

As this application is made in outline and owing to the scale and nature of the mitigation required, HCC would seek the inclusion of Table 2 (index linked) within any Section 106, as opposed to the above single figure, to enable the financial contribution to be calculated according to the final mix of dwellings.

Fire and Rescue Service

Countryside Properties will provide the fire hydrants required to serve the proposed development.

Waste Disposal

Countryside Properties has offered a financial contribution of £45,073 (index linked) to be considered as part of the viability reassessments.

Conclusion

Based on the offer from Countryside Properties, the agreed position between EHDC and Countryside Properties in respect of viability and inclusion of HCC's requirements in relation to the current offer, the previous objection to application 3/13/1501/OP (329 dwellings) is withdrawn.