

Public Document Pack

EAST HERTFORDSHIRE DISTRICT COUNCIL

NOTICE IS HEREBY GIVEN that a meeting of East Hertfordshire District Council will be held as a virtual meeting on Wednesday 13th May, 2020 at 7.00 pm, for the purpose of transacting the business set out in the Agenda below, and you are hereby summoned to attend.

Date this 4 May 2020

James Ellis
Head of Legal and
Democratic Services

AGENDA

1. Chairman's announcements

To receive any announcements.

2. Apologies for absence

To receive any Members' apologies for absence.

3. Declarations of Interest

To receive any Members' declarations of interest.

4. Minutes of 3 March 2020 (Pages 7 - 28)

To approve as a correct record and authorise the Chairman to sign the Minutes of the Council meeting held on 3 March 2020.

5. Public questions

To receive any public questions.

6. Petitions

To receive any petitions.

7. Members' questions (Pages 29 - 32)

8. Coronavirus - deferral of annual Council (Pages 33 - 40)

9. Outside bodies (Pages 41 - 82)

10. Review of Constitution (Pages 83 - 144)

11. Members' scheme of allowances 2020 (Pages 145 - 168)

12. Mandating subscription to the DBS Update Service for Hackney Carriage and Private Hire Drivers (Pages 169 - 184)

13. Affordable Housing Supplementary Planning Document (Pages 185 - 316)

14. Harlow and Gilston Garden Town Employment Commission (Pages 317 - 418)

15. Planning Obligations for Open Space, Sport and Recreation Supplementary Planning Document (Pages 419 - 766)

16. Decisions to be reported to Council (Pages 767 - 776)

To receive a report of any decisions taken by the Chief Executive under delegated authority – dispensation report.

17. Motions on Notice (Pages 777 - 778)

To receive Motions on Notice.

DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.
4. It is a criminal offence to:

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

Public accessibility – livestream on East Herts Council's YouTube Channel

East Herts Council provides for public attendance at its virtual meetings and will livestream and record this meeting. The livestream will be available during the meeting at this link:

<https://www.youtube.com/user/EastHertsDistrict/live>

If you would like further information, email democratic.services@eastherts.gov.uk or call the Council on 01279 655261 and ask to speak to Democratic Services.

To obtain a copy of the agenda, please note the Council does not generally print agendas, as it now has a paperless policy for all Members. If you are able to, you can use the mod.gov app to access, annotate and keep all committee paperwork on your mobile device. Visit <https://www.eastherts.gov.uk/article/35542/Political-Structure> for details.

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MINUTES OF A MEETING OF THE
COUNCIL HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
TUESDAY 3 MARCH 2020, AT 7.00 PM

PRESENT: Councillor J Kaye (Chairman).
Councillors A Alder, D Andrews, T Beckett,
S Bell, R Bolton, P Boylan, M Brady,
E Buckmaster, R Buckmaster, S Bull,
L Corpe, K Crofton, B Crystall, G Cutting,
B Deering, I Devonshire, H Drake,
J Dumont, R Fernando, J Frecknall,
M Goldspink, J Goodeve, A Hall,
D Hollebon, J Jones, I Kemp, G McAndrew,
M McMullen, S Newton, T Page, M Pope,
C Redfern, S Reed, P Ruffles, S Rutland-
Barsby, D Snowdon, T Stowe, N Symonds,
A Ward-Booth, G Williamson, C Wilson and
J Wyllie.

OFFICERS IN ATTENDANCE:

Richard Cassidy	- Chief Executive
Rebecca Dobson	- Democratic Services Manager
James Ellis	- Head of Legal and Democratic Services
Bob Palmer	- Head of Strategic Finance and Property
Peter Mannings	- Democratic Services Officer
Helen Standen	- Deputy Chief Executive

Simon O'Hear - Head of Human
Resources and
Organisational
Development

365 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed all those who were present, and reminded all that the meeting was being webcast.

He outlined the civic events he had recently attended, which had included a conference hosted by the Inter Faith Network at Welwyn Garden City earlier that day. The event had included presentations from a number of speakers, including the High Sheriff of Hertfordshire, who had spoken of "unity, not uniformity".

366 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Burmicz, Curtis, Haysey, Huggins and Ranger.

367 MINUTES - 18 DECEMBER 2019 AND 29 JANUARY 2020

The Chairman proposed a motion to amend the Minutes of 18 December 2019, to delete the sixth paragraph of Minute 271, page 374. The text indicated he had spoken in support of the proposals, but he did not recall making the comment.

Councillor Williamson proposed an amendment to the Minutes of 29 January 2020, as one of the items in the fees and charges approved at that meeting was

incorrect. The Minutes before Members this evening included the appendix setting out the fees and charges. At page 78 of the agenda pack, in the Commercial Waste section, the fourth line was the fee for a 660 litre bin. This had been shown as reducing from the current charge of £862 to a new charge of £664. The figure should be £884. He asked that Members agree to a correction of this charge.

Councillors Boylan and Devonshire proposed amendments to the attendance of the Minutes of 29 January 2020, as they were shown as having been present but had given apologies.

Councillor Beckett seconded the proposals to amend the Minutes.

The motion to approve the Minutes being put to the meeting, and a vote taken, it was declared CARRIED.

RESOLVED – that subject to the above amendments, the Minutes of the meetings held on 18 December 2019 and 29 January 2020 be confirmed as a correct record and signed by the Chairman.

368 DECLARATIONS OF INTEREST

There were no declarations of interest.

369 PETITIONS

The Chairman invited the lead petitioner of a petition relating to the findings of the Overview and Scrutiny

Parking Task and Finish Group) to present the petition.

Sharon Griffin, on behalf of the 43 signatories to the petition, addressed Members. She said the petition asked that the findings of the Parking Task and Finish Group be implemented with regard to the Resident Parking Scheme (RPZ). Residents of the affected areas, that is, Woodlands and The Copse in Bishop's Stortford, suffered a significant problem with parking by users of Stansted Airport. Most houses in those streets had a drive and therefore the Residents' Parking Zone policy did not currently provide residents with a remedy. At any given time there were 10 to 15 non-residents' cars parked in their roads. Residents did not want yellow lines. She implored Members to help address this problem.

Councillor McAndrew thanked Mrs Griffin and the 43 residents of Woodlands and The Copse, Bishop's Stortford for their petition.

He said the Parking Task and Finish Group had considered the operational issues for residents, businesses and visitors of the district's towns in terms of parking. The findings of the Task and Finish Group had been considered by the Executive on 11 February 2020.

There were a number of improvements to consider in the context of budgets, officer resources and the corporate plan including the aim to move towards a more sustainable district.

Delivery of the recommendations of the Task and Finish group in relation to RPZs would require funding and officer resources. The Executive had asked the Head of Operations, acting in discussion with the Chairman of the

Overview and Scrutiny Committee, the Chairman of the parking task and finish group and himself as the portfolio holder for environmental sustainability, to assess the full viability of the recommendations to inform a future decision. The outcome of this assessment would be brought to the next meeting of the Executive on 21 April 2020.

Mrs Griffin thanked Councillor McAndrew and presented the petition to him.

370 PUBLIC QUESTIONS

In the absence of a representative of the Bishop's Stortford Climate Group, which had submitted a question, the Chairman read out the question on the Group's behalf. The question was directed to the Executive Member for Environmental Sustainability, as follows.

"In the light of:

- a. the transport options identified for Bishop's Stortford in the Aecom report of April 2018;
- b. the Council's vision and priorities to "put sustainability at the heart of everything it does" and "to reduce reliance on cars to get around the district" and "provide good quality housing with a sustainable travel infrastructure";
- c. the Parking Task and Finish Group recommendations considered by the Executive at their meeting on 11 February 2020, which included for Bishop's Stortford the need for modal shift, and the expectation that shifting long stay parking out of town would increase revenues; and
- d. Shaping Stortford's application for the town to be a Sustainable Travel Town, submitted in February 2020,

What staffing and resources plans, dedicated budgets and delivery timelines has the Council set in place for working up and delivering proposals for infrastructure improvements and communications to start securing modal shift in Bishop's Stortford?"

Councillor McAndrew said the Head of Operations would report to the Executive on 21 April the result of her assessment on future parking policies, principles and procedures in the context of the new corporate plan, budgets and the recommendations from parking task and finish group. This work would include a strategic review of the relevant strategies and parking studies, which included Hertfordshire County Council's Local Transport Plan 4 (LTP4), which focused on sustainable travel.

Councillor McAndrew said options the Council was considering included using tariff charges to change behaviour, reviewing the designation of long and short stay car parks and how technology might play a part in reducing congestion in and around towns and car parks.

The district council had an influencing role in terms of infrastructure, so was exploring a new supplementary planning document on environmental sustainability. A thematic action group for sustainability had been established as part of the Council's new corporate plan, which will address communications aspects.

371 MEMBERS' QUESTIONS

The Chairman explained that the time allowed for consideration of Members' Questions was 15 minutes. If any questions could not be responded to due to lack of

time, the written responses would be published as soon as practical after the meeting.

Councillor Crystall put the following question to the Executive Member for Environmental Sustainability.

Councillor Crystall said that according to the final report from the Climate Change Task and Finish Group, received by Council on 5 March 2019, it was recommended that existing capital grants for loft and cavity wall insulation be extended to provide greater assistance grants to cover solid wall insulation and secondary glazing in energy efficiency priority areas of the district. He said it was also suggested that this could be achieved from within the existing capital budget, as current loft and cavity wall grants were under-utilised by residents. He asked whether this extension to the grant offer had been provided, and if so, whether Councillor McAndrew could provide specific figures for the total amount allocated to solid wall insulation and to secondary glazing, and indicate how much of this allocation had been actively granted to residents for this purpose.

Councillor McAndrew said the council was keen to maximise domestic energy efficiency across homes in the district. In line with the recommendation of the Climate Change Task and Finish Group, approved by Council, £12,000 of unspent resources had been brought forward into 2019/20 to 'top up' grants available to East Hertfordshire households through the national Energy Company Obligation (ECO) scheme. This scheme aimed to assist the most vulnerable and fuel poor households. Such support enabled residents to benefit from an ECO grant without having to self-fund the top up while at the same time 'stretching' the benefits of council resources.

ECO grants aimed to maximise the reduction of carbon produced in heating a domestic dwelling. The council was guided by the recommendations of the ECO surveyors. To date, although the council would be very happy to fund solid wall insulation and/or secondary glazing installation if specified by the surveyor, the interventions identified through the ECO programme had called for loft insulation and new boilers.

Councillor McAndrew said the most recent Queen's Speech included the government's intention to invest £2.5bn over the coming five years providing "Home Upgrade Grants" for fuel poor homes in order to significantly improve domestic energy efficiency. The council would wish to support this new grant regime, especially if it provided opportunities for the installation of solid wall insulation.

Councillor Crystall put his second question to Councillor McAndrew. He said the Council, as a trusted local information source, should continue to promote information on energy reduction to local residents. The Grantham Institute at Imperial College had published a list of 10 straightforward actions that individuals could take to reduce their own carbon emissions. He asked whether the Council would commit to placing this list in a prominent place on its website and publishing it in the Council's publications such as Link and Network.

Councillor McAndrew said he agreed that the council should be a trusted local source of information on environmental sustainability. He had been encouraged to learn that participants in the Council's inaugural Environmental and Climate Forum held in Ware in January had said they saw the council as an organisation which

could be trusted to give clear advice.

Councillor McAndrew said the Grantham Institute was highly regarded in the field of environmental sustainability. The Institute's list included a number of useful and practical steps that could be taken to tackle climate change. Many other bodies had also provided guidance. However, by endorsing one particular list of actions, the council's valued 'honest broker' position could be compromised, as it could be queried why the council was promoting the Grantham Institute's list in preference to other information.

Councillor McAndrew concluded that whilst he fully supported Councillor Crystall's call for the council to provide clear advice, he preferred that the council draw on the actions advocated and not be restricted to them. Such actions would be considered along with others' advice and the ideas emerging from the Environmental and Climate Forum to form detailed guidance.

Councillor Bolton asked the Executive Member for Neighbourhoods what steps the Council was taking to tackle anti-social behaviour within the District.

Councillor Boylan said anti-social behaviour could have a significant impact on the lives of those it directly affected. The council took a robust, joined up approach to tackling anti-social behaviour in the district. At strategic level, Members and officers actively participated in the East Herts Community Safety Partnership Board alongside colleagues from Police, Fire & Rescue, Housing Associations, the county council, town councils, probation service and other partners. Recently, the Board had considered the impact of fireworks-related anti-social

behaviour. The council had also joined a local working group and the Leader had written to the Secretary of State for Housing, Communities and Local Government to seek his support in tackling what was a serious emerging form of anti-social behaviour.

Councillor Boylan said operationally, the council's work was co-ordinated on a day-to-day basis by its Community Safety and ASB Manager who, among other duties, chaired the East Herts Anti-Social Behaviour Action Group which considered the most complex individual cases and agreed multi-agency responses. The council's work also included providing advice and guidance on anti-social behaviour on the council's website and funding diversionary activities for young people during school holidays.

The council's joined up approach to tackling anti-social behaviour had been recognised by Hertfordshire Constabulary in 2018 when they were awarded the Mick Fogarty Problem Solving Award for the effective way the council and local police had worked together to remedy a particularly difficult episode of crime and anti-social behaviour in a block of flats in Bishop's Stortford.

The council prided itself on the pivotal role it played alongside partners in tackling anti-social behaviour while at the same time supporting victims.

Councillor Jones asked the Executive Member for Environmental Sustainability whether he could assure him that the council was committed to supporting Community Transport projects in the district. He said these services relied heavily on the financial support given by the Council, until they become self-sustaining. He asked whether the Executive Member could assure him that there were no

plans to reduce this financial commitment.

Councillor McAndrew said the Council understood the value community transport held in enabling the district's communities to live independently and lead fulfilled lives. There were many benefits to be gained from good community transport including reducing social isolation and encouraging more environmentally sustainable transport choices.

Councillor McAndrew said there were no plans to reduce the council's overall level of financial support allocated to community transport as he understood the role of council subsidy in helping schemes get established. The council's Community Transport Strategy 2018-21, approved by Council in December 2018, made clear the intention to provide financial support to assist schemes to develop viable business models to maximise the longevity of the scheme. The strategy also made clear the council's desire to help community transport providers move towards greater levels of self-sufficiency so as to enable it to redirect resources to support the start-up of new community schemes in the district.

Therefore, in 2020/21, the council would be willing to provide existing community transport schemes with the same level of funding as in 2019/20 where this was part of a plan, year-on-year, to reduce East Herts' contribution, as the council's aspiration was to use a greater share of the community transport budget to support the growth of new schemes in areas not currently served.

Councillor Jones asked, as a supplementary question, whether the council would consider re-establishing twice-yearly Community Transport Conferences.

Councillor McAndrew said he had already met the Chief Executive of the Citizens Advice Bureau for Broxbourne, in order to re-establish the conferences.

Councillor Devonshire asked the Executive Member for Planning and Growth how the council was seeking to protect employment land within the district.

Councillor Goodeve said the council was very concerned about the loss of employment space in the last 5-10 years and its main priorities were to ensure it retained the viable employment land it had, and ensured that the 20Ha of new land allocated within the district plan were built.

Councillor Goodeve said officers were negotiating with landowners and developers to ensure all employment allocations were built on new developments and were appropriate in terms of size and mix to complement the local economy. Land at Gilston, Bishop's Stortford and Ware was currently under discussion.

She said the council had 33 existing designated employment sites in the district. However, she was concerned that a number of them could be under threat from exercise of permitted development rights which allowed owners to convert certain types of office and industrial units to residential use without planning permission. Unfortunately when this right was exercised, often the homes provided were not of the quality the council would like to see, resulting in a poor quality public realm. Whilst this option had been a key part of the government's approach to accelerating housing delivery by making residential use of unused premises, in Hertfordshire it had led to the forced displacement of

viable businesses in the district alongside poor public realm, no section 106 contributions and no affordable housing.

Councillor Goodeve said the council had recently consulted on the introduction of Article 4 Directions, which meant owners would have to apply for the usual planning permission if they wished to convert to residential use. The response to the consultation had been overwhelmingly positive, with only two objections to which the council would be responding shortly. The council had also explained to the Minister for Housing, Communities and Local Government that in East Herts, employment land lost to residential was essentially irreplaceable due to the Green Belt, and that protection of this land was vital to the commercial sustainability of the district's towns. The Direction was due to come into force at the start of next year. Members might have seen the council's video on LinkedIn about this which had had over 1000 views. This was a key, pro-active measure to ensure employment land was protected from uncontrolled development.

Councillor Wilson asked the Executive Member for Environmental Sustainability the following question. He said that on 23 October 2019 the Council had unanimously agreed a motion proposing that the Environmental and Climate Change Forum would investigate working with Hertfordshire County Council to research the possibility of setting up an "On-Demand" Transport service in East Herts. As planned developments were continuing to progress within the district, it was vital that the council set up more viable alternatives to private car use as soon as possible. He asked Councillor McAndrew to update the Council on any progress, and if no progress had been made, to indicate when updates would be given about the possibility

of putting an On Demand Transport system in place.

Councillor McAndrew said he agreed that a wider range of alternatives to car use in the district would assist in meeting the challenges of climate change. To that end, transport was a key theme being addressed by the Environmental and Climate Forum and indeed the next planned Forum meeting would focus on transport issues.

Public transport policy, including demand responsive transport solutions, and financial subsidy was overseen by Hertfordshire County Council. The county council gathered views and input from all partners, including East Herts Council, through the Intalink Enhanced Partnership which they facilitated.

Recently, the government had announced its 'Better Deal for Bus Users' programme. This included the allocation of £20 million for a Rural Mobility Fund to trial demand responsive transport solutions. Hertfordshire County Council was co-ordinating bids on behalf of Intalink. The council was currently assessing the case for submitting an expression of interest, possibly in partnership with others. The deadline for expressions of interest was 30 April. He would keep Members informed of progress.

The Chairman said the allotted time for questions had expired and the remaining question from Councillor Goldspink would be answered in writing following the meeting.

372 COUNCIL TAX 2020/21 - TAX SETTING FORMAL
RESOLUTION

Members considered a report on proposals to set

Council Tax for 2020/21.

Councillor Williamson said the report included the Council Tax resolution, which referred to the calculations prescribed by the Local Government Finance Act 1992 as amended, and the Localism Act 2011. The Council had no discretion in undertaking these calculations beyond determining any special expenses, and had not made any such determinations. He proposed a motion to support the recommendations, which required a recorded vote.

Councillor E Buckmaster seconded the motion.

A recorded vote was taken, the result being:

FOR

Councillors Alder, Andrews, Beckett, Bell, Bolton, Boylan, Brady, E Buckmaster, R Buckmaster, Bull, Corpe, Crystall, Crofton, Cutting, Deering, Devonshire, Drake, Dumont, Fernando, Frecknall, Goldspink, Goodeve, Hall, Hollebon, Jones, Kaye, Kemp, McAndrew, McMullen, Newton, Page, Pope, Redfern, Reed, Ruffles, Rutland-Barsby, Snowdon, Stowe, Symonds, Ward-Booth, Williamson, Wilson and Wyllie.

For: 43

Against: 0

Abstain: 0

RESOLVED – (a) that the Council Tax resolution, as now submitted, be approved;

(b) that the local precepts as set out at Appendix 'A' be noted; and

that the Hertfordshire County Council and Hertfordshire Police Authority precepts be noted.

373 PAY POLICY STATEMENT 2020-21

Members considered a report submitted by the Executive Member for Corporate Services recommending the Pay Policy Statement 2020/21 for approval.

Councillor Cutting said the pay policy had been updated and approved for submission to the Council, by the Human Resources Committee on 12 February 2020. The Pay Policy set out the remuneration for all officers, including basic salary, pensions and all allowances arising from employment. It was a requirement for this policy to be published annually, and he therefore proposed a motion to support the recommendation in the report to approve the policy.

Councillor Boylan seconded the motion.

Councillor Redfern expressed concern that the lowest level of pay of £19,370 per annum was £10K below the average wage in 2019. She said most of the lowest paid workers were likely to be women, and in view of International Women's Day this week, she wished to raise awareness of this low level of pay. She was disappointed that the pay policy statement simply stated that the council would not pay less than the amount applicable to the bottom point of the national pay scales.

The motion being put to the meeting and a vote taken, it was declared CARRIED.

RESOLVED – to approve the pay policy statement 2020/21.

374 HEALTH AND SAFETY CORE POLICY, STATEMENT OF INTENT, AND ORGANISATION AND RESPONSIBILITIES

Members considered a report on the Health and Safety Core Policy, Statement of Intent and Organisation and Responsibilities, submitted by the Executive Member for Corporate Services.

Councillor Cutting said the statement was a requirement of the Health and Safety at Work Act 1974. It was an overarching policy, and set out how the Council would comply with this legislation to protect all its people and stakeholders from risks of occupational injury or ill health. The policy had been reviewed and updated to reflect organisational changes and to the separate quarterly Health and Safety report now being produced for the Human Resources Committee. The policy demonstrated the Council's commitment to Health and Safety. He proposed a motion supporting the recommendation to approve the policy.

Councillor R Buckmaster seconded the motion.

The motion being put to the meeting, and a vote taken, it was declared CARRIED.

RESOLVED – that the Health and Safety Core Policy Statement of Intent and the Health and Safety Core Policy

Organisation and Responsibilities section be approved and adopted.

375 MOTIONS ON NOTICE

Councillor Dumont proposed a motion on notice relating to European Union settled status for EU citizens living in the East Hertfordshire district following Brexit.

Councillor Dumont referred to the preamble to his motion on notice, as set out in the supplementary agenda papers. He said settled status meant people did not lose their status and entitlements in the UK. He was concerned that some EU citizens might be unaware of the need to apply for settled status or have difficulty in doing so. He referred to the House of Commons briefing paper regarding Citizens' rights provisions in the European Union (Withdrawal Agreement) Bill 2019 – 20 which had been issued on 3 January 2020, and which indicated that about 30% of EU citizens might struggle with the EUSS application process. The motion he had proposed aimed to help those who might struggle. Whilst he acknowledged the commendable work the council had undertaken so far, including information on its website, the deadline for applications was approaching. The council now had the opportunity to ensure that EU citizens knew they remained welcome in the district and to improve information for residents. He proposed the motion on notice as follows:

In relation to Part 3 of the Withdrawal Agreement Bill and the requirement for EU citizens to apply for EU Settled Status this Council:

1. declares that EU citizens are welcome in the District of East Hertfordshire; and
2. will undertake an urgent review of the information it provides on its website and elsewhere to ensure that all EU citizens, including vulnerable groups and those with impairments have easy access to information regarding how to apply for EU Settled Status.

Councillor Bell seconded the motion.

Councillor Andrews said he had been heartened by the concession that the Council had already undertaken good work in making EU citizens feel welcome, but he wished this sentiment had appeared earlier. The council had been formed in 1972 and had joined the European Union shortly afterwards. EU citizens had always been welcomed in East Hertfordshire.

Councillor Williamson said he was pleased that Councillor Dumont had acknowledged some of the work already carried out to support EU residents in the district in applying for settled status. A campaign had been launched last year to help residents and the council had publicised this information. In line with the recommendations of the Brexit Task and Finish Group, the council had commissioned the Citizens Advice Bureau in Hertford and Bishop's Stortford to offer a face to face service. This was the only district to have done so, and the council had been contacted by other local authorities for advice. He proposed an amendment to the motion, to delete the word "are" in the first line of paragraph 1, and to add the wording "always have been" after the word "citizens" in that line, and then to add "and will continue to do so" at the end

of that paragraph; and to add a further paragraph 3 “will ensure that information on applying for settled status continues to be promoted until the deadline for applications is reached”.

Councillor Boylan seconded the amendment.

Councillor Goldspink said she supported the amendment, and indeed supported the motion in its entirety. The many European Union nationals in East Hertfordshire had contributed enormously to the district, including within the health system. The council should show them it supported them in being able to stay in the UK.

Councillor Andrews said his experience of the application process had shown it to be straightforward, although for those without the ability to use a smartphone it could be challenging.

Councillor Dumont said in proposing the motion he had not intended any implication that the council had not been supportive of EU residents remaining in the district. He thanked Councillor Andrews for his comments, and said he supported the amendment Councillor Williamson had proposed.

The amendment was put to the meeting as follows:

“This Council

1. declares that EU citizens are have always been welcome in the District of East Herts and will continue to be so.
2. will undertake an urgent review of the information it provides on its website and elsewhere to ensure that

all EU citizens, including vulnerable groups and those with impairments have easy access to information regarding how to apply for EU Settled Status.

3. Will ensure that information on applying for settled status continues to be promoted until the deadline for applications is reached.”

A vote being taken, the amendment was declared CARRIED.

The amendment having then become the substantive motion, a vote was then taken on the motion, and declared CARRIED.

RESOLVED – that this Council

1. declares that EU citizens are have always been welcome in the District of East Herts and will continue to be so.
2. will undertake an urgent review of the information it provides on its website and elsewhere to ensure that all EU citizens, including vulnerable groups and those with impairments have easy access to information regarding how to apply for EU Settled Status.
3. Will ensure that information on applying for settled status continues to be promoted until the deadline for applications is reached.

The meeting closed at 7.56 pm

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COUNCIL – 13 May 2020

MEMBERS' QUESTIONS

Question 1

Cllr Sally Newton to ask the Leader:

How is East Herts Council working with our partners and stakeholders to respond to the challenge of the Covid 19 pandemic?

Question 2

Cllr Terence Beckett to ask Cllr Geoff Williamson, Executive Member for Financial Sustainability:

The current pandemic and resulting anxiety over the loss of income for many of our residents has driven a huge spike in enquiries to East Herts CAB, and as a council we are sending a lot of enquiries their way through our social media and individual communications.

In addition, because of national guidelines on social distancing, CAB has closed face to face communications and have had to set their teams up to work remotely in order to maintain the high standard of service our residents need and deserve.

The remote set up costs for CAB remote working has been in the region of 12K. Something no one could have budgeted for.

Therefore as it is alleviating a huge workload and expense from the council, have we any plans in place to give an additional grant to assist CAB in delivering their increased service remotely due to the COVID19 crisis, to at least meet all or part of their contingency cost for remote working?

Question 3

Cllr Ian Kemp to ask Cllr Geoff Williamson, Executive Member for Financial Sustainability:

Can the Executive Member for Financial Sustainability confirm that the Council is doing everything in its power to support local businesses affected by the Covid-19 pandemic?

Question 4

Cllr James Frecknall to ask Cllr Peter Boylan, Executive Member for Neighbourhoods:

The unprecedented time in which we are living is creating untold challenges for many residents across the district. While recognising and commending the work by officers and members alike in supporting those residents who are most vulnerable and in need, I would like to ask what the council is doing to tackle the increase in the rates of Domestic Abuse for both male and female residents. For instance, has the idea of 'safe spaces' has been discussed with local supermarkets and hubs? I recognise that much of this remit will fall to County Council, but it is to us, at the District level, to whom many residents will turn to for help first.

Question 5

Cllr Mione Goldspink to ask Cllr Geoff Williamson, Executive Member for Financial Sustainability:

Could the Executive Member give details, please, about the steps which this Council is taking to assist our Residents if they are having difficulty in paying their Council Tax?

Question 6

Cllr Mary Brady to ask the Leader of the Council:

Could you please indicate which proposed projects may be affected by the blow to the economy of the Covid-19 Virus?

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East Herts Council Report

Council

Date of Meeting: 13 May 2020

Report by: James Ellis, Head of Legal and Democratic Services

Report title: Coronavirus – deferral of annual Council meeting

Ward(s) affected: All

Summary

That under the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, the Council defer its 2020 annual meeting and continue existing arrangements and appointments.

RECOMMENDATIONS FOR COUNCIL, that:

- (a) existing appointments of the Chairman and Vice Chairman of the Council continue until the Council either convenes a deferred annual Council meeting or until annual Council in May 2021;
- (b) the Council's committee structure and allocation of all seats and appointments for chairmen, vice chairmen and membership of committees, joint committees, sub committees and panels continue in the same manner (in accordance with the existing political balance where applicable);
- (c) it notes that the Leader has indicated that the existing composition and constitution of the Executive, and scheme of delegation, be continued;

(d)existing appointments to outside bodies be continued (reports from the current civic year to date being set out elsewhere on the agenda, for noting); and

(e)the programme of ordinary meetings for 2020-21, to be held as virtual or physical meetings, be confirmed, as set out at Appendix A, subject to changes if required.

1.0 Proposal(s)

1.1 That the above recommendations be approved.

2.0 Background

- 2.1 In normal circumstances the Council is obliged to hold an annual meeting before the end of May in each civic year, to deal with the decisions set out in the Constitution relating to appointments and the scheme of delegation.
- 2.2 Due to the Coronavirus crisis, new legislation has come into force which removes the need to hold the annual meeting with the aim to simplify the requirements during the crisis, so that local authorities can focus on priorities.
- 2.3 The Council has three options. First, it may hold an annual meeting remotely, using technological solutions to enable Members to participate and to enable public access. Secondly, it may cancel the annual meeting and continue existing arrangements until May 2021, the date of the next annual Council meeting. Finally, it may defer the annual meeting until such time as it chooses to hold that meeting.
- 2.4 The Leader, in consultation with all political groups on the Council, has indicated that existing appointments and the scheme of delegation would continue for the foreseeable future, but with the option of making

changes to these appointments and arrangements during the course of the civic year. The recommendations above give flexibility for the Council to hold an annual meeting later in the civic year.

3.0 Reason(s)

- 3.1 The recommendations allow for an annual meeting later in the civic year, if required, or to retain the current appointments and decision-making structures until May 2021, without the need to hold an annual Council meeting until that time. The recommendation therefore provides maximum flexibility, and supports the ability of the Council to operate in a proportionate and focussed manner during the current situation.

4.0 Options

- 4.1 To hold the meeting of Council on 13 May 2020 as an annual council meeting – this option is rejected, as the effect of continuing all appointments until later in the year means there is no need for civic matters such as the election of the Chairman and Vice Chairman of the Council to take place at present.

5.0 Risks

- 5.1 None, as legislation allows for the annual council meeting to be held virtually, deferred to later in the year, or cancelled entirely until the next scheduled annual council in May 2021. The Council's Constitution provides for flexibility to change appointments at ordinary meetings. Changes to membership of Committees, Panels and other bodies can be dealt with under delegated authority to the Monitoring Officer, in accordance with the wishes of the political group to which places have been allocated.

6.0 Implications/Consultations

- 6.1 The Leader has consulted with Group Leaders.

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

No additional financial implications, as current appointments to posts which attract a Special Responsibility Allowance are recommended to continue.

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

None, other than as set out above, in that new legislation permits the continuation of civic arrangements.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 Appendix A – programme of Council meetings (including

Contact Member

Linda Haysey – Leader of the Council

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Contact Officer

James Ellis – Head of Legal and Democratic
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Report Author

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Manager

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EAST HERTS COUNCIL - PROGRAMME OF MEETINGS 2020/21

2020/21	May	June	July	August	September	October	November	December	January	February	March	April	May	2020/21
1			LJP		E	LJP								1
2		E						DM		OS	C			2
3							OS			DM	DM			3
4		FS		FS			DM							4
5				HR			HR		E					5
6						E			DM					6
7			E			DM								7
8								OS						8
9					DM					FS				9
10										HR	L			10
11														11
12				DM					PAGO				C (A)	12
13	C (A)											FS		13
14												LJP		14
15			DM		OS			FS						15
16		OS						C		E	PAGO			16
17		DM					PAGO							17
18														18
19	PAGO													19
20	DM					FS			LJP					20
21						C						DM		21
22			C		PAGO									22
23											OS			23
24		L					E							24
25							L							25
26														26
27														27
28			PAGO									HR		28
29														29
30											E			30
31											DM			31

KEY

C - Council
C (A) - Annual Council
E - Executive
OS - Overview and Scrutiny
PAGO - Performance, Audit and Governance

DM - Development Management
L - Licensing
HR - Human Resources
LJP - Local Joint Panel (12:00 noon)
FS - Financial Sustainability Committee

Bank Holidays/School Holidays
Weekends

All meetings start at 7:00 pm unless otherwise indicated.

Updated 31 December 2019

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East Herts Council Report

Council

Date of Meeting: 13 May 2020

Report by: James Ellis, Head of Legal and Democratic Services

Report title: Reports by Members appointed to Outside Bodies for the civic year 2019 - 2020

Wards affected: All

Summary

RECOMMENDATIONS FOR: Annual Council

- (a) To recommend to Council that the reports of Members appointed to Outside Bodies for the 2019 – 2020 civic year be received and noted.**

1.0 Proposal

That the reports by Members appointed to Outside Bodies for the 2019 – 2020 civic year (attached as Appendix A) be received and noted.

2.0 Background

At the Annual Council meeting each year Council appoints Members to serve on various outside bodies and the reports attached at Appendix A review these Members' involvement on these bodies.

3.0 Reasons

In order to increase transparency and improve the process for reviewing activities of Outside Bodies, Members appointed to

Outside Bodies compile an annual report on their involvement and activities on these Outside Bodies. This provides an opportunity for Members to report back and to highlight any issues that might need to be addressed.

To improve consistency in reporting, Members were requested to use a standard report template when compiling their reports.

4.0 Options

No other options considered as this is a requirement in accordance with the Council Constitution.

5.0 Risks

- 5.1 Reputational. Members appointed to an Outside Body could act contrary to East Herts Council policies/guidelines. As this is unlikely, the Risk is classified as minor.
- 5.2 Financial. Members could claim substantial expenses if an Outside Body had a large number of meetings. As most Outside Bodies have a set number of meetings, this was unlikely and the Risk is classified as minor.

6.0 Implications/Consultations

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

No

Specific Wards

No

7.0 Appendices

Appendix A contains the Reports by Members appointed to Outside Bodies.

Contact Officer	James Ellis, Head of Legal and Democratic Services james.ellis@eastherts.gov.uk
Report Author	Andre Ferreira, Democratic Services Officer andre.ferreira@eastherts.gov.uk

Reports from Councillors appointed to Outside Bodies 2019/2020

Co-operation for Sustainable Development Board

Purpose:

The Co-operation for Sustainable Development Board supports Local Plan making and delivery for sustainable communities across geographical and administrative boundaries in West Essex, East Hertfordshire and the adjoining London Boroughs. It does this by identifying and managing spatial planning issues that impact on more than one local planning area within these communities.

The Board is an advisory body and any decisions resulting from its advice remain the responsibility of its constituent Councils. Core membership of the Board comprises of representative Councillors and Council officers from Epping Forest, Harlow, Uttlesford, Broxbourne and East Herts districts, and Essex and Hertfordshire County Councils.

East Herts Council Representative(s):

Cllr Linda Haysey
(Substitute: Cllr Jan Goodeve)

Update:

The co-op board meets less frequently now as the Garden Town Board has taken over a number of its functions. The co-op board will still meet to discuss some of the issues affecting the wider area. I have attended all meetings held.

Update provided by: Cllr Haysey

Date: 15 April 2020

East of England LGA

Purpose:

The East of England LGA is a politically-led, cross party organisation which works on behalf of the 52 local councils in the East of England to harness their collective strength to shape and serve their communities and localities.

East Herts Council Representative(s):

Cllr Linda Haysey

Update:

I will be elected Chair in June 2020. The grouping runs a range of seminars and offers support as requested, for example to Transport East. Among its many activities including the Growth and Infrastructure Panel, it manages the Growth and Infrastructure Board which was established to co-ordinate responses to the London Plan in association with South East LGA.

Update provided by: Cllr Haysey

Date: 15 April 2020

Harlow and Gilston Garden Town Board

Purpose:

To achieve effective co-operation across the administrative boundaries of East Herts, Epping Forest, Harlow Councils and Essex and Hertfordshire County Councils in matters relating to the Harlow and Gilston Garden Town.

Officers will work collaboratively across agreed Garden Town workstreams and progress will be reported to the Member Group.

The Board does not have any decision making powers, and is an informal group that will make recommendations to the constituent Councils when appropriate.

East Herts Council Representative(s):

Cllr Linda Haysey
Cllr Eric Buckmaster

Update:

I attend the Harlow and Gilston Town Board as the representative for East Herts. A series of seminars is underway to determine future policies which will underpin the development of the garden town.

Update provided by: Cllr Haysey

Date: 15 April 2020

Herts Infrastructure and Planning Partnership

Purpose:

The Hertfordshire Infrastructure and Planning Partnership (HIPP) provides a forum to discuss and, where appropriate, develop a shared view and agree joint work programmes on infrastructure and planning issues of common concern. A key objective is to work co-operatively within Hertfordshire and across the county borders according to the principles of localism and the duty to co-operate.

The partnership has developed new terms of reference following the creation of the Herts Growth Board. The HIPP will work closely with the HGB to ensure that the board is kept fully aware of planning and infrastructure needs. In 2018 HIPP commissioned the Infrastructure and Funding prospectus which details the funding requirements for each of the districts and boroughs.

The Chairman, or his or her deputy, represents the Partnership as appropriate on external bodies, including the Board of the Local Transport Body for Hertfordshire.

The Partnership is not a formal decision making-body and does not fetter the decision making processes of individual authorities. If individual authorities come to a different view from any collective Hertfordshire position they will ensure that all the other authorities are duly notified.

East Herts Council Representative(s):

Cllr Linda Haysey (Substitute: Cllr Jan Goodeve)

Update:

HIPP continues to meet on an ad hoc basis and is looking at planning policy across the wider area and closer collaboration. Following the formation of the HGB, meetings will be scheduled to shadow those of the board. The A414 working group has been evaluation options for the infrastructure requirements along the length.

Update provided by: Cllr Haysey

Date: 15 April 2020

LGA District Council Network

Purpose:

The District Councils' Network is a cross-party member-led network of all 201 district councils in England. As a Special Interest Group of the Local Government Association (LGA), it provides a national voice for district councils within the LGA. It lobbies central government, the political parties and other stakeholders directly on behalf of its members, as well as commissioning research, providing support, and sharing best practice.

East Herts Council Representative(s):

Cllr Linda Haysey

Update:

This body meets once or twice a year and runs an annual conference. It is a useful forum to meet other District Councillors from across England.

Update provided by: Cllr Haysey

Date: 15 April 2020

Local Government Information Unit Assembly

Purpose:

The LGiU is a membership organisation, providing information, research and other services to over 150 councils, trade unions, universities and other organisations.

East Herts Council Representative(s):

Cllr Linda Haysey

Update:

The meetings are sporadic and I attend as necessary.

Update provided by: Cllr Haysey

Date: 15 April 2020

Local Enterprise Partnership

Purpose:

Hertfordshire Local Enterprise Partnership (LEP) is focused on helping to drive forward sustainable economic growth – with local business, education providers, the third sector and the public sector working together to achieve this. It helps to foster the relationships for partnership working to flourish.

East Hertfordshire District Council Representative(s):

Cllr Linda Haysey (elected by Leaders at the Hertfordshire Leaders Meeting). I am the representative for the districts in the east of the county.

Update:

The LEP board meets regularly and considers the funding requirements of projects for the county. There are 4 main board meetings a year.

Through my membership of the board, I sit on the Programme Management Committee and chair the ESIF committee on European funding.

Update provided by: Cllr Haysey

Date: 15 April 2020

London, Stanstead, Cambridge Corridor (LSCC)

Also called the **Innovation Corridor**

Purpose:

The London Stansted Cambridge Corridor Consortium is a partnership of public and private organisations covering the area north of Tech City, the City Fringe, Kings Cross, and the Olympic Park, up through the Lee Valley and M11/A10, and West Anglia Rail corridors to Harlow and Stansted, and through to Cambridge. The partnership was formed to organise and promote a clear economic area, with strong inter-connections; commuting to work and learn patterns, clusters of industries and supply chains.

East Herts Council Representative(s):

Cllr Linda Haysey

Update:

The LSCC continues to make good progress in developing a coherent message for promoting growth along the corridor.

The LSCC board meets at least 4 times a year. There are also training sessions and ad hoc presentations and conferences

The districts and boroughs which make up the centre of the corridor – Broxbourne, East Herts, Harlow, Epping Forest and Uttlesford work closely together to create an economic vision for this area.

Also, East Herts, both at a political and senior Officer level, is an active Member of those authorities in the middle of the corridor.

Update provided by: Cllr Haysey

Date: 15 April 2020

Transport East (EELGA)
<u>Purpose:</u> This is a forum lead by Essex County Council in order to consider the regions infrastructure requirements. They meet 4 times a year.
<u>East Herts Council Representative(s):</u> Cllr Linda Haysey (representing the districts in Hertfordshire)
<u>Update:</u> Transport East has met 4 times in the last year. It is producing a strategy for the east of England (Essex, Suffolk, and Norfolk) and looks at the infrastructure requirements for the region and transport requirements moving from ports into the Midlands. It works closely with the Heartland grouping of which Hertfordshire is a full member. It holds a conference once a year which is attended by a large number of businesses, agencies and local authorities.
<u>Update provided by:</u> Cllr Haysey <u>Date:</u> 15 April 2020

LGA General Assembly

Purpose:

A politically-led, cross-party organisation that works on behalf of councils to ensure local government has a strong, credible voice with national government. It aims to influence and set the political agenda on the issues that matter to councils so they are able to deliver local solutions to national problems.

East Herts Council Representative(s):

Cllr Linda Haysey

Update:

The LGA holds a pivotal role in representing Local Authorities. I attend the LGA General Assembly once a year.

Update provided by: Cllr Haysey

Date: 15 April 2020

Bishop's Stortford Chamber of Commerce

Purpose:

The Bishop's Stortford Chamber of Commerce has been established for more than one hundred years and currently has a membership of more than ninety local businesses and organisations. Both the private and public sectors are represented, from retailers to manufacturers and from service industries to institutional bodies.

The Chamber Committee actively champions local projects and interests at local, regional and government level. The Chamber's sub-committee for Planning is active in putting forward to the District Council the Chamber's views, concerns and suggestions on various developments in and around the town.

The Committee consists of elected officers, the secretary and committee members plus co-opted representatives from the County, District and Town Councils and the Bishop's Stortford Police.

East Herts Council Representative(s):

Cllr Graham McAndrew

Update:

Nick Hyde took over as Chairman. I attended one meeting to introduce myself and there have been no further invitations to Committee meetings this year. We remain in regular touch with the Chamber of Commerce and I am communicating on a daily basis with Coronavirus – 19 updates. They are kept up to date with their membership of the monthly Shaping Stortford Steering Group which have now become 2 monthly.

Networking breakfasts and business lunches are the Chamber's main activities.

The Chamber is working in partnership with the Bishop's Stortford Business Improvement District (BID) and East Herts in

communicating what business grants and rate relief is available for the local business community.

The main purpose is for the council to have a close connection with the BSCC, and to inform them of any information they can then forward onto their members, and of course if they can be of help to the council.

Update provided by: Cllr McAndrew

Date: 15 April 2020

PATROL (Parking & Traffic Regulations Outside London)

Purpose:

The joint committee of England and Wales (outside of London) for the civil enforcement of parking and traffic regulations outside London. It deals with the enforcement of parking tickets as well as parking and bus lane regulations for councils that are in the Civil Enforcement Scheme.

East Herts Council Representative(s):

Cllr Graham McAndrew

Update:

Quarterly meetings attended by East Herts representative, all held in London.

Updated Blue Badge Guidance, new civil bus lane or littering from vehicle enforcement and reviewing pavement parking.

More recently CORONAVIRUS and appeals to the Traffic Penalty Tribunal.

Update provided by: Cllr McAndrew

Date: 10 April 2020

Business Improvement District Board

Purpose:

A Business Improvement District (BID) is a proven way of providing funds to deliver additional services that local businesses believe will enhance the trading environment. BIDs charge a levy to local businesses in return for providing services over and above the usual council provision.

A BID is led by local businesses. It is not a replacement for local authority and police services. Instead it provides useful additional resources and initiatives.

East Herts Council Representative(s):
Cllr Graham McAndrew

Update:

Coronavirus

The BID have found themselves at the centre of informing and providing information for their members on Coronavirus and are there to help facilitate this. They are supporting their business and their high street. They are closely monitoring the situation, including Government announcements and on their webpage you will find useful links and references to help businesses get the right support they need.

BID Funded Security Patrol to start 1 April

As part of the response to the Coronavirus (Covid-19) situation, Bishop's Stortford BID is funding two security patrol officers to cover the BID town centre area during the hours of darkness whilst the lockdown period continues. With shops and businesses currently closed and the high street area. This is being done in conjunction with the local police force.

Waste & Recycling

As part of commitment to businesses in the BID, they are looking at

joint purchasing schemes to cut costs for all. One area they are looking to do this in is waste and recycling. The first stage is to identify the demand in the town, understand which suppliers everyone is using and the costs currently being paid. A company has been tasked with carrying this out.

Local Events

There were a number of planned events but have now been put on hold due to the outbreak of Coronavirus.

Update provided by: Cllr McAndrew

Date: 10th April 2020

Hertfordshire Sustainability Forum

Purpose: The Hertfordshire Sustainability Forum (HSF) is a county-wide strategic group of local authorities, third sector organisations and other partners working to raise awareness of environmental and sustainability issues across Hertfordshire. The Forum aims to bring together decision makers to develop environmental policies for the benefit of Hertfordshire as a whole and to raise awareness of key sustainability issues. HSF is hosted on rotation by the member authorities. It is currently hosted by East Herts District Council and meets quarterly.

East Herts Council Representative(s):

Cllr Graham McAndrew

Update:

The Hertfordshire Sustainability forum met three times and held a Hertfordshire Sustainability Conference in Ware priory which was well attended by various interested groups.

Transition, climate and other groups participated in the meetings all making valid contributions.

Update provided by: Cllr McAndrew

Date: 10 April 2020

Hertfordshire Waste Partnership

Purpose:

WasteAware is the partnership of Hertfordshire's county, district and borough councils, working together to reduce, reuse and recycle Hertfordshire's waste. It promotes waste and recycling education and campaigns, providing useful tips to help be WasteAware.

East Herts Council Representative(s):

Cllr Graham McAndrew

Update:

In January 2020 the HWP held a conference at the Fielder Centre in Hatfield attended by 81 delegates including colleagues from the boroughs, districts and the county council as well speakers from the Government and private industry. The conference covered topics such as; Resource and Waste strategy, Collaborative Delivery Needed in a New Resources World, Challenges Affecting Recycling in the UK and a Hertfordshire Perspective.

Lead Officers Waste Management (LOWM) Work Programme 2020/21 meeting in February 2020 officers approved the draft LOWM work programme for 2020/21. The work programme will include the following work streams:

- CONSULTATION – Consistency
- CONSULTATION – Deposit Return Schemes
- CONSULTATION – Extended Producer Responsibility
- Waste Collection Consistency Workstream
- Bulk Handling and Management of Dry Recyclates
- Waste Compositional Analysis
- Vehicle Procurement Project
- Flats
- Trade Waste
- HWP Procedures and Processes

Update provided by: Cllr McAndrew

Date: 10 April 2020

Lee Valley Regional Park Authority

Purpose:

Lee Valley Regional Park Authority runs award winning open spaces and sports venues along the 26 mile long, 10,000 acre park. The park was created by a unique Act of Parliament as a “green lung” for London, Essex and Hertfordshire. Its approach is to be community focused and commercially driven, to work with partners to produce a unique combination of activities, sights and experiences.

East Herts Council Representative(s):

Cllr Graham McAndrew and Cllr John Wyllie

Update:

The transfer of the 14 sport and leisure venues and their associated staff from the Trust to the Authority took place in March 2020

The transfer has gone very smoothly. The venues and the staff returned as planned and there have been no major issues. TUPEd staff have work programmes, are being embedded into the Authority’s operations and are settling in well.

Work is progressing to ascertain the impact of Coronavirus on our 2020/21 budget.

Financial Challenges – the Authority is facing financial challenges in dealing with the Coronavirus situation. LVRP is particularly acute as the main income generators, being venues, are closed as LVRP approach their peak income-generating season. Many activities – campsites, rafting at Lee Valley White Water Centre, corporate bookings, track taster sessions at Lee Valley VeloPark – have fairly lengthy book ahead times, and, of course, no one knows when lock down will end or what its long term effect on the leisure market will be.

Update provided by: Cllr Graham McAndrew

Date: 10th April 2020

Network Homes – Hertford and Out of London Area Panel

Purpose:

To ensure local residents and elected members are able to influence the future quality of housing provision for residents in East Hertfordshire

East Herts Council Representative(s):

Cllr Peter Boylan and Cllr Carolyn Redfern

Update:

This panel had previously met on Tuesday evenings and therefore the Executive Member had been unable to attend in the past. However, after discussion with Network Homes, the panel agreed to move their meetings to a Monday evening from January 2020.

Both elected members attended the panel meeting on 6 January 2020. The panel is made up of a range of tenants from Network Homes properties. The group is also chaired by one of their residents. A range of performance information was presented by Network Homes representatives and a lively discussion took place and actions agreed. There was also an opportunity to gain feedback from residents and local members on proposed new policy.

Further involvement will now be possible going forwards, with quarterly meetings of this panel.

Update provided by: Cllr Boylan and Cllr Redfern

Date: 18 March 2020

Wodson Park Sports and Leisure Centre

Purpose:

A community based trust and registered charity established to provide sports facilities and promote healthy lifestyles to the people of East Hertfordshire.

East Herts Council Representative(s):

David Andrews

Rishi Fernando

Jan Goodeve

Ian Kemp

Update:

Jan Stock and Stuart Storey are an effective partnership delivering a wide range of sports/activities to the community.

There are plans to accommodate a boxing club.

Due to the CoronaVirus pandemic facilities have been shut. The impact of Covid-19 on revenue needs to be assessed.

Update provided by: Cllr Goodeve

Date: 7 April 2020

Local Government Mutual

Purpose:

To establish the Mutual's management and governance arrangements and oversee its launch. This involvement was termed 'Founding Member' by the LGA.

East Herts Council Representative(s):
Cllr George Cutting

Update:

The mutual has now commenced trading and Founding Members such as East Herts Council are now termed 'Advisors'.

Whilst the council has been considering the offering from the Mutual and reviewing minutes of meetings etc, the council has not played an active role during 2019/20 and has not attended meetings.

Update provided by: Cllr Cutting and Graham Mully, Insurance and Risk Business Advisor

Date: 6 March 2020

Hertfordshire Armed Forces Covenant Board

Purpose:

To champion the welfare of the Armed Forces community in-line with the Hertfordshire Covenant.

East Herts Council Representative(s):

Cllr Andrew Huggins

Update:

The Covenant Board met twice this year, once at the Permanent Joint Headquarters Northwood and again at County Hall. The Board has representatives from all District and Borough Councils within Hertfordshire, members from the emergency services and reps from local branches of two military charities.

The welfare of the Armed Forces, both serving and veterans, has received an elevation in importance within national politics since Boris Johnson became PM. He has created the Office of Veteran Affairs and introduced the Veterans Bill. Within Hertfordshire, the Board seeks to promote the Armed Forces and ensure that Veterans have full access to public services and are celebrated for the work they do.

One issue that I have taken up with the executive and officers of EHC, is the possibility of achieving an award under the Defence Employer Recognition Scheme and progress is ongoing.

Lastly, members need to be aware of the portal for help and advice on all issues relating to the Armed Forces and that is the Veterans Gateway. www.veteransgateway.org.uk

Update provided by: Cllr Huggins

Date: 4 April 2020

Stansted Airport Consultative Committee

Purpose:

Provides community consultation in regard to the workings of Stansted Airport. Its specific terms of reference are:

1. To consider, scrutinise and advise on matters primarily concerning the management and administration of the Airport.
2. To consider the impact of the Airport on the local community, the economy and the environment.
3. To consider matters affecting the experience of Airport users including in particular passengers.
4. To consider the corporate affairs of the Airport.
5. To promote an informed understanding of airport operations and of their impact on communities of interest.
6. To consider matters specifically referred by interests represented on the Committee, by the management of the Airport or by the Government.
7. To share ideas and consider best practice from other airports and organisations.
8. To liaise with other Airport Consultative Committees on matters of common concern.
9. To make representations to the Government and other organisations as appropriate and
10. To take any action incidental to any of the above terms of reference, including co-options, the establishment of Working Groups and nominations to Outside Bodies.

East Herts Council Representative:
Cllr Andrew Huggins

Update:

This year I have attended several meetings at Stansted Airport of the full committee (STACC), the Environmental Issues Group (EIG) and the Future Airspace Consultation Steering Group. There are a

number of projects that are ongoing. Firstly, Uttlesford DC have rescinded the planning permission for Stansted's expansion to 43 million passengers per annum.

The ELG have been working with the airport to set some environmental benchmarking criteria. Items like air quality, surface water quality and recycling levels to name a few. The management of Stansted Airport have committed to achieving net zero carbon emission by 2050.

The last project is the Future Airspace programme. This is a national directive passed down from the Civil Aviation Authority and the DoT. The scheme is to consult and then design possible changes to arrivals and departures from the airport. (Luton are doing the same). The airport is leading on the consultation for flight paths below 7000ft and NATS will be doing above that altitude. My role is to voice an opinion on the approach to consultation. I have so far been instrumental in widening the consultation area out to all areas that are known to have regular flights pass overhead below that altitude which the airport had omitted. I shall be working with our officers to ensure that the consultation is communicated to our members and residents effectively.

Update provided by: Cllr Huggins

Date: 4 April 2020

Hertfordshire Health Scrutiny Committee

East Herts Council Representative(s):
Cllr Norma Symonds

Update:

Hertfordshire Health Scrutiny Committee (HSC) last met 4 March 2020. At the meeting we considered:

1. Service Overview: Non-Emergency Patient Transport Service

We were given a very thorough overview of the non-emergency patient transport service (NEPTS). The Committee requested an update on the position since the East of England Ambulance Service (EEAST) took over the service following the collapse of the previous private provider in September 2018. There were several significant issues that EEAST had to address to stabilise and improve services. The Committee focused its attention on the following:

- The current position of the service; including staff retention and recruitment
- Testing the service in being 'fit for purpose'
- Training provided (induction and on-going)
- How are staff equipped to support a patient who deteriorates in health whilst being transported and any mental health or substance misuse issues they may face.
- Re-procurement timetable

Members questioned the NHS in detail. It was agreed that there would be further scrutiny would of NEPTS at the Patient Quality Scrutiny in May. ***This has been postponed due to covid 19.***

2. Decision on the Proposed Move of Moorfields Eye Hospital's City Road Services

We had already commented on the proposals at an HSC in the autumn. Moorfields were asked to provide an update on the final decision. The Committee regards the move to a new purpose-built site adjacent to St Pancras close to research partners and other stakeholders as a beneficial

one for Hertfordshire residents. Members were particularly impressed by the quality of the report. It set out the information clearly and with sufficient detail.

3. London Cardio-Respiratory and Congenital Heart Disease Services

There are plans for service reconfiguration in the location of these very specialist services. The NHS gave an overview of the changes and agreed to return to HSC with more detail as proposals develop. The services are accessed by patients from a large area and any future scrutiny may require our participation in a joint committee. It is very early in the planning and when there is more information, I will report back to Council.

4. Mount Vernon Cancer Centre Consultation Joint Committee

This is discussed later in this report.

5. East and North Hertfordshire NHS Trust Care Quality Commission Inspection Action Plan Update

We have expected to hear from ENHT however CQC asked to meet the ENHT board at the time HSC was meeting. The Committee agreed that the CQC action plan will be addressed at the Patient Quality Scrutiny in May.

This has been postponed due to covid 19.

6. HSC Site Visits

6.1 East & North Herts Trust (ENHT) 19 March 2020

ENHT and East & North Herts Clinical Commissioning Group (ENHCCG) are proposing the closure of the Urgent Care Centre at the New QEII overnight. Members of the Health Scrutiny Committee (HSC) considered the proposal at a meeting in July 2019. The Committee reviewed the evidence and agreed the proposed closure times and redeployment of staff. To assist it was agreed that two site visits would be undertaken: QEII Hospital and Herts Urgent Care took place on 29 October. The aim of the visit to the Lister Hospital is to increase member understanding of provision in the area. During the visit we will be to what the experience is like for patients from triage onwards. We will also have an opportunity to speak to frontline staff and specialist medical staff. Afterwards we should have a better understanding of the purpose and work of an Emergency Department in a busy acute hospital. ***The proposed visit to the Emergency Department (A&E) at the Lister will be rescheduled due to covid 19 pressures.***

7. Mount Vernon Cancer Centre (MVCC). A review of the services provided at Mount Vernon took place last year. Although there are strong patient outcomes and feedback from patients and carers is good the fabric of the estate is poor. There are also longer-term concerns at the viability of Mount Vernon as a standalone facility. We heard that Mount Vernon is only one of two remaining such facilities.

7.1 NHS England is working with providers and clinicians to develop a sustainable solution. This may involve the committee in consultation when proposals are developed. Officers have been asked to liaise with the other authorities and NHS to take forward the planning needed to set up a joint committee.

7.2 In the meantime, we are maintaining a watching brief as proposals evolve. In preparation the chairman and vice chairman of HSC attended an informative briefing with the chairman of London Borough of Hillingdon Health Scrutiny with input from NHS England, Hillingdon Trust and University College London Hospital, who will take on management of the service from ENHT. I will keep HSC and this Council informed.

8. Forthcoming Scrutinies - *all scrutinies have been postponed until further notice.*

8.1 Public Health outcomes – we were expecting to undertake on 10 March postponed; however, as the lead officer is the Director of Public Health and his priority, quite rightly has been the coronavirus outbreak. We will decide on a new date once the emergency has passed.

Patient Quality The Health Scrutiny Committee (HSC) undertakes an annual scrutiny of the quality of services delivered by key providers. This is the Committee's response to the significant failings that occurred at Mid Staffordshire Hospital. Here, you will remember inadequate patient care led to unnecessary suffering and death. The Enquiry that followed placed a clear focus on maintaining patient outcomes and experience and health scrutiny was encouraged to maintain on overview. ***This has been postponed due to covid 19.***

8.2 Drug & Alcohol Strategy. The topic group has been commissioned to focus its attention on the effectiveness of the commissioned drug and alcohol treatment provision; gain an overview of the new drug and alcohol strategy and the process for delivery; and to assess how effectively partnerships work together to achieve the outcomes to support the

delivery of the strategy. A similar scrutiny looking the suicide prevention strategy played an instrumental role in the development of the revised strategy. Councillors participating in the Drugs & Alcohol Strategy scrutiny will perform a similar service.

9. Forthcoming Scrutiny Seminars - *all seminars have been postponed until further notice.*

10. The following scrutiny seminar for councillors is planned jointly with Overview & Scrutiny. All Councillors are welcome to attend:

- Emotional Health and Wellbeing of Children **30 April** Councillors will hear about the whole system approach to the emotional health and mental wellbeing of children and young people (CYP).

Update provided by: Cllr Symonds

Date: March 2020

Stansted Airport Community Trust

Purpose:

The Trust was set up in 2005 initially with an income of £100k per annum. This money was then distributed to good causes within a 10 mile radius of the Airport.

East Herts Council Representative(s):
Cllr Diane Hollebon

Update:

I represent EHDC on the Stansted Airport Community Trust. There is only one representative from us now.

Since my involvement with the Trust I have been promoting the Trust to areas covering our District and I am pleased to say that more applications were received and granted. Having local knowledge of the Groups helped to persuade my other Trustees to support the various applications. After 7 years, MAG (Manchester Airport Group) reduced the income to £50K and also appointed a Trustee to look after their interests. I feel that this has worked reasonably well.

The Trust has not met since June 2019 and I attended this meeting. The Chairman of the Trust is awaiting further developments from MAG to see what way the existing/new Trust will develop. The Chairman of the Trust is still actively encouraging all Councils to still appoint their representatives to the Trust. No Trust Meetings are planned for the future at the time of writing this Report as MAG have to reveal their plans for the future.

Update provided by: Cllr Hollebon

Date: 11 March 2020

Hertfordshire Police and Crime Panel

Purpose:

The Hertfordshire Police and Crime Panel has been established to scrutinise and support the work of the Police and Crime Commissioner. The Commissioner is required to consult with the Panel on plans for policing, as well as the precept (the money collected from council tax for policing) and certain key appointments.

East Herts Council Representative(s):

Cllr Alexander Curtis

Update:

Hertfordshire continues to be a very safe county, in which the public hold their local police force in high regard. In 2019, Hertfordshire Constabulary was rated first in the country for 'police doing a good or excellent job', with 84% of local respondents selecting that option in the Crime Survey for England and Wales. Although crime rates remain low across Hertfordshire, the force area is located adjacent to Greater London; where levels of crime have increased significantly in recent years. Crime that has migrated across the border between Greater London and Hertfordshire is an ever-increasing issue, especially in the form of county lines drug operations. As you will be aware, the Hertfordshire Police and Crime Commissioner (PCC), David Lloyd, increased the council tax precept by £24 per annum for a Band D household in 2019. This increased funding has largely been invested in the Constabulary's local policing model, which is built on Safer Neighbourhood Teams.

Beacon, Hertfordshire's Victim Care Centre, continues to be utilised by the PCC to support victims of crime in the county. It is funded directly from the victim surcharge that offenders pay in court. Fraud, including of an online nature, continues to be a challenge. However, the new Beacon Fraud Hub, which has been heralded as the 'gold standard' for supporting victims of fraud in England and Wales, is

proving to be a success at mitigating that so far. Increased investment has also been made into Hertfordshire Constabulary's Sexual Assault Referral Centre, to support victims of serious sexual violence; the most intrusive of crimes. The PCC and his team are currently investigating how a rape scrutiny panel could be implemented in Hertfordshire, in order to improve the future management and investigation of cases of rape. A new service by Safer Places has been implemented to support victims of stalking, and the PCC is working to maximise the use of third party reporting centres to allow victims to report hate crime without attending a police station. A major review of the force control room has been conducted, with investment subsequently being provided to reduce average call handling times and abandoned calls to the non-emergency 101 reporting system.

On the Hertfordshire Police and Crime Panel (PCP), I have questioned the PCC about his plans for tackling fly-tipping, a particular concern in East Hertfordshire, and collaborating with partners to maximise synergies in crime prevention. Following my questioning, I was pleased to see both items feature prominently in the PCC's new Community Safety and Criminal Justice Plan (CSCJP), which was approved by the Panel in September 2019. Members are more than welcome to contact me by email or telephone if they have any questions about the work of Hertfordshire Constabulary, the PCC and the PCP. It is very important that any concerns about the PCC's strategic priorities for policing in Hertfordshire are communicated to me, so that I am able to question the PCC on them at future PCP meetings.

Update provided by: Cllr Curtis

Date: 11 April 2020

Ancient Charities of Hertford

Purpose:

To assist individuals and families in Hertford and the surrounding villages.

East Herts Council Representative(s):

Cllr Sally Newton

Update:

The Charities met 4 times during the year and 19 grants were awarded.

See guide to organisations sponsoring applicants.

These included Children's Centres, Health Visitors and Housing Associations.

Cookers, carpets, washing machines were donated.

Managed and hosted by Hertford Town Council.

Funding received from investment returns.

Assets from past bequeaths in wills.



Ancient Charities of Hertford



Incorporating
The Charity of Ann Dimsdale, Miss M I Jourdain's Charity, Thomas Noble's Charity,
Hall's Eleemosynary Charity, The Hartford Connecticut Relief Fund
and The Robert Partridge Fund

Guide to organisations sponsoring applicants

The Ancient Charities of Hertford assist individuals and families who are in financial difficulties and who live in Hertford and the surrounding villages. Applicants are sponsored by organisations such as Social Services, Community Nursing Groups, Citizens Advice etc. Application forms can be obtained from Hertford Town Council, at the address below.

The Charity is able to respond rapidly to a specific need, once the application has been submitted. However, significant delays have occurred where there has been insufficient detail on the form.

The following guidelines should be followed to ensure the application can be dealt with, as rapidly as possible. A specimen copy of the form is attached and the notes below correspond to each of the sections, numbered 1-6.

1. Family name.
2. To qualify for a grant, the family must reside in Hertford or one of the following rural parishes:
Bayford, Bengoe Rural, Bramfield, Brickendon Liberty, Hertford Heath, Hertingfordbury, Little Berkhamstead, Sacombe, Stapleford, Tewin, Waterford and Watton at Stone.
Working in, but living outside this area does not qualify.
3. Applicants telephone number.
4. Please provide details of the family's background and in particular if they are in receipt of benefits. They may, for example, be out of work, have special needs, have mental health problems etc. Note also that the purpose of the grant and the estimated cost is required.
5. Complete details as indicated.
6. Give a contact name, the address of the sponsoring organisation represented and a telephone number. It speeds up the response if a mobile number or email address is given, so that a trustee can discuss the details of the application.

It is emphasised that all information is treated in complete confidence. Records are maintained by Hertford Town Council who must comply with the Data Protection Act.

The Clerk, Ancient Charities of Hertford, The Castle, Hertford SG14 1HR
Telephone: 01992 552885 Fax: 01992 505876
Charity Registration No. 207390

Update provided by: Cllr Newton

Date: 15 April 2020

Hertfordshire Building Preservation Trust

Purpose:

Preserving buildings of historical and architectural importance

East Herts Council Representative(s):

Cllr Peter Ruffles

Update:

East Herts Council is one of eight District/Borough Councils in Hertfordshire which forms the charitable Company limited by guarantee called HBPT. As EHC representative, at the Trust AGM I vote on behalf of the Council.

I have had a 100% attendance at HBPT meetings this year and serve the Trust as a Windmill Guide at its property Cromer Windmill. I am also fully trained in Windmill evacuation procedures.

I visit the Trust properties frequently and I hope EHC retains its Trust connection.

Update provided by: Cllr Ruffles

Date: 5 March 2020

Historic England – Heritage Champion

Purpose:

The Champion is seen as a voice for heritage locally.

East Herts Council Representative(s):

Cllr Peter Ruffles

Update:

The Champion role has facilitated and supported my other roles at EHC and elsewhere. I've enjoyed a good working relationship with the Council's Conservation Team.

Historic England, through electronic communications and otherwise, has provided greater and wider background learning to help place East Herts matters in context.

I've greatly enjoyed the role, and hopefully been able to use it for local benefits.

Update provided by: Cllr Ruffles

Date: 5 March 2020

Hertfordshire Groundwork Trust (now part of Groundwork East)

Purpose:

To create better places; improve people's prospects and encourage greener living and working.

East Herts Council Representative(s):

Cllr Peter Ruffles

Update:

I have attended all meetings and events to which I have been invited. These have, however, been fewer locally since the Hertfordshire Trust's amalgamation with Beds, Cambs, Suffolk, Essex and Norfolk.

Nevertheless, with Cllr Ben Crystall I've done some local hedge planting, and I've been a guest at several project completion publicity presentations.

Update provided by: Cllr Ruffles

Date: 5 March 2020

Hertfordshire Lifestyle and Legacy Partnership

Purpose:

Originally set up to continue the legacy created from the Olympics in 2012

East Herts Council Representative(s):
Cllr Eric Buckmaster

Update:

The Partnership has been a great forum for bringing together officers and members from HCC and Districts/Boroughs across the county. Guest speakers from other agencies and partnerships often gave updates on initiatives that support the physical, emotional and cultural wellbeing of the population of Hertfordshire.

An example is Hertfordshire Community Foundation and crowdfunding

Founded 1988 to tackle need and deprivation.

Supported 2500 charities

Over £12m in grants given

Work with over 100 donors

Crowdfunding with HCC trial set

Leverage additional giving, more coordinated approach with a wider reach of smaller funders

Confirmed participants, are HCC, Hertsmere and East Herts

Potential to engage others

HCF can offer support to applicants and HCF can validate the project

Website Goes Live in May

April 2021 pilot concludes

Branding is Crowdfunding Hertfordshire

Objectives are to reach new applicants, generate community support

Encourage groups and organisations to diversify their income streams

Encourage other funders

Year of Culture update

At the start of the year there was much enthusiasm for the Year of Culture and then the lockdown occurred. This was the position before that.

Growing Social Media

Delivery Group meeting monthly

Activity forms coming in

95 events in January, over 700 for 2020 so far

3000 people saw a film in January at Hertford theatre

March is access to the arts theme.

A schools focus.

HCC public Health Evaluation:

Event mapping, wider impacts,

Increased linkages between creative and non-creative organisations

Local Authority focus and support for cultural activities

Voluntary and Community sector theme update

In January there had been a regional social prescribing conference and where the important role of reducing isolation was discussed and the importance of art and culture in health.

Discussed the contract with Day Centres and how the funding was the same but now a grant process rather than contracts. New grants will be 2 years plus 1 year's option to renew for further year.

Didn't envisage much upheaval, however Day Centres not currently able to operate owing to Covid.

Looking at how charities support one another, engaging with CVS's
Engaging with local authorities and how they engage.

Physical Activity and Lifestyle theme update.

Discussed the Never too late campaign.

Access to one week pass to Leisure centre

Hertfordshire Independent Living (meals on wheels) Delivering physical activity programmes in homes. Showing positive outcomes,

reducing concern in falling.

Health Walk initiatives

Initiative around making hospitals active places. For staff and patients. Lister will submit a bid. Could work in particular health pathways. Also giving staff confidence to pass on info and tips to patients.

Unfortunately the planned community activities have had to be postponed owing to the Covid Crisis. Communities are finding innovative ways of supporting one another and stakeholders are looking at ways of sharing culture and lifestyle on line for the time being, but looking ahead to a time when they can collaborate more fully on events that can bring people together in reality rather than virtually.

Update provided by: Cllr Buckmaster

Date: April 2020

East Herts Council Report

Council

Date of Meeting: 13 May 2020

Report by: James Ellis, Head of Legal and Democratic Services

Report title: Review of Constitution

Ward(s) affected: All

Summary

In accordance with Council Procedure Rules 2.1.2 (k), which require that at annual Council the Council shall review and update the Constitution if necessary, a number of changes to the Constitution arising from updates and decisions taken during the year are recommended. In accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020, to amend the Council's standing orders to adopt provisions allowing for meetings to be conducted remotely.

RECOMMENDATIONS FOR COUNCIL:

- (a) that the updates and consequential amendments to the Constitution identified in the attached appendices are approved;**
- (b) that in respect of the legislation introduced to permit meetings to be conducted remotely, the Council's standing orders be deemed amended to enable its public meetings to be conducted remotely in accordance with protocols to be decided by the Chief Executive;**
- (c) that authority to make any minor related changes to the Constitution is given to the Head of Legal and Democratic Services.**

1.0 Proposal(s)

- 1.1 As above.

2.0 Background

- 2.1 The Council's procedure rules require that, if necessary, a review of the Constitution be approved at the annual meeting of Council. The Council may also approve updates and changes to the Constitution at ordinary meetings throughout the year.
- 2.2 This report was originally drafted to bring to Council a standard report on necessary updates to the Constitution resulting from a number of decisions taken by the Council and Executive since the last review in May 2019. However, since the report was drafted, the Coronavirus epidemic has occurred, and new legislation has been introduced to assist local authorities in continuing to conduct meetings through measures such as holding virtual meetings.
- 2.3 The report therefore also recommends changes which formally amend the Council's standing orders, so as to reflect the legislation introduced as a response to the impact of the Coronavirus situation. In fact, the changes introduced by this legislation may be inferred without the need for specific amendments to be made, but in the interests of clarity, the Council is invited to confirm their adoption and the changes are set out in Appendix C.
- 2.4 An Officer Constitution Review Working Group has met on three occasions since January 2020, with the aim of identifying and collating changes to the Constitution which had come about from decisions taken by the Council and Executive. In addition, a small number of specific updates were highlighted as being required. These updates are set out in the following paragraphs, and the recommended changes are described in appendix A and shown as tracked changes in appendix

B.

- 2.5 In addition, new legislation has come into force in response to the Coronavirus epidemic. This legislation allows local authorities to conduct meetings as virtual meetings. The effect of the legislation is to change the Council's standing orders for the conduct of meetings. The changes to the Constitution are identified at Appendix C.
- 2.6 All tracked changes to the Constitution are available as a background paper which can be provided on request.
- 2.7 The main changes are as follows.
- 2.8 Change to remit and name of Performance, Audit and Governance Oversight Committee to Audit and Governance Committee – the remit of the committee will no longer include performance, which will instead be part of the remit of the Overview and Scrutiny Committee. The change was agreed on an interim basis for reasons of practicality to enable a more balanced workload for each committee, and to reflect practice at other authorities where the scrutiny committee performs this function. The change is made on an interim basis, as it is contingent upon the review of scrutiny best practice to be conducted by the Centre for Public Scrutiny. The CfPS review was due to have taken place before the May Council meeting, but due to the Coronavirus situation, that review has been deferred and will take place after the May Council meeting.
- 2.9 The suggestion to make this change and to commence working to the new remit was the subject of consultation with the Chairman of the Committee and with the Chairman of the Overview and Scrutiny Committee. Formal adoption of the change of remit and a subsequent reflection to the name of the Committee is a decision for Council.
- 2.10 Refresh of Financial Delegations to Officers – the

Constitution sets out the table of financial delegations to officers, which had not been updated for some time. Accordingly Leadership Team and the officer Constitution Review Working Group considered a number of changes proposed by the Head of Strategic Finance and Property, and recommends their approval.

- 2.11 Refresh of Contract Procedure Rules – similarly, a refresh of the existing provisions has been undertaken, as the rules had not been updated for some time. Leadership Team and the Constitution Review Working Group received recommendations from the Head of Strategic Finance and Property, which are recommended for approval.
- 2.12 It should be noted that the Constitution includes, at Part 6, the Members' Allowances Scheme. This area of the Constitution was considered by the Independent Remuneration Panel when it conducted its review of Members' allowances. Tracked changes relating to that section of the Constitution are referred to briefly, but may be viewed in full in the report elsewhere on the annual Council agenda relating to the recommendations of the Panel.
- 2.13 Minor changes arising from decisions taken previously by Council are included in the report, primarily, the inclusion of the terms of reference of the Financial Sustainability Committee are to be inserted.
- 2.14 The authority to make further minor changes to the Constitution arising from decisions taken by Council is requested to be delegated to the Head of Legal and Democratic Services, to take account of minor amendments arising throughout the civic year. Substantive changes will be submitted to the Council for approval.

3.0 Reason(s)

- 3.1 To ensure the Constitution is up to date to enable clarity of decision-making and procedures throughout the year.

4.0 Options

- 4.1 None.

5.0 Risks

- 5.1 That decisions are not taken in accordance with correct authority, and risk challenge.

6.0 Implications/Consultations

- 6.1 The Leader and the Chairman of the Performance and Governance Oversight Committee have been consulted.

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

None.

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

Yes, as indicated above.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

- 7.1 The routine changes to the Constitution are described at Appendices A and B.
- 7.2 The changes to standing orders are described at Appendix C.
- 7.3 Tracked changes to all areas of the Constitution where amendments are being made are available on request, as a background paper.

Contact Officer

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Services

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(if different from contact officer)

Review of Constitution 2020 – Appendix A – schedule of changes

Part 2 Chapter/Para	Existing provision	New provision
2G, Chapter 7 Scrutiny Committee, para 7.2.2	The primary purpose of the committee is to improve the delivery of policies and services. Its terms of reference are the performance of all overview and scrutiny functions on behalf of the Council and as set out in section 9F of the Local Government Act 2000, summarised below, to: [then sub paras (i) to (xii) are listed]	Add “and (xiii) monitoring performance of services.”
2G, Chapter 10, para 10.1 b Para f	Management structure: designated Chief Officers are Chief Executive and Directors Chief Executive and Directors to be appointed by Chief Officer Recruitment Committee	Change reference to Directors to Deputy Chief Executive Recruitment by CORC to state for Deputy Chief Executive instead of Directors
2G, Chapter 12, para 12.5 para 12.5(b)	Officers who may sign sealed documents: Refers to Director	Change to Deputy Chief Executive

Review of Constitution 2020 – Appendix A – schedule of changes

Part 3/Chapter/Para	Existing provision	New provision
3B, Para 4 Other committees	<p>4.0 Other Committees</p> <p>Overview and Scrutiny Committee and Performance, Audit and Governance Oversight Committee</p> <p>Details of the functions and procedures of these committees are set out in Part 2, Chapter 7 and Chapter 8 of this constitution and in the Overview and Scrutiny Procedure Rules (Part 4E) and the Performance, Audit and Governance Oversight Procedure Rules (Part 4I).</p>	<p>4.0 Overview and Scrutiny Committee</p> <p>4.1 Details of the functions and procedures of this committee are set out in Part 2, Chapter 7 of this constitution and in the Overview and Scrutiny Procedure Rules.</p> <p>5.0 Performance, Audit and Governance Oversight Committee [then the section relating to this committee follows here, rather than (as it currently is) at Part 4I on page 287]</p> <p>See Part 3B new paras 5.0 and 5.1 below for changes to Performance, Audit and Governance Oversight</p>

Review of Constitution 2020 – Appendix A – schedule of changes

Part 3/Chapter/Para	Existing provision	New provision
		Committee
3B, new para 5.0	Performance, Audit and Governance Oversight Committee	<p>Delete “Performance” and “Oversight” from name of Committee so it becomes the Audit and Governance Committee.</p> <p>Reference to the Committee name will be changed throughout document but is not flagged up for each instance, as there are numerous references.</p>
3B, new para 5.1	The Performance, Audit and Governance Oversight Committee will have the specific role of monitoring the budget; overseeing the performance of services by considering a range of information such as performance indicators, inspection reports and action plan monitoring; approving the council’s Statement of Accounts and acting as the council’s audit committee. The committee also carries out the treasury management functions set	<p>Remove reference to performance function:</p> <p>The Audit and Governance Committee will have the specific role of monitoring the budget; approving the council’s Statement of Accounts and acting as the</p>

Review of Constitution 2020 – Appendix A – schedule of changes

Part 3/Chapter/Para	Existing provision	New provision
	out in detail in the Procedure Rules in Part 4 of this Constitution.	council's audit committee. The committee also carries out the treasury management functions set out in detail in the Procedure Rules in Part 4 of this Constitution.
3B, new para 5.5.2	<p>The Chairman of the PAGO committee will be appointed by the Council at its annual meeting in May. The Vice Chairman will also be appointed by the committee at its first meeting of the civic year.</p> <p>The Chairman and Vice Chairman will hold office until: (i) he/she resigns from the office of Chairman or Vice Chairman; or (ii) he/she is no longer a Councillor</p>	<p>Insert the words shown in bold below:</p> <p>The Chairman of the PAGO committee will be appointed by the Council at its annual meeting in May. The Vice Chairman will also be appointed by the committee at its first meeting of the civic year.</p> <p>Subject to the above, the Chairman and Vice Chairman will hold office until: (i)</p>

Part 3/Chapter/Para	Existing provision	New provision
	<p>Upon the occurrence of a vacancy in the office of Chairman or Vice Chairman, the Committee shall fill the vacancy at its next ordinary meeting.</p>	<p>he/she resigns from the office of Chairman or Vice Chairman; or (ii) he/she is no longer a Councillor</p> <p>Upon the occurrence of a vacancy in the office of Chairman, the Council shall appoint a Chairman at its next meeting. In the case of a vacancy in the office of Vice Chairman, the Committee shall fill the vacancy at its next meeting.</p>
3B, new Para 5.6.1 (iii)	(iii) consider means of improving and promoting the performance management and audit functions of the council;	<p>Remove “performance management”:</p> <p>(iii) consider means of improving and promoting the audit functions of the council;</p>

Review of Constitution 2020 – Appendix A – schedule of changes

Part 3/Chapter/Para	Existing provision	New provision
New para 5.6.2 (f) (External Audit bullet point)	external audit: to maintain and develop a trusting and professional relationship with the council's external auditors	Replace "a trusting" with "an objective"
3B, new Para 5.6.3 (viii)	advise and assist Town and Parish Councils and Members to maintain high standards of conduct and to make recommendation to Town and Parish Councils on improving standards or actions following a finding of a failure by a Town or Parish Member to comply with the Code of Conduct;	promote and provide guidance on high standards of conduct to be followed by members of Town and Parish councils
3B, new 5.7 para (i) Standards Sub Committee Terms of Reference	To consider investigation reports in respect of Code of Conduct complaints that are referred to it by the Monitoring Officer.	To consider assessment and investigation reports in respect of Code of Conduct complaints that are referred to it by the Monitoring Officer.
3B, new para 6.5	Delegated Authority 6.5 The Committee has full delegated authority to act within the remit of its functions. The	Delete, as covered by (n) in the paragraph above

Review of Constitution 2020 – Appendix A – schedule of changes

Part 3/Chapter/Para	Existing provision	New provision
	<p>only limits to this are:</p> <p>(a) Decisions which would be contrary to the Constitution; and</p> <p>(b) Decisions which would be contrary to current legislation.</p>	
3B, new para 8.6	A Chairman and a Vice Chairman shall be appointed by the Local Joint Panel at its first meeting in each year. If the Chairman appointed is a Member of the Council, the Vice Chairman shall be appointed from the officer side, and vice versa.	A Chairman and a Vice Chairman shall be appointed by the Local Joint Panel at its first meeting in each year. If the Chairman appointed is a Member of the Council, the Vice Chairman shall be appointed from the employees' side, and vice versa.
3B, new para 8.14	The proceedings of any meeting of the Local Joint Panel shall be recorded and reported at the appropriate Council meeting, but before submission, the Minutes shall be approved by the	The proceedings of any meeting of the Local Joint Panel shall be recorded and reported at the next meeting

Review of Constitution 2020 – Appendix A – schedule of changes

Part 3/Chapter/Para	Existing provision	New provision
	Panel Chairman and Vice Chairman.	of the Human Resources Committee.
3B		Add terms of reference and procedures of Financial Sustainability Committee
3C, Officers' responsibility for functions, para 1	The Council has adopted a Corporate Strategic Plan to improve the health and wellbeing of our communities; enhance the quality of people's lives and enable a flourishing local economy.	The Council has adopted a Corporate Plan to put environmental sustainability at the heart of everything it does; enable its communities and invest in its places; encourage economic growth; and maximise the benefits to the community and Council services of digital connectivity and technology.
3C, Officers' responsibility for functions, para 3.4 and 5.2	3.4 Officers may only exercise delegated powers in accordance with: (a) the council's Rules of Procedure	These restrictions are duplicated in both paragraph 3.4 and 5.2. Delete both paras, and extract content to

Part 3/Chapter/Para	Existing provision	New provision
	<p>contained in Part 4 of this Constitution including the Financial Procedure Rules and Contract Procedure Rules;</p> <p>(b) all plans, policies, schemes or strategies approved by or on behalf of the Council;</p> <p>(c) any statutory restrictions, guidance or statutory code of practice;</p> <p>(d) the statutory and local requirements in respect of the taking and recording of Key Decisions;</p> <p>(e) the revenue and capital funding for the relevant service as approved by the Council, subject to any variations which are permitted by virtue of the council's Rules of Procedure; and</p> <p>(f) the council's Equal Opportunities and other policies, procedures, standards and the Local and National Conditions of Service.</p>	<p>add to para 6, Restrictions:</p> <p>1. Restrictions</p> <p>6.1 Officers may only exercise delegated powers in accordance with:</p> <p>6.2 statutory requirements, including key decisions, guidance and codes of practice;</p> <p>6.3 the Budget and Policy Framework, including all plans, schemes and strategies approved by or on behalf of the Council or Executive;</p>

Review of Constitution 2020 – Appendix A – schedule of changes

Part 3/Chapter/Para	Existing provision	New provision
		<p>6.4 the Council's Procedure Rules including Financial Limits; and</p> <p>6.5 the Council's equalities and other policies, procedures, standards and the Local and National Conditions of Service</p>
3C, para 8.1 and subsequent references to directors throughout Constitution	<p>Chief executive, directors, all Heads of Service and their duly authorised officers</p> <p>The delegations that follow apply to the Chief Executive, directors, Heads of Service or their duly authorised officers.</p>	Change "directors" to Deputy Chief Executive
3C, para 13.20	To convey the freehold of electricity sub-station sites and to grant the necessary easements to the Electricity Board in respect of developments.	Delete "Electricity Board", change to utilities suppliers/distributors"
3C, para 16.39	To authorise officers to discharge the functions	Add "(subsequent

Review of Constitution 2020 – Appendix A – schedule of changes

Part 3/Chapter/Para	Existing provision	New provision
	contained in the European Communities Act 1972 and in particular the following matters	amendment implied)"
3C, Appendix A, Part 2,	<p>Officers' Responsibility for Functions</p> <p>Updates are required to legislation as follows:</p> <p>Delete:</p> <ul style="list-style-type: none"> a. Animal Boarding Establishments Act 1963 b. Breeding of Dogs Act 1973 and 1991 c. Pet Animals Act 1951 and 1983 d. Riding Establishments Act 1964 and 1970 	Add Tenant Fees Act 2019
3D, Statutory designation of statutory and proper officers, table, first row	Section 4(1) Local Government and Housing Act 1989 – Head of Paid Service – Chief Executive (directors nominated as deputies)	Change directors to Deputy Chief Executive
As above, fifth row	Section 8 Representation of the People Act 1983 – Electoral Registration Officer – Chief Executive	Add Elections Manager nominated as deputy
3E, para 1.2, table of portfolio areas, page	Under areas of responsibility of Portfolio Holder for Financial Sustainability and Deputy Leader,	Financial Sustainability

Review of Constitution 2020 – Appendix A – schedule of changes

Part 3/Chapter/Para	Existing provision	New provision
162	there is reference to “Sustainability Board”	

Review of Constitution 2020 – Appendix A – schedule of changes

Part 4/Chapter/Para	Existing provision	New provision
4A, para 1.2	Meetings will usually take place at the council's main offices but may take place at other venues with the agreement of the Chairman.	Add: "or remotely using information technology, in accordance with contingency provisions allowed for under emergency legislation".
4A, Rule 3.2	Ordinary meetings list of items which will be considered	Add: "receiving and answering questions on notice from Members in accordance with Rule 12 below;"
4A, Rule 5.4 (c)	Executive Member for Development Management and Corporate Support	"Executive Member whose portfolio includes Development Management"
4A, Rule 6	Summons This is prescribed by law, but EHC sought Members' consent to receive an electronic summons in place of posted summons. This could be made clear.	OK
4A, Rule 10.9, questions by the public - written answers	Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written	Add: "Any answers which cannot be given during the meeting due to lack of time will also be summarised in a

Review of Constitution 2020 – Appendix A – schedule of changes

Part 4/Chapter/Para	Existing provision	New provision
	answer	supplementary document to be published as soon as practical after the meeting."
4A, Rule 12.8, Members' Questions – written answers	Any remaining questions shall be responded to in writing before the next ordinary meeting of the Council	Add "Any answers which cannot be given during the meeting due to lack of time will also be summarised in a supplementary document to be published as soon as practical after the meeting."
Rule 14 – Motions on notice	Except for motions which can be moved without notice under Rule 15, written notice of every motion, signed by at least two Members, must be delivered etc by at least two Members.	Add "or if sent by email, confirmed as submitted by at least two Members,"
4A, Rule 14	Except for motions which can be moved without notice under Rule 15, written notice of every motion, signed by at least two Members, must be delivered etc	Add: "or if sent electronically, confirmed by email as submitted by at least two Members"
4G, Financial Procedure rules, rule 2.0	All officers must operate within the council's Scheme of Financial Delegations as listed in Appendix 1. As a general principle, financial decisions will be taken at	Add: "It should also be noted that the council has an authorised signatory list which

Review of Constitution 2020 – Appendix A – schedule of changes

Part 4/Chapter/Para	Existing provision	New provision
Financial delegations	the lowest level allowable within the officer and member hierarchy in the scheme	lists specific values for delegated Council staff."

Part 4/Chapter /Para	Summary of changes – refer to new table for Appendix 1 in tracked changes document.
4G, Financial Procedure Rules, Appendix 1	<p>Table of financial delegations at Appendix 1 – replace with table reflecting new provisions</p> <p>Add Head of Service limits</p> <p>Include Deputy Chief Executive within Chief Executive column</p> <p>Include Deputy Chief Financial Officer within Chief Financial Officer column</p> <p>Head of Service purchase order & payment of grants approval limit to be up to £500,000</p>

Part 4/Chapter /Para	Summary of changes – refer to new table for Appendix 1 in tracked changes document.
	<p>(increased from £100,000). Add reference to delegation to Service Manager, Budget Holders & Service Users and reference to the authorised signatory list.</p> <p>Service Manager purchase order & payment of grants approval limit to change from £100,000 to no authority unless delegated by Head of Service, in which case up to £100,000.</p> <p>Budget Holder purchase order & payment of grants approval limit to change from £100,000 to no authority unless delegated by Head of Service, in which case up to £100,000.</p> <p>Service Manager virement within service approved budgets to change from no financial limit to no authority unless delegated by Head of Service, in which case up to £100,000</p>

Part 4/Chapter /Para	Summary of changes – refer to new table for Appendix 1 in tracked changes document.
	<p>Budget Holder virement within service approved budgets to include a limit of up to £100,000</p> <p>Chief Financial Officer virements across services within overall approved budget levels to change from £100,000 to £500,000</p> <p>Head of Service Write off / waivers of income due is up to £5000, add reference to delegation to Service Manager, Budget Holders & Service users along with reference to the authorised signatory list.</p> <p>Executive Insurance & other settlements have now changed from Up to £250,000 to no financial limit.</p> <p>Head of Service Insurance & other settlements is now up to £25,000 & up to £5000</p>

Review of Constitution 2020 – Appendix A – schedule of changes

Part 4/Chapter /Para	Summary of changes – refer to new table for Appendix 1 in tracked changes document.
	delegated to insurance team for small claims.

Part 6 Chapter/ Rule/Para	Existing provision	New provision
	Scheme of allowances	To be updated as recommended in report on members' scheme of allowances (separate report on agenda)

Part 4G - Financial Procedure Rules

1.0 Introduction

- 1.1 These Financial Procedure Rules (FPR) have been issued in accordance with Section 151 of the Local Government Act 1972, the Accounts and Audit (England) Regulations Act 2011, the provisions of Section 114 of the Local Government Finance Act 1988 and Sections 4 and 5 of the Local Government and Housing Act 1989.
- 1.2 The FPR have been adopted by East Herts District Council to provide a framework of control, responsibility and accountability for the administration of the council's financial affairs. The FPR are, in many of the areas detailed below, supported by more detailed guidance and procedures which set out how they will be implemented.
- 1.3 The FPR are intended to clarify the powers and duties to be exercised with regard to the principles of good financial management. All officers must comply with the FPR. Officers must ensure that any agents, consultants and contractual partners acting on the council's behalf also comply. Any queries regarding the interpretation of the FPR should be directed to the Chief Financial Officer.
- 1.4 For the purposes of these FPR there is a requirement for all communication to be in writing except where otherwise specified. This requirement shall be deemed to include electronic communication.
- 1.5 Where inconsistencies arise the order of precedence shall be: (i) legislation, (ii) other rules of procedure in Part 4 of this Constitution, (iii) Scheme for the Responsibility for Functions (Part 3C of this Constitution), then (iv) Financial Procedure Rules.

2.0 Financial delegations

All officers must operate within the council's Scheme of Financial Delegations as listed in Appendix 1. As a general principle,

financial decisions will be taken at the lowest level allowable within the officer and member hierarchy in the scheme.¹

3.0 Officer responsibilities for financial management

3.1 The role of the Chief Financial Officer

3.1.1 The Chief Financial Officer is responsible for administering the financial affairs of the council and for establishing proper systems of internal control.

3.1.2 The Chief Financial Officer shall:

- (a) ensure that the policies of the council and statutory requirements are adhered to;
- (b) the business of the council is carried out in an orderly, efficient and effective manner;
- (c) the council's records are complete and accurate;
- (d) ensure financial information and reporting is timely and accurate;
- (e) ensure the assets of the council are safeguarded;
- (f) make and control arrangements for the payment of the council's creditors and for the collection, custody and accounting of all monies received by the council;
- (g) establish an adequate and effective internal audit of the council's accounting records and system(s) of internal control;
- (h) have access to all records, cash or other council property as required for audit purposes. If required the Chief Financial Officer may also request access to such information and explanations from any officer or member as may be necessary for audit purposes;

¹ It should also be noted that the council has an authorised signatory list which lists specific values for delegated Council staff.

- (i) prepare and publish the annual accounts of the council in accordance with statutory requirements and the policies of the council; and
- (j) have responsibility for making all statutory returns and the like to H M Customs and Excise in relation to Value Added Tax, and for the obtaining and giving of advice and guidance to the council and Heads of Service on all tax matters.

3.2 The role of budget holders

3.2.1 Budget holders are officers who are responsible for monitoring a budget, including determining expenditure from and/or income posted to that budget. Budget holders may be at any level within the council.

3.2.2 Budget holders shall:

- (a) maintain financial records and accounts that can be accessed by the Chief Financial Officer when required. The financial records shall be retained by budget holders for such periods as required for council or statutory purposes;
- (b) in consultation with the Chief Financial Officer ensure that all financial affairs of the council are managed in a properly controlled environment and compliant with the council's Information Security Policy;
- (c) manage budgets using the council's financial management system. This will enable the Chief Financial Officer to maintain effective control and audit of the financial affairs of the council;
- (d) designate officers to be responsible for authorising financial transactions on their behalf if and when required. Budget holders must inform the Chief Financial Officer of all officers with delegated financial responsibilities; and
- (e) be responsible for ensuring the correct treatment of Value Added Tax on all accounts payable and all invoices raised.

3.3 Officer roles regarding financial reporting and investigation

- 3.3.1 Any officer who suspects any financial irregularity should raise his or her concerns with his or her line manager or a member of the council's Leadership Team in accordance to the Whistleblowing Policy. The Chief Executive and the Chief Financial Officer will take such steps as they consider necessary by way of investigation and report.
- 3.3.2 The Chief Financial Officer shall control the issue and use of controlled stationery. Controls on the use of such stationery must be adequate to enable usage to be traced and to prevent incorrect or fraudulent usage.
- 3.3.3 Budget holders shall be responsible for the security and use of controlled stationery and are not permitted to obtain controlled stationery other than in accordance with the internal arrangements set out by the Chief Financial Officer.

4.0 Banking arrangements

- 4.1 The Chief Financial Officer shall make and control arrangements as necessary for the operation of banking services for the council.
- 4.2 All monies received on behalf of the council should be brought to the attention of the Chief Financial Officer and banked in accordance with his or her instructions.
- 4.3 The Chief Financial Officer shall arrange payments or transfers to and from the council's bank accounts by the use of electronic methods.
- 4.4 The Chief Financial Officer shall ensure that all bank accounts and credit cards operated by the council are reconciled at intervals of no longer than one calendar month.

5.0 Forward financial planning

- 5.1 The Chief Financial Officer will prepare for the Executive, a timetable each year for the preparation, submission and approval of the forward financial plan covering revenue budgets and capital expenditure.

- 5.2 The Chief Financial Officer will ensure that the forward financial plan is prepared in accordance with the timetable and any guidelines issued by the Executive.
- 5.3 The Executive shall consider the proposed forward financial plan and each year shall submit appropriate recommendations to the Council. The report shall include a recommendation as to the council tax to be levied in the following financial year.
- 5.4 The Chief Financial Officer shall provide financial information in an appropriate form for the continuous monitoring and control of financial activities of the council by the Executive and each committee with finances allocated to it.
- 5.5 The Chief Financial Officer shall inform the Executive of any significant variation to the financial plan during the financial year. If for any reason any budget of approved expenditure may be exceeded or the estimated income not reached, the Chief Financial Officer shall inform the Executive or relevant committee together with a proposal to address the situation.
- 5.6 Any proposal to incur expenditure, either capital or revenue, above those limits set out in the council's budget and policy rules, that is not included in the existing financial plan or budget shall be recommended by the Executive to the Council. The recommendation must include the full financial implications of the proposal.

6.0 Expenditure

- 6.1 Official orders
 - 6.1.1 Official orders shall be issued using the council's financial system, for all works, goods or services to be supplied to the council except for supplies of public utility services, for periodical payments such as rent or rates, for petty cash purchases or other exemptions approved by the Chief Financial Officer.
 - 6.1.2 Procurement of works, goods or services to be supplied to the council shall be completed in accordance with the council's Contract Procedure Rules.

6.1.3 Official orders shall specify the nature and quantity of goods, services, or works required, any relevant contract, and the agreed prices.

6.1.4 Official orders shall not be issued for works, goods or services unless the cost is within an approved estimate or other financial provision.

6.2 Certificates for payment

6.2.1 All certificates for payment shall be authorised for payment by the signature, or electronic signature (approval) via the council's financial management system, of the appropriate budget holder or other authorised signatory, as agreed by the Chief Financial Officer. Such authorisation shall imply that:

- (a) the expenditure is within an approved estimate or other financial provision;
- (b) the expenditure has been coded to the correct financial heading;
- (c) the goods, services or works have been supplied and are satisfactory;
- (d) appropriate prices have been charged for the goods, services or works;
- (e) all conditions imposed by the order or contract agreement have been substantially complied with;
- (f) where applicable Value Added Tax, Construction Industry Tax or any other relevant taxation requirements are complied with;
- (g) the certificate for payment has not previously been passed to the Chief Financial Officer for payment; and
- (h) appropriate entries have been made in all relevant inventories, stock records or asset registers.

- 6.2.2 To reduce multiple certificates for payment, budget holders should aim to agree payment within 30 days of receipt of invoice. Invoices will be paid by BACS where possible.
- 6.2.3 The Chief Financial Officer shall examine accounts passed for payment and shall make such enquiries and receive such information as necessary to establish that the payments are in order.
- 6.2.4 The Chief Financial Officer may provide advance accounts to designated officers for petty cash or for change float purposes.
- 6.2.5 The maximum limit of advance accounts shall be agreed with the Chief Financial Officer and not exceeded without permission of the Chief Financial Officer. Appropriate safes and other receptacles shall be provided as required.
- 6.2.6 The officers responsible for advance accounts shall maintain a record of their transactions in the form and manner required by the Chief Financial Officer.
- 6.2.7 Payments from advance accounts shall be limited to minor items of expenditure not exceeding £20. The claim must be supported by a receipted voucher and properly authorised claim form.
- 6.2.8 Officers with responsibility for an advance account shall be required to provide information about the state of the account to the Chief Financial Officer as necessary.
- 6.2.9 If the advance account is no longer required or an officer ceases to be responsible for holding an account, the relevant budget holder shall ensure that the balance of the advance account is returned to the Chief Financial Officer.

7.0 Income

- 7.1 Budget holders shall notify the Chief Financial Officer of all money due to, or expected by, the council. This includes sponsorship or grant income, contracts, leases and other agreements entered into which involve the receipt of monies.
- 7.2 Where cheques are paid in, the amount of each cheque and a reference to enable the cheque to be traced shall be recorded on

the banking paying-in-slip or a format agreed with the Chief Financial Officer.

- 7.3 An official receipt is a written or printed acknowledgement given on behalf of the council for monies received. Such acknowledgement shall be given from a cash receipting system which has been approved for use by the Chief Financial Officer.
- 7.4 All monies shall be held and transported securely in accordance with any requirements from the Chief Financial Officer.
- 7.5 Each budget holder is responsible for ensuring that accounts are promptly and accurately raised in respect of charges for work done or goods or services supplied. This includes cases where sponsorship money or grant income is due.
- 7.6 The Chief Financial Officer may write off irrecoverable debts up to a limit of ~~£2540~~,000 in any one case. Irrecoverable debts in excess of this amount shall be referred to the Executive.

8.0 Contracts

- 8.1 All contracts made for and on behalf of the council shall be subject to the Contract Procedure Rules, these FPRs and any other statutory provision, except in circumstances where the council is acting as an agent for another organisation which specifically directs otherwise.
- 8.2 The Chief Financial Officer shall maintain a register of payments due and made under formal contracts over £50,000 to show the state of account on each contract between the council and the contractor, together with any other payments.
- 8.3 Payment on account of the contract sum shall be made only on a certificate signed by the appropriate budget holder. The certificate shall show, as a minimum, the total amount of the contract, the value of work executed to date, retention money, amount paid to date and the amount now certified.
- 8.4 Before a certificate for final payment under a contract is paid, the appropriate budget holder shall produce to the Chief Financial Officer a detailed written statement of account, together with such other documents as may be required.

- 8.5 Subject always to the council's Contract Procedure Rules in Part 4H of this Constitution, the appropriate budget holder shall be empowered to authorise a variation or addition to a contract. Where the variation or addition is estimated to result in a material increase, that is the higher of 5% of the contract value or £10,000, it must be approved in advance by the Chief Financial Officer.
- 8.6 Where completion of a contract is delayed, except for reasons qualifying for an extension of the contract, it shall be the duty of the budget holder to supply the Chief Financial Officer with all necessary information to allow the correct amount of Liquidated and Ascertained Damages to be claimed.

9.0 Treasury Management

- 9.1 The council has adopted the Chartered Institute of Public Finance and Accountancy (CIPFA) 'Code for Treasury Management in Local Authorities'. If deemed necessary, the Chief Financial Officer shall advise the Executive of any significant amendment to the CIPFA Code.
- 9.2 The Chief Financial Officer shall be authorised to make investment, borrowing and financing decisions on behalf and in the name of the council. All decisions shall be taken in accordance with the council's Treasury Management Investment Strategy.
- 9.3 All monies held by the council shall be aggregated for the purposes of treasury management and shall be under the control of the Chief Financial Officer.
- 9.4 All investments and borrowing, including for any trust administered by the council, shall be made in the name of the council and any deeds relating to such funds shall be deposited with the Monitoring Officer or otherwise as deemed appropriate by the Chief Financial Officer.
- 9.5 The Chief Financial Officer is given the authority to deal with any emergency situation that may arise in relation to any matters not already delegated within the Treasury Management Policy. Use of emergency authority will be reported at the next meeting of the Executive.

10.0 Staffing

- 10.1 The Head of Human Resources and Organisational Development shall make and control arrangements for the payment of salaries, wages, expenses and benefits to officers in accordance with the approved salary scales and wage rates.
- 10.2 The Head of Human Resources and Organisational Development shall be provided with the appropriate documentation required to ensure the payment of salaries, wages, pensions and other expenses due to officers.
- 10.3 All claims for payment must be made as soon as possible and in no circumstances should a claim be delayed for more than three months after the date on which the work was done or the expenses incurred.
- 10.4 Matters which affect officer payments shall be referred direct to the Head of Human Resources and Organisational Development. Notification shall include:
- (a) details of all appointments, resignations, dismissals, suspensions, secondments and transfers;
 - (b) details of any training;
 - (c) changes in remuneration except for national pay increases;
 - (d) absence from duty for sickness or other reason, apart from approved leave; and
 - (e) information necessary to maintain records for pension, income tax, national insurance and the like.
- 10.5 The Head of Human Resources and Organisational Development shall maintain appropriate records and make arrangements for the payment of sums due to Members in accordance with the Allowance Scheme approved by the Council.

11.0 Insurance

- 11.1 The Chief Financial Officer shall make and control arrangements for the provision of necessary insurance cover and for the negotiation of any insurance claims.
- 11.2 The Chief Financial Officer shall obtain competitive quotations from insurers for the provision of insurance at least every five years unless otherwise determined by the current contract term or the Executive.
- 11.3 All budget holders shall notify the Chief Financial Officer of all insurable risks arising from the activities carried out in their area of operation. Such notification shall include:
- (a) the acquisition of any property which is capable of insurance against fire or other risks;
 - (b) any amendment to the value of any council-owned asset likely to affect the insurable risk; and
 - (c) any insurable risk which may arise through the activities of Members or officers of the council.
- 11.4 All Heads of Service shall notify the Chief Financial Officer of the occurrence of any event which may give rise to a claim under any policy of insurance held by the council or to an ex gratia payment.
- 11.5 The Chief Financial Officer shall be authorised to make the appropriate reimbursement of any insurance claim up to the excess limit of the insurance policy concerned.
- 11.6 The Chief Financial Officer shall in consultation with the Head of Human Resources and Organisational Development be authorised to make appropriate ex gratia payments and write off the loss of any stores, equipment and other assets up to £1,000.
- 11.7 All appropriate officers of the council shall be included in a suitable fidelity guarantee insurance.
- 11.8 Officers shall consult the Chief Financial Officer in respect of the terms of any indemnity which the council is requested to give.

12.0 Property

- 12.1 The Head of Strategic Finance and Property is the council's Asset Registrar and shall maintain an asset register and associated records of all land and buildings owned, leased or managed by the council.
- 12.2 An annual report of vacant and underused properties owned by the council shall be made to the Executive.
- 12.3 The Monitoring Officer shall have custody of and keep all title deeds in a secure manner.
- 12.4 Where land or buildings are no longer required for their intended use the Asset Registrar shall report to the Executive on the suggested future use, or disposal, of the asset.
- 12.5 All officers shall be responsible for maintaining proper security of the officers and assets under their control.
- 12.6 The Chief Financial Officer shall be responsible for ensuring that adequate controls and security procedures are maintained in connection with the council's information technology systems and installations.

Appendix 1: Scheme of Financial Delegations

		Financial limits of delegation					
Financial action		Council	Executive	Chief Executive	Chief Financial Officer	Heads of Service	Budget holders
Budget-setting							
Annual approval of the Medium Term Financial Plan		No financial limit and no delegation of authority	No delegated authority	No delegated authority	No delegated authority	No delegated authority	No delegated authority
Approval of annual out-turn and subsequent required actions		No financial limit and no delegation of authority	No delegated authority	No delegated authority	No delegated authority	No delegated authority	No delegated authority
In-year capital funding approval		No financial limit	Up to £500,000	Up to £250,000	Up to £100,000	No delegated authority	No delegated authority
Management of approved budgets							
Expenditure within approved capital and revenue budgets		Delegated to officers	Delegated to officers	Delegated to budget holders	Delegated to budget holders	Delegated to budget holders	Up to approved budget
Authority to use ear-marked reserves		Delegated to officers	Delegated to officers	Delegated to Chief Financial Officer	No financial limit	No delegated authority	No delegated authority
Purchase order approval and/or contract award		Delegated to officers	Delegated to officers	No financial limit	Up to £500,000	Up to £100,000	No authority unless delegated by Head of Service
Payment of grants		Delegated to officers	Delegated to officers	No financial limit	Up to £500,000	Up to £100,000	No authority unless delegated by Head of Service
Virements within a service's approved budgets		Delegated to officers	Delegated to officers	No financial limit	Up to £100,000	Up to £50,000	No authority unless delegated by Head of Service
Virements across services, within overall approved budget levels		Delegated to officers	Delegated to officers	No financial limit	Up to £100,000	No delegated authority	No delegated authority
Write-offs / waivers of income due		No financial limit	Up to £100,000	Delegated to Chief Financial Officer / Heads of Service	Up to £25,000	Up to £5,000	No authority unless delegated by Head of Service
Insurance and other settlements		No financial limit	Up to £250,000	Up to £100,000	Up to £25,000	No delegated authority	No delegated authority

<u>Financial action</u>	<u>Council</u>	<u>Executive</u>	<u>Chief Executive / Deputy</u>	<u>Chief Financial Officer / Deputy</u>	<u>Heads of Service</u>	<u>Service Managers</u>	<u>Budget holders</u>
<u>Budget setting</u>	-	-	-	-	-	-	-
<u>Annual approval of the Medium Term Financial Plan</u>	<u>No financial limit and no delegation of authority</u>	<u>No delegated authority</u>	<u>No delegated authority</u>	<u>No delegated authority</u>	<u>No delegated authority</u>	<u>No delegated authority</u>	<u>No delegated authority</u>
<u>Approval of annual out-turn and subsequent required actions</u>	<u>No financial limit and no delegation of authority</u>	<u>No delegated authority</u>	<u>No delegated authority</u>	<u>No delegated authority</u>	<u>No delegated authority</u>	<u>No delegated authority</u>	<u>No delegated authority</u>
<u>In year capital funding approval</u>	<u>No financial limit</u>	<u>Up to £500,000</u>	<u>Up to £250,000</u>	<u>Up to £100,000</u>	<u>No delegated authority</u>	<u>No delegated authority</u>	<u>No delegated authority</u>
<u>Management of approved budgets</u>	-	-	-	-	-	-	-
<u>Expenditure within approved capital and revenue budgets</u>	<u>Delegated to officers</u>	<u>Delegated to officers</u>	<u>Delegated to budget holders</u>	<u>Delegated to budget holders</u>	<u>Delegated to budget holders</u>	<u>Delegated to budget holders</u>	<u>Up to approved budget</u>
<u>Authority to use earmarked reserves</u>	<u>Delegated to officers</u>	<u>Delegated to officers</u>	<u>Delegated to Chief Financial Officer</u>	<u>No financial limit</u>	<u>No delegated authority</u>	<u>No delegated authority</u>	<u>No delegated authority</u>
<u>Purchase order approval and/or contract award</u>	<u>Delegated to officers</u>	<u>Delegated to officers</u>	<u>No financial limit</u>	<u>No financial limit</u>	<u>Up to £500,000 & delegated to Service Managers, Budget Holders & Service Officers as per Authorised Signatory list</u>	<u>No authority unless delegated by Head of Service – Up to £100,000</u>	<u>No authority unless delegated by Head of Service – Up to £100,000</u>
<u>Payment of grants</u>	<u>Delegated to officers</u>	<u>Delegated to officers</u>	<u>No financial limit</u>	<u>No financial limit</u>	<u>Up to £500,000 & delegated to Service Managers, Budget Holders & Service Officers as per Authorised Signatory list</u>	<u>No authority unless delegated by Head of Service – Up to £100,000</u>	<u>No authority unless delegated by Head of Service – Up to £100,000</u>

<u>Virements within a service's approved budgets</u>	<u>Delegated to officers</u>	<u>Delegated to officers</u>	<u>No financial limit</u>	<u>Up to £500,000</u>	<u>Up to £100,000</u>	<u>No authority unless delegated by Head of Service – Up to £100,000</u>	<u>No authority unless delegated by Head of Service – Up to £100,000</u>
<u>Virements across services, within overall approved budget levels</u>	<u>Delegated to officers</u>	<u>Delegated to officers</u>	<u>No financial limit</u>	<u>Up to £500,000</u>	<u>No delegated authority</u>	<u>No delegated authority</u>	<u>No delegated authority</u>
<u>Write offs / waivers of income due</u>	<u>No financial limit</u>	<u>Up to £100,000</u>	<u>Delegated to Chief Financial Officer / Heads of Service</u>	<u>Up to £25,000</u>	<u>Up to £5,000 & delegated to Service Managers, Budget Holders & Service Officers as per Authorised Signatory list</u>	<u>No authority unless delegated by Head of Service – Up to £1,000</u>	<u>No authority unless delegated by Head of Service – Up to £1,000</u>
<u>Insurance and other settlements</u>	<u>No financial limit</u>	<u>No financial limit</u>	<u>Up to £100,000</u>	<u>Up to £25,000 & up to £5000 delegated to Insurance team for small claims</u>	<u>No Delegated authority</u>	<u>No delegated authority</u>	<u>No delegated authority</u>

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Part 4H - Contract Procedure Rules

1. Introduction

- 1.1 These contract procedure rules (CPRs) have been issued in accordance with Section 135 of the 1972 Local Government Act and adopted by East Herts Council to give consistency to procurement across the council.
- 1.2 Procurement is the process by which the council manages the acquisition of all goods, services and works. It includes the identification of need, consideration of options and the actual procurement process.
- 1.3 Officers responsible for purchasing on behalf of the council (herein terms 'officers' within this Part 4H of the Constitution) must comply with these CPRs. They provide the minimum requirements although a more thorough procedure may be appropriate for specific contracts.
- 1.4 These CPRs provide a framework for the procurement of all goods, services and works for the council. They are designed to ensure that all procurement activity is conducted with openness, probity and accountability. These CPRs are designed to ensure that the council obtains Value for Money and the required level of quality and performance in all contracts.
- 1.5 These CPRs must be read in conjunction with the relevant council's Constitution and the Procurement Strategy.
- 1.6 The disposal of assets and the acquisition, use and disposal of land and buildings are not covered by these CPRs and are to be considered alongside the Financial Procedure Rules.
- 1.7 For the purposes of these CPRs there is a requirement for all communication to be in writing except where otherwise specified. This shall be deemed to include electronic communication, use of e-procurement and ~~fax transmissions~~ ~~or~~ hard copy.

- 1.8 In the event of doubt as to the interpretation of the CPRs, take advice from the Monitoring Officer.

2. Basic principles

- 2.1 It is essential that the following EU Treaty Principles MUST be upheld in any procurement:

- (a) transparency – contract procedures must be transparent and contract opportunities must generally be publicised;
- (b) equal treatment and non-discrimination – potential suppliers must be treated equally;
- (c) proportionality – procurement procedures and decisions must be proportionate; and
- (d) mutual recognition – giving equal validity to qualifications and standards from other Member States, where appropriate.

- 2.2 In addition to the above, all procurement must:

- (a) comply with the council's Procurement Strategy, support the council's corporate and departmental aims, strategies, policies and procedure;
- (b) achieve value for public money spent;
- (c) be consistent with the highest standards of integrity
- (d) comply with relevant legal requirements;
- (e) be undertaken in a timely fashion;
- (f) ensure that nNon-commercial cConsiderations do not influence any cContracting dDecision; and
- (g) be conducted in a sustainable manner, taking environmental impact into account.

3. Exclusions

- 3.1 All Relevant Contracts must comply with these CPRs but some contracts which the council enters into are not defined as Relevant Contracts and so these CPRS do not automatically apply. These exclusions include:

- (a) the making of grant payments which are covered by the Financial Procedure Rules;
- (b) contracts of employment which make an individual a

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- direct employee of the council;
- (c) the engagement of counsel/advocates or other experts by the Legal Services Manager where such engagement falls outside an existing framework for the provision of legal services;
- ~~(d) contracts where delay will adversely impact on the service delivery of the council and there is a prior specialised knowledge of a particular building or asset;~~
- (de) agreements regarding the acquisition, disposal, or transfer of land. Further guidance must be sought from the Chief Financial Officer/Head of Strategic Finance and Property;
- (ef) the lending and borrowing of money, or
- (fg) the purchase or sale by auction or at public fairs and markets;
- (gh) the purchase of works of art or museum specimens, or
- (hi) agreements in relation to performers and artists at festivals and arts programming; and
- (ij) agreements under section 106 of the Town and Country Planning Act 1990 (as amended).

4. Exemptions

- 4.1 Where a contract is not excluded from these CPRs, that is, the CPRs are applicable, the council may still decide that all or part of these CPRs do not apply to a particular contract. If the council makes such a decision, this is termed an exemption from the CPRs.
- 4.2 It must be noted that if a proposed contract's value is likely to exceed the relevant EU Threshold then the council cannot apply any exemptions to these CPRs.
- 4.3 Exemptions are permissible if a proposed contract's value is likely to be below the EU Threshold but such exemptions must only be sought in exceptional circumstances. Any such exemption must be recorded as it counts as a Contracting Decision.
- 4.4 Exemptions relating to proposed contracts with a likely value of between £~~1050~~,001 and the EU Threshold must be approved by either the Procurment Manager, the Head of Strategic Finance and Property or the Monitoring

Officer. A record of all exemptions requested and approved will be kept by the Procurement Manager. by the officer and his or her Head of Service in consultation with the Head of Strategic Finance and Property. The officer must produce evidence to support the request for any exemption. The Head of Service shall prepare a report for the next Executive to support the action taken. The Head of Service shall keep records of all exemptions granted along with reasons and supporting evidence for such exemptions.

4.5 Exemptions relating to proposed contracts with a likely value below £50,000 must be approved by the officer and his or her Head of Service. The officer- requesting an exemption must produce evidence to support the request for any exemption. If the exemption is agreed the resulting contract must be recorded on the Central Contracts Register by completing an Award Notification Form. There is no requirement to report. The Head of Service shall keep records of all exemptions granted along with reasons and supporting evidence for such exemptions.

4.6 Exemptions are likely only to be granted in the following circumstances:

- (a) an unforeseeable emergency involving immediate risk to persons or property, or serious disruption to council services;
- (b) the goods or services are supplied at a fixed price or the prices are wholly controlled by trade organisations and the relevant Head of Service is satisfied that no satisfactory alternative is available;
- (c) Where exceptional circumstances clearly show it is the best interests of the Council to negotiate a new contract with an existing supplier. the works to be executed consist of repair or supply of parts of existing propriety machinery or plant;
- (d) the items to be supplied consist of goods or services which are currently in use and are required for the purposes of standardisation;
- (e) the specialised nature of the goods, services to be supplied or the works to be executed means that only one suitable supplier has been identified or is available;
- (f) emergency action is required and/or immediate repairs

- are required to buildings, structures and other assets damaged by fire, flood or vandalism;
- (g) unforeseen works or circumstances where delay will adversely impact on the service delivery for the council or access to external funds; or
- (h) ~~for a 'pilot' scheme where goods and services are procured on an experimental basis and considered to be the most appropriate approach for a particular scenario and where 'pilot' scheme is for a clearly defined period not exceeding 24 months and where agreed by relevant officer and the Procurement Manager.~~

4.7 If an exemption is sought which is not for any of the above reasons, advice must first be obtained from the Monitoring Officer in order to determine whether such an exemption can be applied. Exemptions for reasons not listed above will be acceptable only in exceptional circumstances.

5. Procurement thresholds and key requirements

5.1 Where the ~~t~~Total ~~v~~Value for procurement, for the whole contract length (-if no specific length assume 4 years) is within the values in the first column below, the ~~a~~Award ~~p~~Procedure in the second column and the key requirements in the third column must be followed:

Total Value (excluding VAT)	Award Procedure	Key Requirements
Up to £10,000	Go ahead (see section 9.1)	<ul style="list-style-type: none"> If assured of value for money; just buy it from <u>anywhere a supplier that can provide the requirement, such as ASDA, eBay, Amazon,</u>
<u>OR if a saving of more than the cost of the procurement might be achieved</u> £1,001-£10,000	Quick Quotation Procedure (see section 9.2)	<ul style="list-style-type: none"> Advertising through <u>Using</u> In-Tend e-procurement recommended Invite email or written qQuotations from a minimum of three suppliers No requirement to use fFormal qQuotation template.
£10,001 - £ 7550 ,000	Formal Quotation Procedure (see section 9.3)	<ul style="list-style-type: none"> Use of In-Tend e-procurement mandatory Invite a minimum of three qQuotations from three suppliers Use fFormal qQuotation template.
£ 7550 ,001 – EU Threshold	Formal Tender Procedure (see section 9.4)	<ul style="list-style-type: none"> Use of In-Tend e-procurement mandatory Use fFormal tTender template <u>(alternative templates for works may be used with approval from the procurement manager)</u> Offers to be invited by Tender using the open procedure methodology.

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above EU Threshold	EU Tender Procedure (see section 9.5)	<ul style="list-style-type: none"> • Must always consult the Procurement Manager and the Legal Services Manager • Use of In-Tend e-procurement mandatory.
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6. Officer responsibilities

- 6.1 Officers responsible for procurement must comply with these CPRs, Financial Procedure Rules, the Officers' Code of Conduct, and with all UK and European Union binding legal requirements. Officers must ensure that any Agent, Consultants and contractual partners acting on the council's behalf also comply.

6.2 | Before requesting qQuotations or inviting tTenders the officer must:

- (a) explore whether there is an alternative to buying the goods, services or works;
 - (b) check with the Procurement Manager whether a rRelevant East Herts cContract exists before seeking to enter into a further contract; if such a rRelevant cContract exists, this must be used unless there is an auditable reason not to;
 - (c) check with the Procurement Manager whether a suitable Framework Agreement is available from any Contracting Authority or a Professional Buying Organisations before starting a new procurement; where a suitable Framework Agreement exists, consideration must be given to procure from it unless there is an auditable reason not to;
 - (d) confirm that there is approval for the expenditure;
 - (e) seek timely procurement, legal, financial, and other professional advice; and
 - (f) keep records of all cContracting dDecisions taken.
- (g) include consideration of the carbon footprint within (a) the determination of whether to procure, (b) the specification for good and/or services to be procured and (c) the quality assessment of competing tenders.

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- 6.4 The officer must ensure that timely advice is sought from the Head of Legal and Democratic Services when any officer either of the council or of a service provider may be affected by the Transfer of Undertaking (Protection of Employment) Regulations 2006 (TUPE) issues before proceeding with inviting Tenders or Quotations.

7. Contract formalities

7.1 All contracts shall be in writing.

7.2 Advice from the Procurement Manager must be sought for the following contract types:

- (a) where the ~~t~~Total ~~y~~Value exceeds the EU Threshold;
- (b) those involving leasing arrangements; or
- (c) where it is proposed to use a supplier's own terms and conditions.

7.3 All contracts shall clearly specify:

- (a) what is to be supplied, that is, the works/supplies, materials, services, matters or things to be furnished, acquired or done;
- (b) the provisions for payment, that is, the price to be paid and when;
- (c) whether the price stated is inclusive or exclusive of Value Added Tax;
- (d) the time, or times, within which the contract is to be performed; and
- (e) the applicable terms and conditions, including, though not limited to, the provisions for the council to terminate the contract.

8. Procedure

8.1 Specification and Award Criteria

8.1.1 The officer must prepare a specification document that describes the council's requirements in sufficient detail to enable the submission of competitive offers before starting a procurement process. The specification document must include performance targets and/or the criteria for acceptance and must be outcome or output based.

8.1.2 Consideration must also be given by the officer to economic~~al~~, environmental and social benefits of any proposed procurement to include consulting stakeholders where appropriate. Further information and advice can be obtained from the Procurement Manager.

8.1.3 The officer must define aAward cCriteria and any sub criteria that are appropriate to the procurement and designed to secure an outcome giving vValue for mMoney for the council. The basic criterion should be:

- (a) 'lowest price'; or
- (b) 'most economically advantageous', where considerations such as quality other than price also apply.

8.1.4 Award Criteria must not include:

- (a) considerations that are in conflict with the principles of effective procurement as laid out in section 2 above;
- (b) matters which discriminate against suppliers from the European Economic Area or signatories to the Government Procurement Agreement; nor
- (c) other nNon-commercial cConsiderations.

8.1.5 Good practice requires that quoted prices or tendered prices must not be altered without justification. However where there is a risk that a priced document may be subject to computational errors then the officer must decide, at the time that the specification is agreed, how such errors will be treated and this should be detailed within the specification. Further advice can be obtained from the Procurement Manager.

8.2 Advertisement of Quotation or Tender opportunities

8.2.1 Officers shall ensure that a sufficiently accessible advertisement is published to generate the appropriate level of interest in the contract. In addition to advertisement through Contracts Finder, advertising may utilise:

- (a) portal websites specifically created for contract advertisements;
- (b) Construction Line or similar specialist portal websites created for contract advertisements;
- (c) the council's website;
- (d) the council's Twitter account;
- (e) national official journals; and
- (f) the Official Journal of the European Union (OJEU), Tenders Electronic Daily (TED) (even if there is no

requirement within the EU Procedure).

- 8.2.2 The officer must ensure ~~to give b~~Bidders have an adequate time period in which to prepare and submit a qQuotation or tTender consistent with the complexity of the contract requirement. Advice must be sought from the Procurement Manager but the following are recommended:

Quick Quotation	10 Calendar Days
Formal Quotation	28 Calendar Days
Formal Tender	28 Calendar Days
EU Tender	The timescales are prescribed and vary according to procedure utilised

- 8.2.3 No qQuotation or tTender received after the date and time indicated in the rRequest for qQuotation or iInvitation to tTender shall be accepted or considered, other than in exceptional circumstances and the officer must consult with the Monitoring Officer and Procurement Manager.

9. Award procedure and detailed requirements

- 9.1 Go ahead may be used (Up to £10,000)

- 9.1.1 Where the estimated value of goods, works or services to be supplied is less than £10,000 the officer must be satisfied that the arrangements made secure the best available terms for the council, and that due consideration has been made to section 6.

- 9.2 **Quick Quotation procedure (~~£1,001–~~Up to £10,000)**

- 9.2.1 ~~All requests for a Quotation where the contract has a value of under £10,000 shall be subject to the council's Standard Terms and Conditions unless other terms and conditions have been approved by an officer of the council's Legal Service. Where it is believed that a saving can be achieved by putting a requirement out to quote then the quick quote process should be used~~

- 9.2.2 Officers should aim to contract under the councils terms and conditions if market conditions allow. MUST be able to evidence that Quotations were sought from at least three suppliers.

9.2.3 Officers are encouraged to use the In-Tend e-procurement portal.

9.2.4 If e-procurement has not been used then the officer must ensure that:

- (a) the date and time of receipt of each **q**Quotation is suitably recorded;
- (b) the details of the **q**Quotation are not disclosed to any interested party;
- (c) there are no changes or amendments to the **q**Quotation after submission; and
- (d) all **q**Quotations are evaluated at the same time and that each **b**Bidder is simultaneously advised in writing of the outcome.

9.3 Formal Quotation procedure (£10,001- £~~7550~~,000)

9.3.1 The **r**Request for a **f**Formal **q**Quotation shall be issued through the In-Tend e-procurement portal using the council's standard template as appropriate for supplies, services or works, making clear the appropriate terms and conditions of contract as agreed with the council's Legal service. This approach will make clear that no **f**Formal **q**Quotation will be considered unless it is received by the date, time and method stipulated.

9.3.2 All organisations invited to provide a **q**Quotation must be issued with the same information at the same time and subject to the same conditions.

9.3.3 A minimum of three **f**Formal **q**Quotations shall be invited where the officer is satisfied that competitive **q**Quotations will be received from those three. Where the officer is unsure of the market, consideration may be given to using an open process provided the officer is satisfied that this will not generate an excessive volume of responses. It is vital that at least two compliant bids are received to evidence appropriate invitations to quote where made.

9.3.4 Providing **c**Clarification of a **r**Request for a **q**Quotation to a **b**Bidder is permitted and is provided for within In-Tend e-procurement.

9.3.5 The officer must consult with the Procurement Manager concerning the allocation of roles within the In-Tend e-procurement.

9.3.6 For the receipt and opening of a ~~f~~Formal ~~q~~Quotation there must be strict compliance with the requirements of In-Tend e-procurement.

9.3.7 If you believe the market will not support or respond to a formal quotation you may request authority from the Procurment manager to use the quick quote process as an alternative.

9.4 Formal Tender procedure (£~~50~~75,001- EU Threshold)

9.4.1 All procurement above £~~7550~~,0010 shall be conducted in accordance with advice from the Procurement Manager and shall involve seeking offers through a ~~t~~Tender process in line with an open procurement approach.

9.4.2 ~~In all cases, t~~he In-Tend e-procurement system ~~should~~must be used.

9.5 Tender procedure

9.5.1 The exact procedure will vary depending on the procurement method employed, however, all stages of the process will be conducted through the In-Tend e-procurement portal and shall specify the supplies, services or works that are required together with the appropriate terms and conditions of contract. It should be made clear that no submission will be considered unless it is submitted via the In-Tend e-procurement portal.

9.5.2 All organisations invited to participate in the procurement process must be issued with the same information at the same time and subject to the same conditions. All dialogue with ~~b~~Bidders during the process must be dealt with and/or recorded using the In-Tend e-procurement portal.

9.5.3 Providing Clarification of any matter within the procurement process is permitted and is provided for within the In-Tend e-procurement.

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9.5.4 For the receipt, opening and/or handling of any submission made within the procurement process, there must be compliance with In-Tend e-procurement.

9.5.5 The officer must ensure that any contract is awarded in line with the delegated authority levels set out in the Financial Procedure Rules.

9.6 EU (European Union) Tender Procedure (above EU Threshold)

9.6.1 All procurement above the EU Thresholds shall be conducted in accordance with the advice given in section 9.4 above, save that additional options are available, these being:

- open tender;
- restricted tender;
- competitive dialogue; or
- competitive dialogue with negotiation.

9.6.2 Furthermore, no procurement above the EU Thresholds shall proceed until the Procurement Manager has approved the proposed procedure process. Provisions, such as those relating to the receipt and opening of tenders, must be followed exactly in accordance with the legislation.

9.6.3 All transactions exceeding the EU Thresholds must be conducted in accordance with EU Procedures and must be advertised in the Official Journal of the European Union (OJEU) which is available for contractors in all member states to see and respond to. Strict rules govern the process in relation to timescales, descriptions and selection procedures and these are in addition to these contract procedure rules. Breaches of EU Procurement Rules are subject to harsh penalties for the council. Advice must be sought from the Procurement Manager in all circumstances where there is a likelihood of the EU Thresholds being exceeded.

10. Collaborative arrangements

10.1 In order to secure value for money, the council may enter into collaborative procurement arrangements. The officer must consult with the Procurement Manager in these circumstances.

- 10.2 All procurement made via a local authority procurement consortium or a Professional Buying Organisation (PBO) are deemed to comply with these CPRs and no exemption is required. However, procurements above the EU Threshold must be let under the EU Procedure, unless the consortium has satisfied this requirement already by letting its contract in accordance with the EU Procedures on behalf of the council and other consortium members.
- 10.3 Any contracts entered into through collaboration with other local authorities or other public bodies, where a competitive process has been followed that complies with the CPRs of the leading organisation, will be deemed to comply with these CPRs and no exemption is required. However, advice must be sought from the Procurement Manager.
- 10.4 Framework Agreements
- 10.4.1 A Framework Agreement may be entered into with one provider, or, where an agreement is concluded with several organisations, there must be at least three providers. Advice must be sought from the Procurement Manager when a Framework Agreement is being considered. Contracts based on Framework Agreements may be awarded by either:
- (a) direct call off – applying the terms laid down in the Framework Agreement (where such terms are sufficiently precise to cover the particular call-off) without reopening competition; or
 - (b) mini competition – where the terms laid down in the Framework Agreement are not precise enough or complete for the particular call-off, by holding a mini competition.

11. Records and safekeeping

- 11.1 It is essential that for every procurement exercise a record is kept by the officer. Where the In-Tend e-procurement has been used then the system retains the records from after the **r**Request to **q**Quote or **i**Invitation to **t**Tender has been issued up to the **c**Contract **a**Award.
- 11.2 Where the **t**Total **v**alue does not exceed £**755**0,000, the

following records must be kept:

- (a) request to qQuote and qQuotations (including name of bBidder and price);
- (b) any exemption and the reason for them;
- (c) any cClarification question and the answer;
- (d) Award cCriteria if the award is most economically advantageous; and
- (e) written records or communications with the successful bBidder or an electronic record if written record of the transaction would normally not be produced.
- (f) Award notification form to be completed and sent to the procurement team to enable the cCentral cContracts Register to be updated.

11.3 Where the Total Value exceeds £5075,000 the officer must record:

- (a) the method for obtaining bids;
- (b) pre-Tender market research;
- (c) any cContracting dDecision and the reasons for it;
- (d) any exemption together with the reasons for it;
- (e) the aAward cCriteria in descending order of importance and any sub criteria;
- (f) the iInvitation to tTender sent to and received from the bBidder;
- (g) Clarification and post-tTender negotiation (to include minutes of meetings);
- (h) the contract documents;
- (i) post-contract evaluation and monitoring; and
- (j) communications with the bBidder and with the successful contractor throughout the period of the contract.
- (k) Award notification form to be completed and sent to the procurement team to enable the Central Contracts Register to be updated. Also a copy of the final contract to be provided to procurement for safekeeping

11.4 Records which relate to an unsuccessful Tender must be kept for a minimum period of one year from the start of the Contract.

11.5 Contracting Decisions and Post Tender Negotiation with the successful Bidder must be retained for one year after the term

of the contract has expired whilst all other records must be retained for six years after the term of the contract has expired unless the contract is under seal when they must be retained for 12 years after the term of the contract has expired.

11.6 Details of all ~~Renewable c~~Contracts ~~(regardless of value)~~with a value over £5,000 ~~are and~~ shall be held on a ~~c~~Contracts ~~r~~Register by the Procurement Manager to include:

- (a) the title of the contract and reference number;
- (b) the parties to the contract;
- (c) the name of the service and contract manager primarily responsible for the contract;
- (d) the estimated Total Value of the contract ~~or the estimated annual spend or budget;~~
- (e) a description of the good, services and/or works provided
- (e) the start date, end date, review dates and any date to which the contract may be extended; and
- (f) the procurement method to include details of any Framework Agreement.

11.7 The original executed and completed copy of all contracts over the value of £~~5075~~,001~~0~~ and all contracts over the EU Threshold shall be passed to the council's Legal service for safe-keeping.

11.8 Heads of Service shall be responsible for the safekeeping of all other contracts falling within their designated functions.

11.9 Officers shall provide the Procurement Manager with a scanned copy of any completed contract as soon as practicable.

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12. Evaluation, award of contract, and debriefing bidders

12.1 Apart from the debriefing required or permitted by these CPRs, the confidentiality of ~~q~~Quotations, ~~t~~enders and the identity of ~~b~~Bidders must be preserved at all times and information about one Bidder's response must not be given to another Bidder.

12.2 Contracts must be evaluated and awarded in accordance with the ~~a~~Award ~~c~~Criteria. During this process, officers shall ensure that submitted prices are compared with any pre-process

estimates and that any discrepancies are examined and resolved satisfactorily.

- 12.3 The arithmetic in compliant **q**Quotations or **t**Tenders must be checked. If arithmetical errors are found in the lowest or most economically advantageous bid, then advice must be sought from the Procurement Manager before they must be notified to the **b**Bidder. Further the **r**Request to **q**Quote or **i**Invitation to **t**Tender must be reviewed to ascertain the procedure in these circumstances.
- 12.4 Officers may accept the receipt of **q**Quotations and **t**Tenders in respect of proposed contracts, provided that they have been sought and evaluated fully in accordance with these CPRs and they do not exceed the budget provision. Unless all **t**Tenders are required to be vetted as part of the selection process, only the successful **b**Bidder will be subject to the appropriate **f**Financial **Vettingchecking**.
- 12.5 Where the **t**Total **v**Value is above the EU Threshold, the officer must notify all Bidders simultaneously and as soon as possible of the intention to award the contract to the successful **b**Bidder. The officer must provide unsuccessful **b**Bidders with a period of time in line with the requirements of the Public Contracts Regulations 2015, typically at least ten days, in which to challenge the decision before the officer awards the contract. If the decision is challenged by an unsuccessful Bidder, then the officer shall not award the contract and shall immediately seek the advice of the Legal Services Manager.
- 12.6 The officer shall debrief in writing all those Bidders who submitted a Tender about the characteristics and relative advantages of the leading Tenderer. No information, other than the following, must be given without taking the advice of the Procurement Manager:
 - (a) how the **a**Award **c**Criteria **w**as **e**re applied; and
 - (b) the prices or range of prices submitted, in either case not correlated to **b**Bidders' names.
- 12.7 If a **b**Bidder requests in writing the reasons for any **c**Contracting **d**Decision (to include those deselected in any pre-Tender shortlisting process) the officer must give the reasons in writing

within 15 days of receipt of the request. Guidance must be sought from the Procurement Manager.

13. Post-Tender negotiation may only be used on quotes and tenders below the EU threshold

13.1 Post-Tender negotiation ~~means~~ refers to discussions with a ~~b~~Bidder, or a number of ~~b~~Bidders, and can be a useful tool in making improvements to ~~q~~Quotations or ~~t~~Tenders. It can ensure that the council obtains ~~true~~ value for money by purchasing an acceptable finished product at a competitive but fair market price, within the time stipulated. It can also ensure that potential suppliers have no misunderstandings as to their exact obligations under the terms of any contract.

13.2 Advice must be obtained from the Procurement Manager- prior to entering into any ~~p~~Post-~~t~~Tender ~~n~~Negotiations. Where post-~~t~~Tender negotiation results in a material change to the specification (or contract terms) the contract must not be awarded and must be re-tendered.

13.3 Negotiations must not take place unless the ~~f~~Formal ~~q~~Quotation or ~~t~~Tender specifically reserves the right to do so. Any negotiations will occur following the closing date for receipt of ~~q~~Quotations or ~~t~~Tenders but before award of the contract.

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Appendix C – inferred changes to standing orders arising from Coronavirus legislation

- 1.1 References in the Constitution to meetings of the Council, its Committees and Joint Committees, and to Panels, Working Groups and Task and Finish Groups will include for so long as reasonably necessary, and in accordance with any protocol for remote meetings determined by the Chief Executive in consultation with the Leader, be to virtual meetings.
- 1.2 Where a meeting is to be held as a virtual meeting in accordance with such protocol, references to issuing a summons to meetings will be to a summons to attend a virtual meeting.
- 1.3 Attendance at such meetings will be satisfied by remote attendance.
- 1.4 The Council's procedure rules are, by inference, amended by the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

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East Herts Council Report

Council

Date of Meeting: 13 May 2020

Report by: James Ellis, Head of Legal and Democratic Services

Report title: Review of Scheme of Members' Allowances 2020

Ward(s) affected: All

Summary

The Council's Independent Remuneration Panel has made recommendations for adoption of a scheme of allowances to be paid to Members. The report below has been compiled by a majority of members of the Panel, and is presented by the Head of Legal and Democratic Services on the Panel's behalf.

RECOMMENDATIONS: that Council approve:

- (a) an increase in the Basic Allowance of 2.5% from £5,375 to £5,509;**
- (b) an increase in all Special Responsibility Allowances by 2.5%, as shown at Appendix A;**
- (c) that dependants' carers' allowance be increased from £10.15 per hour to £15 per hour, and in relation to childcare, that it be increased from £9 per hour to £10 per hour, and in respect of both such allowances that the Head of Legal and Democratic Services be authorised to exercise discretion to pay a higher amount if requested; and**
- (d) that travel and subsistence allowances remain the same as the rates applicable to staff.**

1.0 Proposals of the Panel

- 1.1 The panel concluded that it was appropriate to recommend an increase to allowances for the reasons set out below.

2.0 Background

- 2.1 The Independent Remuneration Panel for East Herts Council's review of Member Allowances in 2020 comprised Nicholas Moss (Chairman for 2020 review), Christopher Leage, Jonathan Pool and Glenn Sexton. This report has been submitted on behalf of the majority of the Panel members (Mr Pool having dissociated himself from the report).
- 2.2 The Council's Independent Remuneration Panel has conducted a review of Members' allowances pursuant to the Local Authorities (Members' Allowances) Regulations 2003. The Panel met three times, on 27 January 2020, 18 February 2020 and 12 March 2020. It considered the current allowances and whether or not they should recommend a reduction, recommend the status quo or recommend an increase.
- 2.3 During its deliberations the Panel took evidence from the Leader of the Council, Councillor Linda Haysey and from the Leader of the majority opposition Group, Councillor Mione Goldspink. Both Members' contributions were helpful in enabling the Panel to establish afresh the nature of the work of all Members of the authority – backbench councillors as well as those holding positions of special responsibility. In addition, the Panel reviewed material provided by Officers and Panel members setting out payments made to Members of other authorities in Hertfordshire and elsewhere. It took into account also the experience of independent panel members who serve on the Panels of other authorities in the County. This, the Panel, felt, enabled a suitably broad assessment of the allowances for members of East Herts Council. The Panel did not consider it was necessary to conduct a survey of all members of the authority on this occasion. Moreover, such an initiative would have been impractical as the Panel was not

commissioned until relatively late in the civic year.

- 2.4 Regarding basic allowance, the Panel had in mind the date of the last increase, of 2%, in July 2018 and that there had been no change since then. The Panel noted there had been a staff pay award for an increase of 2% in both 2018 and 2019, but that Members' allowances had not increased in 2019. The Panel took into account the range of basic allowances payable to councillors in other Hertfordshire districts and, generally, inflationary increases over that period. It took into account also the long established principle that a significant part of councillors' work should be voluntary. Balancing these considerations, the Panel felt that an increase of 2.5% on the basic allowance was equitable.
- 2.5 Regarding special responsibility allowance (SRA), the Panel noted that there was a range of roles within this category: Leader, Deputy Leader, Executive Member and Committee Chairman, Committee Vice Chairman and Leader of a minority political group. Consistent with the regulations, the Panel took account of the additional work carried out by Members occupying these roles. As with the basic allowance, the Panel took into account, also, the evidence available to it, and concluded that (a) the differentials as between the roles attracting this allowance should be maintained; and (b) the level of increase payable for the basic allowance should be reflected also, at that level, as an increase in the SRA for these roles.
- 2.6 The Panel noted that a new Committee – the Financial Sustainability Committee – had been established, and that the former Performance, Audit and Governance Scrutiny Committee (PAGS) had, in May 2019, become the Performance, Audit and Governance Oversight Committee (PAGO). In relation to the Financial Sustainability Committee, the Panel took into account the evidence from the Leader of the Council that this was a new Committee whose operation had yet to be assessed. In the light of that information, the Panel decided that there should be no SRA for the new Financial Sustainability Committee's chairman.

- 2.7 The Panel noted that the SRA for the Chairman of the PAGO Committee had been determined by the former Head of Strategic Finance to be the same level as the SRA as it had been previously for the PAGS Committee. The Panel came to the view that the change in the committee's function had no material effect on the considerations that led to its recommendation for no change in the basis of the payment to the Chairman of this committee.
- 2.8 Dependants' carers' allowance – the Panel recognised the importance of ensuring that allowances were at a level that would not leave claimants out of pocket and that potential candidates should not be deterred from seeking election. It noted that neither allowance had been increased for some time, while costs of care had increased. It felt that the childcare allowance would bear a small increase but that the dependant carers' allowance should be significantly greater to reflect the reality of the market place. In recommending the sums, the Panel felt that it was appropriate to allow officers to exercise discretion to authorise the payment of a higher sum for the carers' allowance than that recommended where appropriate. As before, both payments would be authorised only on production of evidence of expense incurred.
- 2.9 Travelling and Subsistence allowance – the Panel was content to continue to link reimbursements for travel and subsistence to the arrangements applicable to staff of the authority. The Panel explored the possibility of providing a distinct rate for use of electric vehicles. However, the panel decided to keep the rate for electric and non-electric vehicles the same as it became aware that there was no distinction in the reimbursement payable to staff who drove electric and non-electric vehicles because of the availability of a pool of electric vehicles for staff and Member use. The panel noted the scheme did not provide for a passenger rate payable to the driver where giving a lift to one or more passengers, and recommended expressly including such provision at a rate of £0.05p per mile (as provided for in the East Herts staff travel scheme), in the interests of encouraging car sharing where practical, in support

of environmental considerations.

- 2.10 Additional points – the civic allowance. Any payment to a civic leader (e.g. Council Chairman) is not covered in the Regulations. However, the Panel was invited to review the payments made to the Chairman of East Herts Council as part of its review. The Panel noted that the Chairman received an allowance and that s/he had available, also, a budget to meet costs incurred in discharging his/her civic leadership responsibilities.
- 2.11 The Panel decided that it would be perverse not to recommend the same level of allowance increase to this post holder as it has recommended to those who receive SRAs under the regulations. In respect of the Chairman's budget – a payment separate from and in addition to the allowance - the Panel concluded that this arrangement was outside its terms of reference. This, it felt, was a matter for Officers to consider.
- 2.12 The Panel was invited to consider whether or not an element of the basic allowance should be regarded as an IT allowance, or whether Members should receive an additional IT allowance. The Panel noted that the legislation required that the amount of basic allowance must be the same for each Member. Provision of an additional IT allowance was outside the legislation. Nevertheless, it gave consideration to the point and concluded that if an element of the basic allowance were to be attributable to an IT allowance to enable them to buy IT equipment (1) it was unfair to make Members, in effect, take a reduction in their allowance by expecting them to use part of it to pay for equipment that they needed to do their job as councillors, (2) it did not consider there was any incentive to agree to a deduction in the basic allowance to be compensated for by being provided with equipment that they could keep after four years, when quite possibly it would be obsolete and quite possibly of limited value and (3) some Members did not use equipment and it would be a further disbenefit to regard any part of the allowance as being earmarked for IT purposes.
- 2.13 Duties for which expenses can be claimed – the Panel came to the view that the list of approved duties in respect of Executive

Members' eligibility to claim expenses merited clarification. The Panel felt that it was appropriate that Executive Members could claim for attendance at meetings undertaken in respect of such duties. The Panel considered also the process for authorising these any other expense claims. It concluded that this was properly a matter for officers by reference to Schedule 1, the list of approved duties.

- 2.14 The Panel did not think it was necessary to recommend any other changes to the arrangements for claiming expenses.
- 2.15 The Panel considered whether or not it should recommend that the increases in allowances proposed should be subject to automatic indexation (as provided for in Regulation **10**[4]) for a period of up to four years. It concluded that such an approach would not be appropriate on this occasion. It came to this view on the grounds that there was a current review taking place of the function of the scrutiny Committee and the fact of the establishment of two new committees. In these circumstances the Panel felt that a review of payments made to the Chairmen of these committees would, perhaps, warrant review within the next twelve months or so. Thus, the Panel's recommendations cover only the civic year 2020-2021.

3.0 Reason(s)

- 3.1 Regarding the basic allowance and SRAs to which an increase of 2.5% is proposed: to accommodate the year 2019/20 in which there had been no increase; to maintain the basic allowance within an equitable band; and to reflect an allowance broadly on a par with the average in Hertfordshire.
- 3.2 Regarding the dependants' carers' allowance increases, to reflect the fact that comparative figures for such costs justified setting them at a higher amount.

4.0 Options

- 4.1 To recommend no change to the allowances – this option was

REJECTED as the Panel considered it would be inequitable that Members' allowances should not reflect, in part, increases to the staff pay and the cost of living as indicated in the Consumer Price Index.

5.0 Risks

- 5.1 It is in the public interest that elected representatives to a district council are not debarred from carrying out their duties through financial detriment (taking into account a public service discount applied when allowances are calculated). It is also in the public interest that members of the public should not be deterred from standing as councillors due to potential financial detriment. If an inadequate scheme of allowances were to be adopted, there would be a risk that Members or the public would not be willing or able to serve as elected representatives or to be potential candidates for local elections.

6.0 Implications/Consultations

- 6.1 Please see the following:

Community Safety

No

Data Protection

No

Equalities

Yes, the recommendations include provision for ensuring reimbursement of reasonable expenses for dependants' carers, to avoid deterring individuals from standing for office, where they have caring commitments might otherwise prevent them from carrying out their duties as Members.

Environmental Sustainability

No

Financial

Yes - in 2018/19, a total of £380,404 (Basic Allowance £260,500, Special Responsibilities Allowance £111,954 and Civic Allowance £7,950) was paid out for Members' allowances and £16,638 for Members' expenses. In 2019/20 a total of £408,833 (Basic Allowance £266,593, Special Responsibility Allowance £134,290 and Civic Allowance £7,950) was paid out for Members' allowances and £16,601 for Members' expenses. The cost of implementation of the recommendations regarding basic and special responsibility allowance would amount to £426,290 (Basic Allowance £275,469, Special Responsibility Allowance £142,672 and Civic Allowance £8,149)

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

Yes – the scheme of allowances must comply with the Local Government and Housing Act 1989 and The Local Authorities (Members' Allowances) (England) Regulations 2003. The regulations require the Council to have a scheme of allowances, and to have regard to the recommendations of an independent remuneration panel.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 No background papers other than:

Appendix 1 – table of recommended changes

Appendix 2 – tracked changes to approved duties

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Appendix A - Proposals for 2020/21

	Current	Recommend increase of 2.5%	Proposed
	£	£	£
Basic Allowance	5,375	134	5,509
Special Responsibility Allowances			
Leader	19,767	494	20,261
Deputy Leader	12,226	306	12,532
Executive Member	9,781	245	10,026
Committee Chairmen			
Development Management Committee	7,336	183.4	7,519
Licensing Committee	6,051	151	6,202
Human Resources Committee	4,842	121	4,963
Overview and Scrutiny Committee	6,464	162	6,626
Performance, Audit and Governance Over	6,464	162	6,626
Financial Sustainability Committee	0	0	0
Committee Vice Chairman			
Development Management Committee	2,200	55	2,255
Leader of a minority political group	A factor of 0.1 of the Basic Allowance, multiplied by the number of Members	Recommend retain this calculation	
Mileage allowance			
Vehicles	£0.45p per mile*	no change	
Passenger rate for car share			£0.05p per mile
Motorcycles			£0.24p per mile
Bicycles	£0.20p per mile	no change	
* for the first 10,000 miles			
Dependants' Carers' Allowance	£10.15		£15.00 per hour **
Childcare	£9.00		£10.00 per hour **

** At the discretion of the Head of Legal and Democratic Services to agree a higher hourly payment if requested

		Recommend increase of 2.5%	
Civic Allowances			
Chairman of the Council	6,500	162.5	6,663
Vice-Chairman of the Council	1,450	36.25	1,486

Subsistence

The same as for staff. No change proposed, so as set out in existing scheme of allowances

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Part 6 – Members’ Allowances Scheme

LOCAL GOVERNMENT AND HOUSING ACT 1989

AND

**LOCAL AUTHORITIES (MEMBERS’ ALLOWANCES)
REGULATIONS 1993 (AS AMENDED)**

**MEMBERS’ ALLOWANCES SCHEME
(including Special Responsibility Allowances)**

(Revised May 2020)

1.0 Introduction

- 1.1 This scheme is made by East Hertfordshire Council (“the Council”) pursuant to the Local Authorities (Members’ Allowances) (England) Regulations 2003. It was approved by the Council on [date to be added] after having regard to the recommendations of the Independent Remuneration Panel.
- 1.2 The scheme will apply for the civic year from the next day after the meeting of the Council to the date of the next annual meeting of the Council, unless the Council decides otherwise.

2.0 Basic Allowance

- 2.1 Subject to paragraphs 9 and 10 below, for each year a basic allowance shall be paid to each Member as set out in Schedule 1 to the scheme.
- 2.2 The basic allowance includes incidental costs such as stationery, printing, telephone and broadband.
- 2.3 The basic allowance will be paid in equal instalments on the 15th day of each month.

3.0 Special Responsibility Allowance (SRA)

- 3.1 Subject to paragraphs 9 and 10 below, for each year a SRA shall be paid to those Members who hold the special responsibilities that are set out in Schedule 1 to the scheme.
- 3.2 Members will be restricted to receiving only one SRA (that of the higher value) if they occupy two or more posts which attract SRAs.
- 3.3 The SRA is to be paid in equal instalments on the 15th day of each month, except in the case of the Chairman and Vice Chairman of the Council, whose respective civic allowances will usually be paid in a lump sum on the 15th day of the month following their taking office.

4.0 Indexation

- 4.1 Neither the basic allowance nor any SRA is index linked.

5.0 Travel and Subsistence Allowance

- 5.1 Members may claim travel allowance in respect of their travel to and from meetings covered by approved duties, as set out in Schedule 2.

- 5.2 Travel allowances in connection with attendance at approved duties may be claimed, subject to the following:

- (a) the claim must be for actual mileage incurred/actual public transport used; and
- (b) the base for starting and finishing all journeys will normally be the member's home address, provided that the home address is within the District or an adjacent District/Borough.

- 5.3 Subsistence allowances in connection with attendance at approved duties may be claimed, subject to the following. Members are able to claim subsistence allowances where they are prevented by official duties from taking a meal at home or other place where normally taken. Claims will not be permitted where refreshment has been provided by the meeting organiser.

- 5.4 VAT receipts for the purchase of fuel must be provided with all claims for travel expenses. Receipts must be provided for all subsistence/hotel accommodation/public transport claims and evidence of any expenditure incurred on parking fees when using a vehicle on an approved duty. (Any motoring financial penalties incurred will not be reimbursed.)

- 5.5 Details of the rates of travel and subsistence allowances are set out in Schedule 1. The rates are index linked to the rates payable to officers.

6.0 Child Care and Dependant Carers' Allowance

- 6.1 Contribution towards costs incurred for the provision of care may be claimed, at the rates set out in Schedule 1, in

respect of care costs incurred due to attendance at approved duties. Claims are subject to the following.

- 6.2 The principle of providing the allowance is to allow members who are carers to undertake their duties and to allow others who might otherwise be deterred from Council membership by virtue of caring responsibilities to consider standing for election. Contributions in 6.1 above will be paid towards care in respect of:

- (a) children aged 14 or under;
- (b) a dependant, that is, someone who relies on the member for care (the member's spouse, partner, child, parent, dependant relative or someone who lives in the same household as the member but who is not his or her employee, tenant, lodger or boarder);

In each case, the dependant must normally live with the Member as part of the family and be unable to be left unsupervised. The carer can be any responsible mature person who does not normally live with the claimant as part of the family. The allowance should not be payable in respect of members of the member's immediate and close family.

- | 6.3 Evidence of qualifying expenditure~~Receipts~~ must be provided for all carer claims.

7.0 Pensions

- 7.1 No Members be admitted to the Local Government Pension Scheme.

8.0 Renunciation

- 8.1 A Member may by notice in writing given to the Head of Legal and Democratic Services elect to forego any part of their entitlement to an allowance under this scheme.

9.0 Part Year Entitlements

- 9.1 Where a Member's term of office begins or ends, or the holding of a special responsibility begins or ends, part way in the civic year, then the entitlement to any allowances due to a Member will be in the same proportion as the number of days served in the year.
- 9.2 When an amendment to this scheme changes the amount to which a Member is entitled, then the existing rates are payable ending with the day before the amendment takes effect.
- 9.3 The s151 Officer is authorised to determine allowance entitlements in circumstances where:
- (a) the scheme of allowances is amended at any time throughout the year;
 - (b) an individual ceases to be a Member, or an individual is elected to the office of Councillor of East Hertfordshire Council;
 - (c) a new chairmanship of a Committee or Panel is created, with reference to the lowest relevant comparable allowance until review by the Panel.

11.0 Claims

- 11.1 Claims should be made using the method prescribed by the council, on a monthly basis. Claims submitted by the fifth day of the month will usually be processed for payment on the 15th day of that month. Claims received after the 5th day will be processed for payment in the following month.
- 11.2 ~~Receipts~~ evidence of expense incurred as described in paragraphs 5.4 and 6.3 above, must accompany each claim.
- 11.3 In accordance with the Council's Financial Regulations, claims for duties performed more than three months ago are not permitted.

12.0 Record of Allowances

- 12.1 The Head of Human Resources and Organisational Development shall keep a record of all payments made to all Members in accordance with the scheme and the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2003. Such records shall be available for public inspection free of charge at all reasonable times during usual office hours.
- 12.2 The Head of Legal and Democratic Services will publish on the Council's website the required notice under the Regulations providing summary information on the payments made under the scheme each year.

SCHEDULE 1

Proposals for 2020/21				
	Current	Recommend increase of 2.5%	Proposed	
Basic Allowance	5,375	134	5,509	
Special Responsibility Allowances		Recommend increase of 2.5%		
Leader	19,767	494	20,261	
Deputy Leader	12,226	306	12,532	
Executive Member	9,781	245	10,026	
Committee Chairmen				
Development Management Committee	7,336	183.4	7,519	
Licensing Committee	6,051	151	6,202	
Human Resources Committee	4,842	121	4,963	
Overview and Scrutiny Committee	6,464	162	6,626	
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Financial Sustainability Committee	0	0	0	
Committee Vice Chairman				
Development Management Committee	2,200	55	2,255	
Leader of a minority political group	A factor of 0.1 of the Basic Allowance, multiplied by the number of Members	Recommend retain this calculation		
Mileage allowance				
Vehicles	£0.45p per mile * no change			
Passenger rate for car share			£0.05p per mile	
Motorcycles			£0.24p per mile	
Bicycles	£0.20p per mile	no change		
* for the first 10,000 miles				
Dependants' Carers' Allowance	£10.15		£15.00 per hour **	
Childcare	£9.00		£10.00 per hour **	
** At the discretion of the Head of Legal and Democratic Services to agree a higher hourly payment if requested				
		Recommend increase of 2.5%		
Civic Allowances				
Chairman of the Council	6,500	162.5	6,663	
Vice-Chairman of the Council	1,450	36.25	1,486	
Subsistence				
The same as for staff. No change proposed, so as set out in existing scheme of allowances				

<u>Public Transport:</u> (Including the use of taxis for short journeys where public transport is not convenient)	Reimbursement of actual cost or ordinary standard fare, whichever is the lesser, upon production of <u>evidence of fare paid</u> . a receipt	
<u>Subsistence Allowance</u> in the case of an absence from the member's normal base, not involving an absence overnight from the usual place of residence:		
of more than 4 hours before 11 am Breakfast*	£7.21	
of more than 4 hours, including the period between noon and 2.30 pm Lunch*	£9.95	
of more than 4 hours ending after 7 pm Evening Meal*	£15.20	
* Not claimable where refreshments have been provided at the meeting/event attended.		
<u>Subsistence Allowance</u> in the case of an absence involving an absence overnight from the usual		

place of residence:		
The actual cost of the most cost effective overnight accommodation and where meals are not included, subsistence allowance as detailed above.		

SCHEDULE 2

APPROVED DUTIES

1. The following shall be recognised as approved duties:

- attendance by the Chairman or Vice Chairman of the Council at civic events and pre-arranged briefings with officers relating to Council meetings;
- attendance at meetings of the Council, the Executive, a Committee, Sub-Committee, Panel, Working Party or Task and Finish Group of the Authority;
- attendance at meetings of any other body to which the Authority makes appointments or nominations, or of a Committee or Sub-Committee of such a body, provided that no other arrangements for payment exist in respect of such bodies to which the Authority makes appointments or nominations;
- attendance at any other meeting which has both been authorised by the Authority (Executive, Scrutiny or Regulatory Committee) and to which representatives of more than one political group have been invited;
- the attendance at a meeting of a Local Authority Association of which the Council is a Member;
- carrying out any other duty connected with the Authority's functions approved by the Council (~~Executive~~);
- attendance at pre-arranged meetings with officers, where the purpose of the meeting does not relate to matters relating solely to the Member's ward;
- attendance by Executive Members at meetings with representatives of external organisations in pursuance of their portfolio duties;

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- the following conferences, approved for the purposes of Section 175 of the Local Government Act 1972:

- Local Government Association
- Chartered Institute of Housing - Housing Conference
- Royal Town Planning Institute - Summer School

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- any other conference not mentioned above, or a training course or seminar shall be considered as an approved duty provided that such attendance has been authorised by ~~either the Executive or~~ the Chief Executive, or Head of Legal and Democratic Services, in consultation with the Leader.
- attendance relating to site visits in respect of Development Management Committee business for members and substitutes of the Development Management Committee, and in respect of Licensing Sub Committee business for members and of Licensing Sub Committee.

~~2. A member attending any conference, training course or seminar shall be entitled to receive the relevant allowance for travelling and subsistence.~~

23. The Chief Executive, or Head of Legal and Democratic Services, may, upon application to him/her by any Member of the Council, subject to consultation with the Leader of the Council for the time being, designate the attendance of that Member at any other meeting, training session, seminar or conference or other attendance not hereinbefore specifically referred to as an approved duty for the purpose of this scheme.

SCHEDULE 3 – OUTSIDE BODIES

~~1.~~ Attendance at any meeting on which the Member is nominated to represent or is appointed to represent the Council.

~~2. Attendance at any conferences, seminars or training events, the attendance at which is approved by the Council, or the Executive or a Committee of either, or the Chief Executive.~~

- ~~3. Attendance at any meetings of a Local Government Association or any Joint or Liaison Committee for Members of Local Authorities.~~

East Herts Council Report

Annual Council

Date of Meeting: 13 May 2020

Report by: Councillor Peter Boylan
Executive Member for Neighbourhoods

Report title: Consideration of consultation responses in relation to mandating subscription to the Disclosure and Barring Service (DBS) Update Service for Hackney Carriage and Private Hire Drivers.

Ward(s) affected: All

Summary

RECOMMENDATIONS TO COUNCIL:

- (a) The Licensing Committee recommends to Council that from the 1st June 2020 it adopts the policy of requiring all Hackney Carriage and Private Hire drivers licensed by East Herts to register to the Disclosure and Barring Service (DBS) Update Service and maintain that registration for the life of their Dual Driver or Private Hire Drivers licence.

1.0 Proposal(s)

- 1.1 That all drivers licensed by the authority are required to register with the DBS Update Service and maintain that registration for the duration of holding that licence.

2.0 Background

- 2.1 As an authority that issues Hackney Carriage and Private Hire drivers licences we have a legal obligation to only grant

licences to those persons we believe to be “fit and proper” to hold such a licence.

- 2.2 Part of the test of fitness and propriety is a criminal record check and this is currently carried out on an annual basis at a cost to the applicant. Each year the applicant has to make a new application which often involves having to arrange an appointment to visit the offices.
- 2.3 The initial proposal to make registering with the DBS Update Service was brought to the Licensing Committee on 30th October 2019 and a six-week trade consultation was approved.

3.0 Reason(s)

- 3.1 The use of the DBS Update Service allows the authority to check an individual driver’s current criminal record at any time. Should this check highlight that there has been a change in an individual’s record since the last Enhanced DBS, officers can then make the appropriate enquiries and deal with matters promptly rather than it only being identified at renewal.
- 3.2 The use of the DBS Update Service saves the licensed driver both time and money over the life of their driver’s licence, which is normally three years.

4.0 Options

- 4.1 Recommend to Council the adoption of a policy requiring registration with the DBS Update Service for all licensed drivers (both new and renewing), with that registration to be maintained throughout the life of the Dual Driver or Private Hire Drivers licence.
- 4.2 Make no changes to the current policy of requiring licensed drivers to complete an Enhanced DBS check at first application and then every three years, with Basic Disclosures applied for

in the two intervening years.

5.0 Risks

- 5.1 Registration for the DBS Update Service needs to be paid for on an annual basis. There is a risk that drivers will either forget to renew their registration or let it lapse. There is a similar risk within the current system as drivers may forget to apply for a check or fail to apply on time.
- 5.2 It is hoped that the mandating of the DBS Update Service will in fact lessen the likelihood of criminal record checks becoming overdue. It is possible to register and set up an ongoing payment for registration so drivers will only have to do this once. Only where a driver makes a one-off payment and then misses the reminder, will the registration end without the driver having to make a positive action to do so.
- 5.3 It is possible that this will happen, but under the current system drivers often fail to provide documents on time. The impact is minor as it results in the suspension of the drivers licence until the appropriate document is provided, and this part of the current system will remain in place.

6.0 Implications/Consultations

- 6.1 A trade consultation was held between 12th November 2019 and 24th December 2019.
- 6.2 Every driver licensed by East Herts was contacted directly either by email or letter at the start of the consultation.
- 6.3 No responses were received regarding the proposal.

Community Safety

Yes

The change to mandating registration on the DBS Update Service will

make the system for checking criminal records more robust and responsive, further enhancing community safety.

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

Yes. Currently drivers are required to attend the Council Offices to have an Enhanced DBS check done every three years and can choose to have the intervening Basic Disclosures done by this authority as well.

These applications are made through an umbrella company and the cost of this is charged to the driver.

If the recommendation is agreed by Council, then the income from carrying out these checks will decline over the next 3 years, but it will be in line with a decrease in expense.

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

No

Specific Wards

No

7.0 Background papers, appendices and other relevant material

- 7.1 Licensing Committee report from the meeting held on 30th October 2019:
<http://democracy.eastherts.gov.uk/ieListDocuments.aspx?CId=120&MId=3551&Ver=4&J=1>
- 7.2 Appendix A - Minutes of meeting of Licensing Committee on 11 March 2020.

Contact Member

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MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 11 MARCH
2020, AT 7.00 PM

PRESENT: Councillor D Andrews (Chairman)
Councillors B Crystall, M Goldspink, A Hall,
J Jones, T Page, S Reed, M Stevenson and
C Wilson

OFFICERS IN ATTENDANCE:

Oliver Rawlings	- Service Manager, Licensing and Enforcement
Andre Ferreira	- Democratic Services Officer

383 APOLOGIES

Apologies were received from Councillors R Bolton, M
McMullen and N Symonds.

384 CHAIRMAN'S ANNOUNCEMENTS

None.

385 DECLARATIONS OF INTEREST

None.

386 MINUTES - 30 OCTOBER 2019

Councillor Jones, seconded by Councillor Crystall, proposed

that the Minutes of the meeting held on 30 October 2019 be confirmed as a correct record and signed by the Chairman.

RESOLVED – that the minutes of the meeting held on 30 October 2019 be confirmed as a correct record and signed by the Chairman.

387 LICENSING SUB-COMMITTEES - 21 OCTOBER, 4 NOVEMBER, 11 NOVEMBER, 26 NOVEMBER 2019, 30 JANUARY AND 11 FEBRUARY 2020

Councillor Jones, seconded by Councillor Crystall, proposed that the minutes of the Licensing Sub-committees noted in item five of the Agenda be received.

RESOLVED – that the minutes of the Licensing Sub-Committees held on 21 October 2019, 4 November 2019, 11 November 2019, 26 November 2019, 30 January 2020 and 11 February 2020 be received.

388 CONSIDERATION OF CONSULTATION RESPONSES IN RELATION TO MANDATING SUBSCRIPTION TO THE DISCLOSURE AND BARRING SERVICE (DBS) UPDATE SERVICE FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

The Service Manager, Licensing and Enforcement (the Service Manager) provided a summary of the report, and said that the Council, as an authority that issued drivers licences, had a legal obligation to only grant licences to persons believed to be “fit and proper” to hold such licence.

He highlighted the following:

- Part of the “fit and proper” test was a criminal record check which was currently done annually, with the applicant bearing the cost. The applicant had to make a new application each year, which involved visiting the Council offices.
- The use of the DBS Update Service allowed the Council to check the current criminal record of any individual driver at any time. Such a check would show a change in a driver’s record since the last Enhanced DBS check and officers could then deal with this promptly, rather than it only being identified at renewal.
- This would save licensed drivers time and money over the life of their driver’s licence, which was normally three years.
- A trade consultation was held over six weeks in November and December 2019 and each driver licensed by East Herts Council was contacted, but no responses were received.
- The registration for drivers with the DBS would start on 1 June 2020 and over the next three years all drivers would have to register with the scheme.
- In effect, a driver would not be able to renew a licence if they were not registered with the DBS.

In response to a question from Councillor Page, the Service Manager confirmed that the renewal date for DBS registration would coincide with the expiry of a driver’s licence. The Council could suspend a driver’s licence if they failed to maintain their DBS registration or where there was a change in their status which had not been declared.

In response to a question from Councillor Andrews, the Service Manager said that a list of drivers who had not renewed their DBS check was available.

Councillor Wilson asked if there was a mechanism for drivers to appeal a DBS update, as the DBS check could be wrong in certain instances. The Service Manager said an appeals process was available and as long as the proper process was followed, the Council would wait for the outcome of the appeal. However, the authority shared data with the Police allowing disputed DBS certificates to be quickly checked so the process should not be held up.

Councillor Andrews requested that where a driver was to be suspended, that the Chairman of the Licensing Committee be consulted. (*Action: Service Manager*)

In response to a question from Councillor Andrews on how drivers were consulted, the Service Manager said that all drivers had been invited to the two trade consultations; 13 drivers attended, but nobody raised the DBS Update Service as an issue.

Councillor Page, seconded by Councillor Hall, proposed that the recommendation detailed in the report be approved.

RESOLVED – that the Licensing Committee recommend to Council that as from 1 June 2020 it adopts the policy of requiring all Hackney Carriage and Private Hire drivers licensed by East Herts Council to register to the Disclosure

and Barring Service (DBS) Update Service and maintain that registration for the life of their Dual Driver or Private Hire Driver's Licence.

389 REVIEW OF 2019/20 LICENSING ACTIVITY AND FUTURE WORK PLAN FOR 2020/21

The Service Manager, Licensing and Enforcement (the Service Manager), submitted a report on Licensing activity from 2019/2020 and the proposed work plan for Licensing in 2020/2022, and highlighted certain issues in the report, specifically:

- The report contained data that showed a year-on-year comparison (and highlighted directions) on processing and enforcement; delegated decisions and Licensing Sub-Committee involvement on licences, notices, permits and applications.
- While taxi complaints showed a downward trend, licensing complaints had increased. Although there were more complaints about premises, the number of premises the complaints related to remained roughly the same.
- The licensing "Nuisance Team" investigated 228 complaints received regarding 161 premises, which were a mix of commercial and leisure premises.
- A breakdown of complaints would be provided in the next report to the committee. (*Action: Service Manager*)

Councillor Goldspink asked why there had only been 17 taxi inspections and investigations in 2018/2019 when there had been 23 taxi complaints. The Service

Manager said there was possibly duplication with complaints received directly by the Council, but that he would provide a detailed breakdown to the next meeting of the Committee. (*Action: Service Manager*)

The Service Manager said complaints and compliments slips had also been handed out. Complaints mostly related to allegations of overcharging; rudeness; drivers on mobiles whilst driving and dangerous driving. A small percentage of complaints from taxi drivers about passengers were received. All complaints had been fully investigated and concluded.

In response to a comment by Councillor Andrews that the number of invoice visits/chase-ups showed a big increase, the Service Manager said that this related mostly to the payment of the annual maintenance fee. The statutory procedure made provision for three letters to be sent to licence holders by the Enforcement Team and one reason for the increased number could be that the invoices were sent after invoices had been paid. The Service Manager stressed that the Authority did not make money out of the payment of this fee.

In response to questions from Councillors Page and Crystall on complaints received about premises, the Service Manager said that the report which he would submit to the next meeting would contain a detailed breakdown of all complaints, including which part of the licensing provisions premises had not adhered to. The breakdown would also include details of complaints relating to Temporary Event Notices.

The Service Manager said that the management of the “Nuisance Team” would soon revert back to the Environmental Health and the officers would serve any notices. Councillor Andrews commented that this could pose a problem, as these reports would in future not be submitted to the Licensing Committee, but to another committee. He said that the Licensing Committee was best suited to look at these complaints and requested that a report from Environmental Health on nuisance issues still be submitted to the Licensing Committee. The relevant officer from Environmental Health should also attend the Licensing Committee meetings. *(Action: Service Manager and Environmental Health Service Manager)*

Councillor Page asked if complaints relating to gambling had also been investigated and noted that a briefing session for Members on problems relating to gambling had been arranged by GamCare on 21 April 2020. The Service Manager confirmed that visits relating to gambling had been carried out by East Herts Council, although the Gambling Commission had withdrawn logistical support for these visits.

Councillor Andrews said that certain councils had done scrutiny reviews on gambling, and the wider problems relating to gambling could not be over-estimated.

Councillor Stevenson referred to the overview of licences, specifically licenses relating to animal activities, and said that a large number of new applications were being considered. The Service Manager said that Environmental Health had details of the applications, and details of these and the other

licensing applications mentioned in the report could be submitted to the next meeting of the committee
(Action: Service Manager and Environmental Health Service Manager)

With reference to the licensing of street trading, the Service Manager said that there was a current consultation regarding a proposed change in the policy and he would send a link to members with the relevant information. *(Action: Service Manager)*

In response to a question from Councillor Andrews on the large number of Temporary Event Notices (TENs) being received, the Service Manager said that Central Government fees for TENs had not changed since 2005 and were still set at £21 per event. Councillor Andrews said that the Central Government should be approached about an increase in TENs application fees, and this could be done by lobbying the relevant Minister at the annual meeting of the Local Government Association.

With reference to the proposed Licensing work plan for 2020/2021, the Service Manager said that the Statement of Licensing Policy needed a review and it would be done in the coming civic year.

In response to a question from Councillor Andrews on the progress made with the licensing of scrap dealers, the Service Manager said that all licensed sites were visited every year. These visits were unannounced and most scrap dealers were found to be broadly compliant. One problem was that as soon as one unlicensed dealer was closed down, another popped-

up somewhere else. Officers were now involved in joint mobile operations with the police, but many police officers were unsure on how to deal with unlicensed dealers.

Councillor Andrews said all scrap dealers should display their badges and where this was not done, scrap should not be accepted by anyone. The Service Manager said there were not enough powers and deterrents to enforce and manage this sufficiently.

Councillor Goldspink, seconded by Councillor Reed, proposed that the recommendations detailed in the report, be approved.

RESOLVED – that the Committee notes the report on the Licensing activity in 2019/2020 and the proposed work plan for 2020/2021.

The meeting closed at 7.55 pm.

Chairman

Date

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East Herts Council Report

Council

Date of Meeting: 13 May 2020

Report by: Cllr Haysey, Leader of the Council and Cllr Goodeve,
Executive Member for Planning and Growth

Report title: East Herts Affordable Housing Supplementary
Planning Document (SPD) – Final for Adoption

Ward(s) affected: All

Summary

- To outline the results of the public consultation on the draft Affordable Housing Supplementary Planning Document (SPD) and seek Members' agreement to adopt a revised document.
- To report that the three statutory consultees have no comment on the Strategic Environmental Assessment (SEA) Screening report, so confirm that an SEA of the Affordable Housing Supplementary Planning Document (SPD) is not required.

RECOMMENDATIONS FOR Council:

- a) The responses of the consultation be noted and the officer responses and proposed changes to the Affordable Housing Supplementary Planning Document (SPD) be supported**
- b) The Affordable Housing Supplementary Planning Document (SPD), as detailed in Appendix C of this report, be approved for adoption; and**
- c) In accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 it has been determined that a Strategic Environmental Assessment of the emerging Affordable Housing Supplementary Planning Document (SPD) is not required as it is unlikely to have significant environmental effects.**

1.0 Proposal(s)

- 1.1 Ensuring that housing is accessible to, and meets the needs of the future generations is critical and therefore it is recommended that the Affordable Housing SPD be approved for adoption. In doing this, representations to the consultation, the officer responses to those representations and proposed changes to the Affordable Housing SPD are also supported.

2.0 Background

- 2.1 There is an ongoing need for affordable housing in East Herts. A significant proportion of this need will be met through the delivery of housing and the planning system by requiring developers to include affordable housing within their open market housing development as a part of planning permission
- 2.2 A key objective of the East Herts District Plan, adopted in October 2018, is to ensure that new housing is accessible to,

and meets the needs and aspirations of the District's communities into the future.

- 2.3 Once adopted the Affordable Housing SPD will replace the current Affordable Housing and Lifetime Homes SPD January 2008. The new SPD will be a material planning consideration which will be taken into account in deciding a planning application or on an appeal against a planning decision.
- 2.4 The SPD supports Policy HOU3: Affordable Housing amongst other policies in the housing chapter (Chapter 14) of the District Plan. It seeks to ensure the effective and consistent implementation of the Plan's policies relating to the provision of Affordable Housing in East Herts.
- 2.5 Members will recall that public consultation on a draft version of the SPD for a period of consultation was agreed at Executive on 8th October 2019. The consultation subsequently took place between 30th January and 5pm on 27th February 2020.

3.0 Considerations

- 3.1 Supplementary Planning Documents are documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as affordable housing.
- 3.2 The Affordable Housing SPD has been prepared to provide further guidance to applicants in relation to the policies set out in Chapter 14: Housing of the District Plan.
- 3.3 In setting out the Council's expectations for the delivery of affordable housing, the SPD seeks to increase the efficiency of the negotiations between the council and the applicant, and ensure the delivery of affordable dwellings of a tenure, type, size and affordability, concurrent with identified need and ensure that it is effectively integrated within development sites in terms of location and design to create mixed and balanced communities.

- 3.4 In accordance with the Town and Country Planning (Local Planning (England) Regulations 2012, the draft SPD was subject to four weeks of consultation. Over 60 responses were received from 29 respondents. Of the representations, the majority either objected to elements within the SPD or were seeking amendments. There were some comments of support of the document in general, and a number of supportive comments for specific elements within the document.
- 3.5 The matters raised in these submissions are included in the statement of consultation, which can be found in Appendix A. This includes summaries of the main issues raised; the officer response to those issues; and proposed amendments to the SPD, where appropriate.
- 3.6 In some cases representations have suggested detailed amendments that would add value to the SPD in terms of clarification of the proposed text. In these cases the proposed amendments to the document have been suggested in the schedule and in some cases carried forward into the final document.
- 3.7 Members are therefore invited to agree the officer responses to the issues raised as part of the public consultation; the proposed changes to the draft SPD; and the adoption of the final document. A copy of the final Affordable Housing SPD is found in Appendix C.

Strategic Environmental Assessment

- 3.8 Under the requirements of the European Union Directive 2001/42/EC and Environmental Assessment of Plans and Programmes Regulations (2004), certain types of plans that set the framework for the consent of future development projects, must be subject to an environmental assessment. It is therefore a requirement that the Council undertakes a Screening Assessment to determine whether the draft Affordable Housing SPD should be subject to a Strategic Environmental Assessment.

- 3.9 The Regulations require that the Council consults three statutory bodies in reaching this determination. Consultation has therefore been carried out with the Environment Agency, Natural England and Historic England. All three organisations have confirmed that they have no comment on the Council's draft Screening Statement.
- 3.10 Therefore, the final Screening Statement is attached in Appendix D. It concludes that the draft SPD is unlikely to have significant environmental, social or economic effects beyond those of the District Plan policies it supplements; does not create new policies and only serves to provide useful guidance on how to effectively and consistently implement the District Plan policies and therefore does not require a Strategic Environmental Assessment.

4.0 Options

- 4.1 Option 1- Not adopting SPD - will mean the adhoc approach to securing affordable housing will continue. The current process relies primarily on individual site by site negotiations, which lacks consistency and transparency. Officers may also continue to rely on the guidance in the 2008 Affordable Housing and Lifetime Homes SPD which is now out-of-date.
- 4.2 Option 2- Adopting SPD – Will ensure consistency with the East Herts District Plan and latest NPPF setting clear expectations about what the Council expects from developers, whilst allowing flexibility when necessary. This encourages a more transparent and efficient negotiation process.

5.0 Risks

- 5.1 If the Affordable Housing SPD was not adopted, developers and members of the public would not be able to benefit from the additional guidance set out in the SPD.

6.0 Implications/Consultations

- 6.1 The Affordable Housing SPD has been subject to a statutory 4 week public consultation between the 30 January and 27 February 2020. Executive Members have been consulted on the recommendations to Council.

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

No

Specific Wards

All Wards

7.0 Background papers, appendices and other relevant material

- 7.1 East Herts District Plan October 2018 – Chapter 14 - Hertford,
<https://www.eastherts.gov.uk/districtplan>
- 7.2 Appendix A: Affordable Housing Consultation Statement
- 7.3 Appendix B: Affordable Housing SPD (including track changes)
- 7.4 Appendix C: Affordable Housing SPD (final for adoption)
- 7.5 Appendix D: Affordable Housing Screening Statement

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Affordable Housing
Supplementary Planning Document
Consultation Statement

1. Introduction

- 1.1 The Town and Country Planning (Local Planning) (England) Regulations 2012 require a local planning authority to consult the public and stakeholders before adopting a Supplementary Planning Document (SPD).
- 1.2 This statement sets out details of the consultation which has informed the preparation of the SPD.
- 1.3 The purpose of the Affordable Housing SPD is to aid the effective implementation of the Housing policies in the District Plan (Chapter 14) in particular HOU3 which relates to Affordable Housing. Once adopted the SPD will be a material consideration in planning decisions.

2. Town and Country Planning Regulations

- 2.1 The SPD is produced in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. The relevant regulations relating to the consultation process are explained below.
 - Regulation 12: Regulation 12(a) requires the Council to produce a consultation statement before adoption of the SPD, this must set out who was consulted, a summary of the issues raised, and how these issues were incorporated in to the SPD.
 - Regulation 12(b) requires the Council to publish the documents for a minimum 4 week consultation, specify the date when responses should be received and identify the address to which responses should be sent.
 - Regulation 35: Regulation 12 states that when seeking representations on an SPD, documents must be available in accordance with Regulation 35. This requires the Council to make documents available by taking the following steps;

- Make the document available at the principal office and other places within the area that the Council considers appropriate;
- Publish the document on the Council's website.

3. Statement of Community Involvement (SCI)

- 3.1 The Council's SCI was adopted in 2019 and explains how the council will involve the community in plan-making and in the consideration of planning applications. The SCI sets out that SPD's should be subject to a four-week public consultation.

4. Consultation undertaken

- 4.1 The SPD was approved for public consultation at Executive on 8th October 2019. Formal public consultation was undertaken on the draft SPD for a period of four weeks from 30 January to 27 February 2020.
- 4.2 Consultation was undertaken in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Statement of Community Involvement. Consultees were consulted by email; or post where no email address was provided. A list of consultees is provided in Appendix A. The SPD consultation was also advertised via the Council's website and social media.
- 4.2 The SPD and Strategic Environmental Assessment (SEA) Screening Statement were made available on the Council's website:
<https://www.eastherts.gov.uk/affordablehousingspd>. This included Information about how to submit representations. Paper copies were available for public inspection during normal office hours at the East Herts Council Offices in Hertford and Bishop's Stortford, town council offices and in libraries across the district.

- 4.3 Representations could be made via the Council's consultation portal <http://consult.eastherts.gov.uk/portal>; emailed to planningpolicy@eastherts.gov.uk or sent to; Planning Policy, East Herts Council, Wallfields, Pegs Lane, Hertford, SG13 8EQ.

5. Issues raised during the consultation

- 5.1 During the consultation, over 60 representations were received, made by 29 respondents. Of the representations, the majority either objected to elements within the SPD or were seeking amendments. There were some comments of support of the document in general, and a number of supportive comments for specific elements within the document.
- 5.2 The main issues raised through the consultation include:
- Requests for further flexibility in guidance to assist developers
 - Requests for additional information to be provided within certain sections.
 - Stronger policies and commitments from the Council on Affordable Housing
- 5.3 A summary of the consultation responses is set out in the schedule below. This table outlines the comments by topic, the Council's response to these issues and any consequential changes to the SPD. If text is to be deleted from the draft SPD it is shown ~~struck through~~. If new text is to be inserted it is shown **in red**.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
General Comments					
1 – D. Royle	East Herts Affordable Housing SPD	-	Aware that some planning applications negotiate the policy requirement of affordable housing downwards. The SPD should detail the enforcement and monitoring of the level of affordable housing agreed upon and guaranteeing good quality.	Noted. This SPD provides guidance on how to implement affordable housing rather than the enforcement of it. Section 4 of this SPD deals with how affordable housing is secured through the S106 process.	No amendment in response to this issue.
4 – East Herts Green Party	East Herts Affordable Housing SPD	Object	<p>Essential that the Council holds developers to commitments and doesn't allow viability assessments to be used by developers to escape obligations.</p> <p>Hope that the use of commuted sums or alternative site provision will be minimal.</p> <p>The charge for affordable housing for key workers should be based on individual incomes not the needs of the housing market – BBC evidence shows that towns aren't affordable for key workers. Also important is the dwellings are energy efficient to avoid fuel poverty for those on low incomes.</p>	<p>Noted. Council's approach to viability is set out in section 5 of this SPD.</p> <p>Paragraphs 3.4.2 and 3.5.1 demonstrate that these alternatives are only available in exceptional circumstances.</p> <p>The NPPF defines affordable housing and in order to comply rents are based on local market rents.</p>	No amendment in response to this issue.

55 D. Desmulie	East Herts Affordable Housing SPD	Object	This document means that there will be fewer houses at affordable rent in East Herts despite need being the greatest. The Council has chosen to opt out of house building and management despite money available to build at social rents. House prices and rents are not affordable in this District to a section of the population particularly those who can't work or are in low paid jobs. New developments are advertised as gated another symbol of a divided society.	The tenure mix has changed due to the updated National Planning Policy Framework, this is explained in section 2 of the SPD. Affordable rent still remains the Council's priority and this is set out in section 3.2.	No amendment in response to this issue.
16 – G. Gaunt	East Herts Affordable Housing SPD	Object	Essential we build more affordable housing and secondary schools but when builders run out of money and they ask to change their plans and are excused. Objects to the Gresley Park development in the District Plan due to traffic and green belt matters.	The aim of the SPD is to provide further information and guidance on the policies in the District Plan that relate to affordable housing in particular – it does not relate to specific sites.	No amendment in response to this issue.
17 – Natural England	East Herts Affordable Housing SPD	Support	No comment – SPD does not relate to the impact on the natural environment.	Noted	No amendment in response to this issue.
18 – C. Jones	East Herts Affordable Housing SPD	Support	Consultation very clear and easy to understand. No further comments to make.	Noted	No amendment in response to this issue.
19 – G. Edkins (Hightown Housing	East Herts Affordable Housing SPD	Support	Draft SPD is thorough, evidence-based and professional. Hightown supports the proposed predominance of rent in the planning obligation mix, choice of shared ownership as preferred form	Support noted and welcomed.	No amendment in response to this issue.

Association)			<p>of home ownership, and also firm stance on commuted sums and on stipulations that restrict abuse of Vacant Building Credit.</p> <p>We regret that EHDC does not require an element of Social Rent as part of the affordable mix like other authorities (Welwyn Hatfield, Watford, Three Rivers)</p>	<p>Social rent forms part of the definition of affordable housing in the SPD and the Council would encourage it where possible.</p>	
22 – G. Edkins (Hightown)	East Herts Affordable Housing SPD	-	<p>Most long-term funds for housing associations come from commercial lenders, who need the assurance that in the (almost unprecedented) event that we go broke, their last resort - having first offered the homes to the LA or other HA's – would be to sell the loan security, in this case the affordable homes. Could the wording at 4.0.2 be amended to give suitable assurance in the S106 exemption clause. Suggest adding the words; <i>"subject to appropriate safeguards for funders after continued use of affordable dwellings in perpetuity."</i></p>	<p>Issue noted – this section does not set out the specific wording of clauses but only what clauses are likely to be included in the S106 agreement.</p> <p>Specific wording can be agreed through the S106 process.</p>	No amendment in response to this issue.
27 – Hertfordshire County Council Property Planning Team	East Herts Affordable Housing SPD	-	<p>The Property Planning Team on behalf of Hertfordshire County Council as a landowner has no comments to make on this consultation.</p>	Noted	No amendment in response to this issue.
28 – Historic	East Herts	-	<p>No specific comments to make at this stage.</p>	Noted	No amendment in response to this issue.

England	Affordable Housing SPD				
35 - Hertingfordbury Parish Council	East Herts Affordable Housing SPD	Object	<p>1. The imposition of a requirement for perpetual affordability will inevitably impact on development viability. Mention is made of viability assessment in some circumstances and there is also reference to commuted sums under certain conditions. The application of these principles might lead to a loss of diversity in the occupancy status of new developments/housing stock in Hertingfordbury parish.</p> <p>2. Experience in Hertingfordbury parish is that the management of rented affordable houses is at times unsatisfactory and there are ongoing cases of anti-social behaviour on the part of the occupants of rented affordable homes, which has caused great distress to residents and which the property managers have failed to deal with. The proposed policy should include adequate machinery to enable robust action to be taken in those circumstances, which can be enforced on an application to the property managers by the district council upon request from the parish council or by a representative group of residents.</p>	<p>Noted</p> <p>The aim of the Affordable Housing SPD is to aid the effective implementation of the policies within the East Herts District Plan 2018; it cannot set policies of its own.</p>	No amendment in response to this issue.
39 -	East Herts Affordable Housing	-	HCC (excluding property) have no comments to make on your Affordable Housing SPD.	Noted	No amendment in response to this issue.

Hertfordshire County Council	SPD				
44 – East Herts Housing Development and Strategy	East Herts Affordable Housing SPD	-	In addition Housing Development & Strategy would welcome inclusion of information on affordable housing on Rural Exception Sites.	Noted – addition of information on Rural Exception Sites has been included.	Addition of new section that relates to Rural and Entry Level Exception Sites at section 3.8 of the Affordable Housing SPD. Addition of paragraphs 3.8.1 – 3.8.5.
45 – Pigeon Investment Management Ltd	East Herts Affordable Housing SPD	Object	<p>The draft SPD makes no reference to the delivery of affordable housing on Rural Exception Sites or Entry Level Exception Sites. The Council should consider this as such provision reflects the ability to make significant contributions to meet housing need, and a clear steer on planning policy relating to these methods of delivery would be welcomed.</p> <p>The draft SPD makes no reference to the delivery of affordable housing through the 'Build to Rent' definition as outlined in the NPPF. The draft SPD should also acknowledge the need for it to be reviewed regularly in order to take account of for example new Government initiatives such as 'First Homes'. You may wish to consider the benefits of a workshop with Registered Providers and Developers before the SPD is finalised.</p>	<p>Agreed. Section detailing rural and entry level exception sites has now been added to the document.</p> <p>The Council acknowledges all variations of affordable housing as defined by the NPPF but only provides additional information where necessary. Paragraph 1.1.3 notes that flexibility in relation to updates to policy might be needed.</p>	<p>Addition of new section that relates to Rural and Entry Level Exception Sites at section 3.8 of the Affordable Housing SPD. Addition of paragraphs 3.8.1 – 3.8.5.</p> <p>No amendment in response to this issue.</p>
58 M.	East Herts	-	It is difficult to understand which part necessarily refers to the land in little	The aim of the SPD is to	No amendment in response to this

V. Parides	Affordable Housing SPD		Berkhamstead. Our land is available for just this, the village has not had any upgrade or infrastructure or assessment of needs since 2011, this obviously needs to be addressed to actually show what the village needs are.	provide further information and guidance on the policies in the District Plan that relate to affordable housing in particular – it does not relate to geographical, or site-specific issues.	issue.
61 – K. Farley	East Herts Affordable Housing SPD	Object	It is impossible for many young people and young families in my area (Bishops Stortford, Hertfordshire) to afford local housing prices, even those that are considered suitable for “affordable housing”. They are sold at 80% market value. Working locally on minimum wage leaves people unable to afford to leave our parents houses because we can’t find housing locally that will permit us to move. It would be great if the value were brought down to affordable prices so that those who live and work locally can actually afford to become independent, with locals being given first choice on new housing opportunities rather than those who work/live outside of the area.	Concern is noted, affordability in general is notably problematic in East Herts and many other areas. The aim of this SPD is to assist developers in the delivery of Affordable Housing in East Herts whereas the actual cost is outside of the scope of this SPD.	No amendment in response to this issue.
1. Introduction					
6 – R. Pinkham	1. Introduction	Object	SPD will lead to a reduction in housing at affordable rents when provision of this type should be a priority. Issue with the term affordable; Hertford average house price exceeds £500,000 and rents exceed £1,200 a month. Affordability based on these market	The aim of this SPD is to provide further information and guidance on the policies in the District Plan that relate to affordable housing. Request for Council to start building social housing is	No amendment in response to this issue.

			figures prices out swathes of the community including key workers and others. Council should start building houses at social rents again.	noted but outside of the scope of this SPD.	
7 – S. McClemont	1.1 What is affordable housing?	Object	Definition of affordable housing is misleading. Reference to government rent policy for social rent and affordable rent sound reasonable although an outline of that policy would be helpful. 20% below market rent is not the same as 'affordable' in reference to a location of an area such as Hertford. Those on lower incomes mean that even part-ownership of a home is just a dream.	Affordability issue is noted. Affordable Housing definition is set by national policy as is the conditions that the definitions need to meet. The Council seeks to cap rents below LHA rates rather than market caps where possible.	No amendment in response to this issue.
11 – S. McClemont	1 Introduction	Support	No comment	Noted	No amendment in response to this issue.
62 – Bishop's Stortford Liberal Democrats	1.1 What is affordable housing	Object	We would like to propose a different definition of Affordable Housing. We propose: - "Affordable Housing is that which is offered for Rent or Mortgage repayment rates which are no higher than 35% of the average gross earnings of the lowest quarter of wage earners in the local District."	The definition of affordable housing is set through national policy in the NPPF.	No amendment in response to this issue.
55 – Ptarmigan Land	Paragraph 1.0.5	Object	SPD does not currently acknowledge Governments First Homes consultation or programme.	First Homes consultation was released following the drafting of this document. Paragraph 1.1.3 is clear that any subsequent updates to policy or legislation will likely supersede what is in this document. As the First	No amendment in response to this issue.

				Homes initiative is only at the consultation stage, including reference to it in the SPD is difficult without any certainty.	
56 – Pioneer Property Services Ltd.	1 Introduction	Object	<p>District Plan policies do not specify housing tenure or size/type mix proportions or targets. Therefore paragraph 1.2.2 should be amended as follows:</p> <p><i>“The level of affordable housing required on development sites is set out in planning policies, namely within the East Herts District Plan 2018 and the NPPF (details on this are explained in Section 2). This also includes the type, size and tenure of affordable housing that is expected to be delivered as part of an open market development.”</i></p>	Potential confusion in paragraph 1.2.2 noted – amendments made to avoid combining policy reference and type, size and tenure etc.	<p>Following amendment made to paragraph 1.2.2:</p> <p>This <i>The East Herts District Plan also includes further details on the type, size and tenure of affordable housing that is expected to be delivered as part of an open market development.</i></p>
56 – Pioneer Property Services Ltd.	1 Introduction	Object	<p>Para 1.2.3 should be amended to refer to provision via Entry Level Exception Sites in line with paragraph 71 of the NPPF:</p> <p><i>“In some exceptional circumstances there are other routes and mechanisms to enable the delivery of affordable housing, either including through off-site provision or through <u>and entry level and rural exception schemes.</u>”</i></p>	Agreed.	<p>Following amendment made to paragraph 1.2.3:</p> <p><i>In some exceptional circumstances there are other routes and mechanisms to enable the delivery of affordable housing, either through off-site provision or through entry-level and rural exception schemes.</i></p>

2. The Affordable Housing Requirement					
8 – S. McClellmont	2 The Affordable Housing Requirement	Object	Proportion of affordable housing given does not actually require any to be built. It expects 'up to' either 35% or 40% which is a cap not a requirement. This 'expectation' is not robust enough to deliver our needs. No indication within this policy as to how continuing affordability for subsequent owners of discounted affordable homes or shared ownership housing will be secured. If this has the effect of preventing owners in either category from taking advantage of profit accruing from rising prices of homes, how will this enable them to progress up the property ladder?	These thresholds are set out in the District Plan. The SPD cannot introduce new policy.	No amendment in response to this issue.
40 – East Herts Housing Development and Strategy	2 The Affordable Housing Requirement	-	District Plan Policy HOU3 states that affordable housing be sought on sites proposing 10 or fewer gross additional dwellings, where the dwellings would have a combined gross floor space greater than 1,000 square metres. Housing Development & Strategy request that further clarity is provided on the affordable housing provision on sites proposing 10 dwellings where the floor area is greater than 1,000 square metres. The NPPF provides for a lower threshold to be set in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). Housing Development & Strategy request further clarity in	Where 10 or fewer dwellings have a gross floorspace of greater than 1,000 square meters, the site would still have to be 0.5 hectares or greater to constitute a major development – and therefore seek an affordable housing contribution. Paragraphs 2.0.2 and amended 2.0.3 should clarify this.	No amendment in response to this issue.

			regard of affordable housing provision in designated rural areas on sites proposing 10 or fewer dwellings where the floor area is greater than 1,000 square metres.		
46 – Pigeon Investment Management Ltd	2 The Affordable Housing Requirement	Object	<p>2.0.1 The requirement for up to 35% or 40% affordable housing is a policy requirement (Policy HOU3) in the adopted District Plan. However, the EHDC Plan Viability, Affordable Housing and CIL Study (PBA, September 2015) was prepared at a time when infrastructure costs were not fully known for sites that were tested. This needs to be acknowledged within the SPD with flexibility provided to ensure that affordable housing delivery is not hindered.</p> <p>2.0.3. The Council note it is ‘unlikely’ that they will seek affordable housing contributions on sites that are not classed as major developments. It would be helpful to remove this ambiguity and be clearer saying that in light of the NPPF (paragraph 64) they won’t be sought.</p>	<p>Section 5 of this SPD deals with the Council’s approach to viability.</p> <p>Sentence reworded to avoid any ambiguity.</p>	<p>No amendment in response to this issue.</p> <p>Following amendment made to paragraph 2.0.3:</p> <p><i>Therefore it is unlikely that the Council will not seek affordable housing contributions on sites with less than 10 dwellings unless the site is 0.5 hectares or more, or national policy is changed following the publication of this SPD.</i></p>
46 – Pigeon Investment Management Ltd	2 The Affordable Housing Requirement	Object	2.0.6. The draft SPD notes that on sites delivering in excess of a policy compliant provision of affordable housing, the Council will ensure that the 35/40% affordable housing requirement is secured (we assume through a S106 agreement) in perpetuity. On a wholly affordable site	Viability is dealt with in Section 5 of this SPD and the Council recognises that some sites may have abnormal costs associated with the development.	No amendment in response to this issue.

			this would have the effect of ensuring grant funding was not available on 40% of the homes, running a very serious risk of the entire scheme not being viable. We suggest this is contrary to the council's intent and would advise the Council reviews this approach and amends the SPD accordingly.		
46 – Pigeon Investment Management Ltd	2 The Affordable Housing Requirement		2.0.6 & 2.0.8. Requirements for affordable housing to be available in perpetuity must be subject to an appropriately worded Mortgagee in Possession (MiP) clauses acceptable to the RP's main funders. We would suggest that model clauses are agreed with Registered Providers to avoid often lengthy delays while Deeds of Variation are agreed and implemented, as by default has been the practice elsewhere where this issue isn't addressed at the policy level. Notwithstanding this, the Council should not seek to inappropriately secure affordable housing in perpetuity. The monitoring and enforceability of subsidy recycling, to deliver alternative affordable housing provision within the district, has in practice proven very difficult to monitor and enforce in other districts.	Noted.	No amendment in response to this issue.
55 – Bengoe Neighbourhood Plan	2 The Affordable Housing Requirement	Object	We note that paragraph 2.0.3 of the SPD states that, following revisions to the National Planning Policy	Noted. Current policy wording is however superseded by the more	No amendment in response to this issue.

			<p>Framework in July 2018 and February 2019, it is unlikely that EHDC will seek affordable housing contributions on sites with less than 10 dwellings, unless the site is 0.5 hectares or more (or national policy is changed). We regard this national policy change as regrettable. In the Neighbourhood Plan Area, small sites may come forward for development in the period up to 2033. We would support retention of the current policy wording in HOU3: Affordable Housing. We support the principles outlined in paragraphs 2.0.6 and 2.0.8 in the SPD</p>	<p>recent policy in the National Planning Policy Framework.</p> <p>Support noted and welcomed.</p>	
56 – Pioneer Property Services Ltd.	2 The Affordable Housing Requirement	Object	<p>Paragraph 2.0.3 acknowledges para 63 of the NPPF but wording should be amended for clarity. NPPF allows for lower 5-unit threshold in DRA but SPD makes no reference to this and needs to be specified in Policy wording.</p> <p><i>“Therefore it is unlikely that the Council will <u>not</u> seek affordable housing contributions on sites with less than 10 dwellings unless the site is 0.5 hectares or more, or national policy is changed following the publication of this SPD.”</i></p> <p>Paragraph 2.0.6 suggests that subsidy recycling will not be imposed on affordable housing in excess of 35%/40%. 2.0.6 and 2.0.8 Should also be amended to reflect NPPF as below:</p>	<p>Wording amendments to paragraph 2.0.3 agreed.</p> <p>The Council seeks to be consistent in its approach by firstly securing the policy level of affordable housing and applying criteria normally negotiated by the Council.</p>	<p>Following amendment made to paragraph 2.0.3:</p> <p><i>Therefore it is unlikely that the Council will not seek affordable housing contributions on sites with less than 10 dwellings unless the site is 0.5 hectares or more, or national policy is changed following the publication of this SPD.</i></p> <p>No amendment in response to this issue.</p>

"On a site with significantly more affordable housing than required by Policy HOU3, the Council will ensure that the policy compliant level of affordable housing of 35% or 40% will be secured as affordable housing in accordance with the NPPF definition of affordable housing. This includes in terms of when homes will be required to be either retained for first and subsequent occupiers of those homes, or and that there are be subject to provisions for ~~recycling~~ subsidy recycling should the property no longer be an affordable unit. Affordable housing provided under the NPPF definition of 'other affordable routes to home ownership' will only be subject to such restrictions where public grant funding has been provided. Starter homes provided under the current NPPF and Statutory definition are not subject to perpetuity or recycling restrictions."

"Inclusion of affordable housing on a development as Affordable housing for Rent should ~~also~~ include provisions for:

- 1. housing to either remain at an affordable price for future eligible households and/ or;*
- 2. any recycled grants to be spent on the provision of affordable housing within East Herts.*

Inclusion of affordable housing on a development as Discounted market sales

Affordable housing beyond the policy level will be flexibly applied and considered in line with the NPPF and site-specific circumstances.

As noted throughout the SPD – the Council is cognisant of the requirements in the NPPF as well as site specific issues - and so it is important that the SPD has sufficient flexibility to address specific issues rather than prescriptive guidance that could become out-of-date in a short period of time.

			<p><u>housing for should include provisions for:</u></p> <p><u>1. housing to remain at an affordable price for future eligible households"</u></p>		
57 – St William Homes LLP	Paragraph 2.0.4	Object	When the Council is assessing sites providing specialist care/extra-care (that falls in use class C3) they should be mindful of the viability of the scheme. Therefore, this and subsequent paragraphs should reflect this that if applicants wish to justify reduced provision they can do so through supporting evidence.	This paragraph represents the most up-to-date position and section 5 of the SPD covers viability.	No amendment in response to this issue.
3. Planning Application Stage					
2 – Sworders	3.2 Housing Mix, Type and Tenure	Object	Welcome site by site basis to tenure mix negotiation. SHMA pre-dates 2019 NPPF and recommends affordable rent and intermediate affordable housing tenures that were supported at the time but no reference to Starter Homes or Discounted Market Sales Housing. Housing requirement set out in table 14.2 and Council's preferred tenure of shared ownership not fully aligned with current and emerging housing policy. It is suggested that there should be greater flexibility in considering alternative home ownership tenures.	Regarding housing, mix and type paragraphs 3.2.1 and 3.2.2 of the SPD are clear that the type and size of affordable units sought will accord with the most up-to-date evidence on housing need. The Council considers that this sentence is consistent with national policy – the paragraph only highlights the Council's preference of Shared Ownership and that an applicant should submit evidence demonstrating why another product might be more appropriate.	No amendment in response to this issue.

			<p>Regard should also be had to emerging First Homes initiative. SPD does not appear sufficiently flexible to this.</p> <p>Draft SPD seeks to limit home ownership tenures to a maximum of 10% in line with SHMA and is not consistent with paragraph 64 of the NPPF which requires at least 10%.</p>	<p>This does not present a restrictive measure or add to the financial burden of development.</p> <p>First Homes initiative is only at the consultation stage and so whilst it would be desirable to address it, the Council would be unable to do so with any certainty.</p> <p>This section of the SPD is clear that mix, type and tenure should accord with the most up-to-date evidence on housing need, and paragraph 3.2.5 is clear that a further uplift from 10% is acceptable if evidenced.</p>	
47 – Pigeon Investment Management Ltd.	3.1 Pre-Application Advice	-	Securing pre-application advice on affordable housing, a key component of any scheme, is wise. However, we would recommend caution about the necessity to engage with specific Registered Providers (RP's) at such an early stage, particularly for outline applications. RP's are more likely to engage when there is certainty surrounding a scheme. In addition, there also needs to be flexibility with the housing mix and location allowing for circumstances to evolve between	This section does not provide an exhaustive list of requirements for the pre-application stage but instead issues that would ideally be addressed. The need to be flexible is noted and sufficiently provided for in this section.	No amendment in response to this issue.

			the pre-application stage and delivery, particularly problematic on larger strategic schemes and schemes that are submitted as outline applications.		
57 – St William Homes LLP	3.1 Pre-Application Advice	Object	Concern that paragraphs 3.1.3 to 3.1.4 ask for details which aren't feasible and are premature at the pre-app stage. The SPD should note that these details should be expected where possible/relevant at pre-app.	SPD already provides enough flexibility to recognise that these are details that would be provided where possible. Applicants are encouraged, not required, to provide this level of detail.	No amendment in response to this issue.
12 – Countryside Properties	3.2 Housing Mix, Type and Tenure	Object	Countryside object to detailed provision in paragraph 3.2.6 that the Council's preferred tenure is shared ownership and that it is for the applicant to justify an alternative. To be consistent with national policy the paragraph should be amended to: <i>"The Council's current preferred intermediate tenure is shared ownership. However, recognising the other affordable home ownership tenures defined in the NPPF, the Council will accept a proportion of alternative intermediate housing products as part of the overall affordable housing offer on a site. This proportion will be discussed and agreed on a site-by-site basis."</i>	The Council considers that this sentence is consistent with national policy – the paragraph only highlights the Council's preference of Shared Ownership and that an applicant should submit evidence demonstrating why another product might be more appropriate. This does not present a restrictive measure or add to the financial burden on development.	No amendment in response to this issue.
53 – Briggens Estate (Savills)	3.2 Housing Mix, Type and Tenure	-	Support paragraphs 3.2.1 – 3.2.2 referring to assessing proposals on a site by site basis using the most up-to-date information. Notes that evidence may supersede most recent SHMA	Support noted and welcomed.	No amendment in response to this issue.

			<p>and scheme deliverability should be a consideration.</p> <p>Restriction on the uplift of shared ownership at paragraph 3.2.5 should be removed. Proposed re-wording:</p> <p><i>"3.2.5 The Council will therefore accept an uplift in affordable home ownership tenures to accommodate the change in the NPPF up to the level of 25% of the affordable proportion. Regarding the overall mix, it is up to the applicant to provide sufficient evidence to demonstrate why any further deviation from the most up to date SHMA is appropriate for a specific site reflective of identified affordable housing needs and demands within a local area (and the district) and scheme deliverability."</i></p> <p>Also recommends that where the NPPF and SHMA are referred to, the date is included for clarity.</p>	<p>This section of the SPD is clear that mix, type and tenure should accord with the most up-to-date evidence on housing need, and in particular paragraphs 3.2.4 and 3.2.5 are clear that a further uplift from 25% is acceptable if evidenced.</p> <p>The SHMA and NPPF could be updated and as such the SPD will relate to the latest versions of both rather than being out-of-date.</p>	
54 – Places for People Page 213	3.2 Housing Mix, Type and Tenure	-	SPD should emphasise flexibility particularly for major housing sites such as the Gilston Area. Scale of projects necessitates an approach to consider specific local needs and keyworkers crucial to create a	Regarding housing, mix and type paragraphs 3.2.1 and 3.2.2 of the SPD are clear that the type and size of affordable units sought will accord with the most up-to-	<p>Following amendment made to paragraph 3.2.11:</p> <p><i>In the main, rural areas in the East Herts district are largely within Designated Protected Areas. Where development is in a Designated</i></p>

			<p>sustainable housing market as households form, grow and age. SPD should acknowledge that the SHMA is narrow and standardised and should provide support for alternatives where they are justified.</p> <p>The relationship between Designated Protection Areas and major housing delivery sites should be clarified. With particular regards to Shared Ownership and restricted staircasing up to 80% which is less appropriate for a major new settlement.</p>	<p>date evidence on housing need.</p> <p>The relationship between DPA's and large strategic sites is recognised by national government. To clarify an additional sentence has been added to paragraph 3.2.11</p>	<p><i>Protected Area, staircasing on shared ownership properties is restricted to 80% to retain the affordable element of the properties in perpetuity. It is noted that in East Herts, allocated sites within Designated Protected Area's would also be subject to this staircasing restriction. Where the retention of stock may not be such an issue to some sites, the applicant should discuss the application of Designated Protected Area's with the Council at the earliest possible stage.</i></p>
48 – Pigeon Investment Management Ltd.	3.2 Housing Mix, Type and Tenure	Object	<p>3.2.3./3.2.5: The SPD proposes, in light of paragraph 64 of the NPPF, that 75% of affordable housing to be for affordable rent and only 25% for intermediate tenures. This is welcomed but there remains a need for the Council to be flexible and consider each scheme on its individual merits. The SPD should acknowledge this and be amended accordingly so as to aid in the delivery of affordable housing.</p>	<p>This section of the SPD is clear that mix, type and tenure should accord with the most up-to-date evidence on housing need, and in particular paragraphs 3.2.5 is clear that a further uplift from 25% is acceptable if evidenced.</p>	<p>No amendment in response to this issue.</p>
48 – Pigeon Investment Management Ltd.	3.2 Housing Mix, Type and Tenure	-	<p>3.2.6: We believe the full range of affordable housing tenures should be readily available, as defined in the NPPF, and see no justification for restricting this. The Council's approach to affordable housing tenures should be clear and robust. Furthermore, the</p>	<p>The Council is not restricting housing tenures but stating a preference in order to assist developers.</p>	<p>No amendment in response to this issue.</p>

			NPPF (published in February 2019) is more up to date than the SHMA and should therefore take precedence in respect of the full range of affordable housing products.		
48 – Pigeon Investment Management Ltd.	3.2 Housing Mix, Type and Tenure	Object	3.2.8/3.2.9: The Council is seeking to add to the definition of Affordable Rents by including reference to Local Housing Allowance rates (or their equivalent). We do not support this, as RP's could find future rent levels inappropriately controlled, (through future welfare reform etc which may not be designed to control affordable housing in itself). This places undue risk on associations which can only be mitigated by them offering lower prices than the market would dictate, again harming scheme viability. Broad Rental Market Areas cover large geographical areas and are often too imprecise and can lead to large anomalies in comparison to the definition of Affordable Rents relating to the Market Rent.	Amendment has been made to the text to note that this is a position the Council will seek to negotiate but not require.	Following amendment to paragraph 3.2.8: <i>Where affordable rented housing is proposed the Council will require seek to negotiate that rents, including service charges, are below or capped at the Local Housing Allowance rate (LHA) (or its equivalent).</i>
48 – Pigeon Investment Management Ltd.	3.2 Housing Mix, Type and Tenure	-	3.2.11: This paragraph deals with restrictions on staircasing of up to 100% for Shared Ownership homes on sites within a 'Designated Protected Area'. It refers to guidance which is intended to avoid affordable homes in rural areas staircasing to 100% and being lost to the affordable housing stock. However, where a site is located	The relationship between DPA's and large strategic sites is recognised by national government. To clarify an additional sentence has been added to paragraph 3.2.11	Following amendment made to paragraph 3.2.11: <i>In the main, rural areas in the East Herts district are largely within Designated Protected Areas. Where development is in a Designated Protected Area, staircasing on shared ownership properties is restricted to 80% to retain the affordable element of</i>

			on the edge of an urban area but 'caught' by this policy, by virtue of falling within a rural parish, the application of such a policy would be both unfair on purchasers and RP's. Such restrictions severely limit the number of mortgage providers and rates on offer and therefore demand from buyers. Such restrictions therefore restrict the level of RP interest and in turn inhibit the delivery of affordable housing. Therefore, in particular, East of Stevenage (Policy EOS1) should be excluded from the 100% staircasing restrictions for this reason.		<i>the properties in perpetuity. It is noted that in East Herts, allocated sites within Designated Protected Area's would also be subject to this staircasing restriction. Where the retention of stock may not be such an issue to some sites, the applicant should discuss the application of Designated Protected Area's with the Council at the earliest possible stage.</i>
57 – St William Homes LLP	3.2 Housing Mix, Type and Tenure	Object	<p>Paragraphs 3.2.4 and 3.2.5 should recognise that affordable housing provision is subject to viability and should be assessed on a case-by-case basis.</p> <p>Inclusion of maximum requirement (25%) for affordable home ownership introduces a new control which an SPD cannot do. 3.2.5 should remove reference to this.</p>	<p>Unnecessary to constantly refer to viability throughout the document. Viability is covered in Section 5.</p> <p>Paragraph 3.2.5 of the SPD does not seek to impose a maximum requirement but is clear that a further uplift from 25% is acceptable if evidenced.</p>	No amendment in response to this issue.
57 – St William Homes LLP	3.2 Housing Mix, Type and Tenure	Object	Paragraphs 3.2.8 and 3.2.9 suggest that affordable rented housing will be required to be below or capped at Local Housing Allowance rate (including service charge and rents) and for it to be a flat rate allowance	Amendment has been made to the text to note that this is a position the Council will seek to negotiate but not require.	<p>Following amendment to paragraph 3.2.8:</p> <p>Where affordable rented housing is proposed the Council will require seek to negotiate that rents, including service charges, are below or capped</p>

			based on household size in the 3 areas. There is no basis for this in the Local Plan. Paragraph should be amended to note that LHA should be a starting position but service charge is negotiated on a case-by-case basis.		at the Local Housing Allowance rate (LHA) (or its equivalent).
57 – St William Homes LLP	3.2 Housing Mix, Type and Tenure	Object	St William consider initial share of 25% and 75% for shared ownership is overly prescriptive. Less-prescriptive wording should be considered using 'subject to site specific circumstances'.	25%-75% reflects current government advice.	No amendment in response to this issue.
14 – Countryside Properties	3.3 Design and Layout	Object	<p>Current wording of 3.3.3 lacks flexibility and doesn't consider schemes for 100% affordable housing. As such paragraph should be amended to:</p> <p><i>"To achieve mixed, inclusive and sustainable communities and to supplement the supporting text in paragraphs 14.4.16 and 14.4.17 of the District Plan, affordable housing (with the exception of 100% affordable housing schemes and rural exception sites) should: -</i></p> <ul style="list-style-type: none"> <i>• on all sites be distributed across the site rather than provided in one single parcel; and</i> <i>• on sites incorporating 30 or more residential units, seek to be provided in groups of no more than 15% of the total number of units or 25 affordable units, whichever is the lesser, unless site-specific constraints or management</i> 	<p>Paragraph 3.3.3 reflects policy HOU3 part V. which requires affordable housing units to be integrated into the development by being tenure blind and pepper-potted across the site in clusters appropriate to the size of the site. The aim of an SPD is to aid the implementation of Local Plan policies and in this case it details the Council's expectations regarding clustering to assist developers. There is sufficient flexibility within the policy to allow for alternatives should the size or scale of the site require a different approach.</p> <p>Amendments made to make reference to 100% affordable housing schemes.</p>	<p>Following amendment to paragraph 3.3.3:</p> <p>To achieve mixed, inclusive and sustainable communities and to supplement the supporting text in paragraphs 14.4.16 and 14.4.17 of the District Plan, affordable housing (with the exception of 100% affordable housing schemes such as rural exception sites) should;</p>

			<i>considerations make this undesirable."</i>		
57 – St William Homes LLP	3.3 Design and Layout	Object	<p>3.3.1 is overly prescriptive and should be amended as follows:</p> <p>"As with all forms of residential accommodation, the Council expects affordable housing to be built to a high standard of design and amenity, using appropriate design methods which are suitable to the size and scale of the development. All dwellings should be tenure blind".</p> <p>Like-for-like provision of car parking should be deleted as it will be informed by registered providers requirements.</p>	Paragraph 3.3.1 reflects policy HOU3 part V. which requires affordable housing units to be integrated into the development by being tenure blind and pepper-potted across the site in clusters appropriate to the size of the site. The aim of an SPD is to aid the implementation of Local Plan policies and in this case it details the Council's expectations regarding clustering to assist developers. There is sufficient flexibility within the policy to allow for alternatives should the size or scale of the site require a different approach.	No amendment in response to this issue.
57 – St William Homes LLP	3.3 Design and Layout	Object	Paragraph 3.3.5 should be deleted as covered more clearly in the Local Plan.	Paragraph necessary for understanding of previous and subsequent paragraphs.	No amendment in response to this issue.
57 – St William Homes LLP	3.3 Design and Layout	Object	<p>Paragraph 3.3.6 should be amended to reflect the PPG and note that wheelchair accessible homes (M4(3)) are considered on a case by case basis, subject to viability. Suggested amendment:</p> <p><i>"The most recent assessment of need for wheelchair user dwellings will inform negotiations. The SHMA identifies a need for 15% of affordable housing to meet</i></p>	Paragraph 3.3.6 notes that the most recent assessment of need will inform negotiations relating to M4(3) homes and as such is considered to provide sufficient flexibility. Section 5 deals with site viability as a consideration.	No amendment in response to this issue.

			<i>wheelchair user requirements alongside the 10% of market housing. <u>The provision of M4(3) housing will be considered on a site-by-site basis and will be provided where a specific need has been identified.</u></i>		
57 – St William Homes LLP	3.3 Design and Layout	Object	<p>Local Plan does not specify in policy that dwellings should be designed to meet the requirements in the Nationally Described Space Standards and as such any reference to this should be removed. SPD should make reference to Building Regulations M4(2) and M4(3). Suggested amendment:</p> <p><i>“The Council will negotiate size, layout and design on a site by site basis but it should be noted that DES4 in the District Plan requires all new residential development to deliver internal rooms that are of an appropriate size and dimensions and comply with As the Council does not have any local space standards, developers could look to the Nationally Described Space Standards for guidance as to what might be considered a satisfactory size and dimension. <u>Building Regulations M4 (2). Where the Council has secured a wheelchair adaptable and accessible dwelling within a S106 agreement the dwelling must also comply with Building Regulations M4(3)</u>”</i></p>	<p>National Described Space Standards are referred to for guidance and advice, not as a requirement. This is clearly set out in paragraph 3.3.8.</p> <p>The Council considers that it has satisfactorily covered building regulation M4(2) and M4(3) in the preceding paragraphs.</p>	No amendment in response to this issue.

Countryside Properties	3.3 Design and Layout	Support	Countryside supports the revised approach in paragraph 3.3.8 which suggests developers look to the Nationally Described Space Standards for guidance and provides greater flexibility and no longer conflicts with the PPG and Town and Country Planning Regulations 2012.	Support noted and welcomed.	No amendment in response to this issue.
20 – G. Edkins	3.1 Pre-Application Advice	-	3.1.3. asks, if possible, for proposals on wheelchair housing at pre-app stage – two to three years prior to handover – and 3.3.6 indicates a SHMA-derived target of 15% at full wheelchair standard. This is more a comment, but experience tells us that this is too much, and too soon. So that money is not wasted on speculative adaptations, proper design of wheelchair affordable units should be later and bespoke – i.e reflecting specific disabilities of actual applicants on the register. Wording that promoted more bespoke approach would be welcome.	Comment noted. Paragraph 3.3.5 notes that the Council will negotiate the proportion of wheelchair adaptable/accessible dwellings on a site-by-site basis.	No amendment in response to this issue.
21 – G. Edkins (Hightown)	3.3 Design and Layout	Support	Hightown support the tenure blind approach to design of buildings and parking. Frustrating approach to affordable houses with small garden sizes and over-prominent parking i.e. estate layout issues. We suggest that 'estate layout principles' are inserted into the second sentence at 3.3.1.	Support noted and welcomed. Estate layout principles are difficult to incorporate as not defined in policy or guidance currently.	No amendment in response to this issue.

55 – Ptarmigan Land	3.2.1	-	<p>Ptarmigan is supportive of the objective of paragraph 3.2.1 but questions the high proportion of affordable housing for rent. The SPD seeks to allow an uplift of affordable home ownership up to a maximum of 25%. This means the SPD limits affordable home ownership to a maximum of 10% of the overall homes delivered within an allocation and is therefore not consistent with Government policy.</p> <p>Relying on the SHMA to evidence the tenure of affordable housing is flawed as it does not anticipate changes to the NPPF and PPG or take into consideration update legislation, nor does it allow for flexibility should changes occur. Approach is too prescriptive and not reflective of the approach taken nationally or locally.</p>	Paragraph 3.2.5 of the SPD does not seek to impose a maximum requirement but is clear that a further uplift from 25% is acceptable if evidenced.	No amendment in response to this issue.
55 – Ptarmigan Land	3.3 Design and Layout	Object	There needs to be a flexibility in the design approach so as not to overly proscribe the design process – paragraph 3.3.3 is very prescriptive by setting limits on the number of affordable units that can be grouped together. If all new homes are indistinguishable then there is no rationale for this, and it creates management problems logistically.	Paragraph 3.3.3 reflects policy HOU3 part V. which requires affordable housing units to be integrated into the development by being tenure blind and pepper-potted across the site in clusters appropriate to the size of the site. The aim of an SPD is to aid the implementation of Local Plan policies and in this case it details the Council's expectations regarding	No amendment in response to this issue.

			<p>Question the practicality of minimum household sizes per unit as set out in paragraph 3.3.10. Larger than average dwellings in comparison to the open market result in a higher affordable land take and therefore greater levy.</p>	<p>clustering to assist developers. There is sufficient flexibility within the policy to allow for alternatives should the size or scale of the site require a different approach</p> <p>Again, flexibility has been applied as paragraph 3.3.10 notes that 'where possible' this criteria should be followed.</p>	
55 – Ptarmigan Land	3.2.6	-	<p>Paragraph 3.2.6 states that the preferred intermediate tenure is shared ownership but the paragraph suggests that shared ownership is default and that evidence is needed to justify any alternative intermediate tenure. Therefore it is considered that this paragraph is likely to become quickly out-of-date.</p>	<p>The paragraph only highlights the Council's preference of Shared Ownership and that an applicant should submit evidence demonstrating why another product might be more appropriate.</p> <p>This does not present a restrictive measure or add to the financial burden of development.</p>	No amendment in response to this issue.
36 – Clyde Millard	3.3 Design and Layout	Support	<p>3.3.1 We support the council's expectation that affordable housing is to be integrated and of as high a standard of design and amenity as the market housing on any development.</p>	<p>Support noted and welcomed</p>	No amendment in response to this issue.
49 – Pigeon Development Ltd.	3.3 Design and Layout	Object	<p>3.3.3. We consider that the requirement for clusters of affordable homes to be limited to the lesser of 15% of the total number of homes or 25 affordable homes on larger sites is</p>	<p>Paragraph 3.3.3 reflects policy HOU3 part V. which requires affordable housing units to be integrated into the</p>	No amendment in response to this issue.

			<p>overly prescriptive on sites at the bottom end of the range. These proposals will add to expense in both ongoing management and maintenance and construction. The application of such fixed parameters may also unduly impact on the design of a scheme. However, there still must be flexibility in how this policy is applied. An affordable housing requirement of 40% is a relatively high proportion of any scheme and therefore the policy should allow for clusters to be located adjacent to one another where separate access arrangements are provided, in order to be practical. It should also be acknowledged that if the design approach for a scheme includes apartments then it is not necessarily practical to artificially split an apartment building to achieve cluster sizes of no more than 25.</p>	<p>development by being tenure blind and pepper-potted across the site in clusters appropriate to the size of the site. The aim of an SPD is to aid the implementation of Local Plan policies and in this case it details the Council's expectations regarding clustering to assist developers. There is sufficient flexibility within the policy to allow for alternatives should the size or scale of the site require a different approach</p>	
<p>49 – Pigeon Development Ltd.</p>	<p>3.3 Design and Layout</p>	-	<p>3.3.6.The draft SPD notes that up to 15% of affordable homes should be constructed to wheelchair adaptable/accessible standards. Such homes come at an additional construction cost of between £5/10,000 despite no increased revenue being generated by the purchase price from RP's. The SPD should therefore require the Council to identify particular needs of wheelchair users, rather than apply a blanket approach.</p>	<p>Paragraph 3.3.6 notes that the most recent assessment of need will inform negotiations relating to M4(3) homes and as such is considered to provide sufficient flexibility. Section 5 deals with site viability as a consideration.</p>	<p>No amendment in response to this issue.</p>

41 – Pigeon Development Ltd	3.3 Design and Layout	Support	3.3.8. We welcome the more flexible and pragmatic approach to ensuring appropriately sized rooms than in earlier drafts of the SPD.	Support noted and welcomed.	No amendment in response to this issue.
30 – Harlow District Council	3.2 Housing Mix, Type and Tenure	-	Para 3.2.1 – The villages of Eastwick, Gilston and Hunsdon identified in the “Designated Protected Area” are either within the Harlow and Gilston Garden Town boundary or on its periphery. Their inclusion compromises the equity of opportunity and delivery of shared ownership which would be enjoyed in the Garden Town Area as a whole. Those villages should be named and excluded from the 80% staircase ceiling in paragraph 3.2.11.	The relationship between DPA’s and large strategic sites is recognised by national government. To clarify an additional sentence has been added to paragraph 3.2.11	Following amendment made to paragraph 3.2.11: <i>In the main, rural areas in the East Herts district are largely within Designated Protected Areas. Where development is in a Designated Protected Area, staircasing on shared ownership properties is restricted to 80% to retain the affordable element of the properties in perpetuity. It is noted that in East Herts, allocated sites within Designated Protected Area’s would also be subject to this staircasing restriction. Where the retention of stock may not be such an issue to some sites, the applicant should discuss the application of Designated Protected Area’s with the Council at the earliest possible stage.</i>
41 – East Herts Housing Development and Strategy	3.1 Pre-Application Advice	-	Particularly useful to the Housing Development & Strategy team in pre-application discussion is further information regarding the size of affordable housing. We welcome the inclusion of; Measurements in square metres; Number of bedrooms.	Noted – amendments made.	Amendments made to paragraph 3.1.3, bullet point 1: <ul style="list-style-type: none">- the intended quantum, type and tenure, size (<i>in squared meters, and the number of bedrooms</i>) and number of persons per unit; and
56 – Pioneer Property Services Ltd.	3.1 Pre-Application Advice	Object	No Plan policy to underpin a preference for number of persons per unit and should not be imposed	The SPD does not impose a requirement but notes here that if possible, at pre-application stage any details	No amendment in response to this issue.

			<p>through an SPD.</p> <p>Pioneer states that the SHMA 2015 does not provide the local evidence necessary to justify a locally specific policy on M4(3) needs as required in the PPG and NPPF. It is the responsibility of the Council not the applicant to demonstrate the specific proportion of such units on a site to meet specific needs. As such para 3.1.3 should be amended as;</p> <p><i>"An Affordable Housing Statement (i.e. the proposed approach to meeting the affordable housing requirement and the housing mix) should be submitted with any pre-application materials to enable pre-application consideration and discussion. If possible, it should <u>following negotiation</u> include the following:</i></p> <ul style="list-style-type: none"> - <i>the intended quantum, type and tenure, and size and number of persons per of units; and</i> - <i>the a proportion of affordable housing to meet M4(3): Category 3 Wheelchair User Dwelling standards and the units specifically identified <u>where provision is appropriate (the Council having demonstrated specifically evidenced local housing needs) practically achievable and subject to viability.</u>"</i> 	<p>on the number of people per unit helps all parties move forward with greater clarity.</p> <p>East Herts has a demonstrated need as set out by policy HOU7 in the District Plan. Policy HOU7 part II. also notes that only where circumstances exist where it can be demonstrated by the applicant that it is not practically achievable or financially viable to delivery this policy, will new development be exempt from the requirement.</p> <p>It should also be noted that paragraph 3.3.5 of this SPD clearly states that the Council will negotiate the proportion of wheelchair adaptable/accessible dwellings on a site-by-site basis.</p>	
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			<p>Paragraph 3.1.4 does not acknowledge that certain affordable products will be provided without a registered provider – the wording should be amended to reflect this:</p> <p><i>“identify/involve the (potential) Registered Provider/s (where applicable) and consider the arrangements for the provision of affordable housing prior to the submission of a planning application; and”</i></p>	<p>Paragraph already contains the word ‘potential’ noting that this is pre-application stage and the registered provider may either not be identified, or a registered provider does not need to be involved.</p>	
56 – Pioneer Property Services Ltd.	3.2 Housing Mix, Type and Tenure	Object	<p>Pioneer recommend a number of changes to paragraphs in this section due to Council’s SHMA pre-dating the NPPF definition of affordable housing and therefore the SHMA evidence not considering this in terms of its affordable split. Amendments as suggested:</p> <p>Paragraph 3.2.3; <i>“The most recent SHMA identifies a requirement that 84% of new affordable housing provision should be for affordable rent with the remaining 16% being for intermediate affordable housing tenures as summarised by table 14.2 in the East Herts District Plan and below. <u>However, this does not reflect the full extent of the need for affordable housing for sale taking into account the current NPPF affordable housing definition which is clarified within national planning policy guidance to include households able to</u></i></p>	<p>This section of the SPD is clear that mix, type and tenure should accord with the most up-to-date evidence on housing need and will be negotiated on a site-by-site basis (see paragraphs 3.2.1 and 3.2.2 of the SPD).</p>	<p>No amendment in response to this issue.</p>

			<i>afford to rent privately but unable to afford to buy despite aspiring to do so. Reductions in owner occupation compared to past trends - seeing households who would otherwise have purchased moving into the private rented sector instead - suggest that a 60% Affordable Rent and 40% Affordable Housing for Sale is more likely to be appropriate under the current NPPF affordable housing definition."</i>		
56 – Pioneer Property Services Ltd.	3.2 Housing Mix, Type and Tenure	Object	Amendments as suggested: Paragraph 3.2.5: " <i>Having regard to paragraph 64 of the NPPF and the impact of the widened affordable housing definition</i> tThe Council will therefore accept an uplift in affordable home ownership tenures <i>above the SHMA proportion</i> to accommodate the change in the NPPF up to the level of 25 <i>40%</i> of the affordable proportion. Regarding the overall mix, it is up to the applicant to provide sufficient evidence to demonstrate why any further <i>significant</i> deviation from the SHMA <i>this proportion</i> is appropriate for a specific site."	Paragraph 3.2.5 in conjunction with 3.2.4 is clear that paragraph 64 of the NPPF has been the mechanism for this change. Paragraphs 3.2.5 is clear that a further uplift from 25% is acceptable if evidenced; the target of 40% referred to in this comment is not the subject of any detailed evidence based on the needs across the district.	No amendment in response to this issue.
56 – Pioneer Property Services Ltd.	3.2 Housing Mix, Type and Tenure	Object	Amendments as suggested: Paragraph 3.2.6: " <i>The Council's current preferred intermediate tenure is shared ownership. Where applicants wish to propose an alternative intermediate housing product they should submit</i>	This section of the SPD is clear that mix, type and tenure should accord with the most up-to-date evidence on housing need and will be negotiated on a site-by-site basis (see paragraphs 3.2.1	No amendment in response to this issue.

			evidence demonstrating why a particular product is more appropriate and we will consider this against the definitions set out in the NPPF and consider how the product proposed meets identified needs now and in the future."	and 3.2.2 of the SPD). The paragraph only highlights the Council's preference of Shared Ownership and that an applicant should submit evidence demonstrating why another product might be more appropriate. This does not present a restrictive measure or add to the financial burden of development.	
56 – Pioneer Property Services Ltd.	3.2 Housing Mix, Type and Tenure	Object	Amendments as suggested: Paragraph 3.2.8: <i>"Where affordable rented housing is proposed the Council will require that seek to negotiate that rents, including service charges, are below or capped at the Local Housing Allowance rate (LHA) (or its equivalent). Currently, the District has 3 Local Housing Allowance rate areas in the District: Harlow and Stortford; South East Herts, and Stevenage and North Herts"</i>	Amendments noted and accepted to reflect this is a position the Council will seek to negotiate.	Following amendment to paragraph 3.2.8: <i>Where affordable rented housing is proposed the Council will require seek to negotiate that rents, including service charges, are below or capped at the Local Housing Allowance rate (LHA) (or its equivalent).</i>
56 – Pioneer Property Services Ltd.	3.2 Housing Mix, Type and Tenure	Object	Amendments as suggested: Paragraph 3.2.9: <i>"Local Housing Allowance is a flat rate allowance based on the size of the household and the area your property is located in. Providers generally prefer to will need to</i>	Amendment agreed.	Following amendment to paragraph 3.2.9: <i>Local Housing Allowance is a flat rate allowance based on the size of the household and the area your property is located in. Providers generally prefer</i>

			<i>ensure that affordable rents do not exceed the LHA for the area in which the property is situated."</i>		will need <i>to ensure that affordable rents do not exceed the LHA for the area in which the property is situated."</i>
56 – Pioneer Property Services Ltd.	3.2 Housing Mix, Type and Tenure	Object	Amendments as suggested: Paragraph 3.2.11: <i>"In the main, rural areas in the East Herts district are largely within Designated Protected Areas. Where development is in a Designated Protected Area, <u>the Provider must ensure that staircasing on shared ownership properties is either restricted to 80% to retain the affordable element of the properties in perpetuity or that once the leaseholder has acquired 100% share of the house, at resale that it is sold back to the landlord, or failing that to the provider's nominee or failing that the owner will be able to sell on the open market after 6 months.</u>"</i>	The relationship between DPA's and large strategic sites is recognised by national government. To clarify an additional sentence has been added to paragraph 3.2.11	Following amendment made to paragraph 3.2.11: <i>In the main, rural areas in the East Herts district are largely within Designated Protected Areas. Where development is in a Designated Protected Area, staircasing on shared ownership properties is restricted to 80% to retain the affordable element of the properties in perpetuity. It is noted that in East Herts, allocated sites within Designated Protected Area's would also be subject to this staircasing restriction. Where the retention of stock may not be such an issue to some sites, the applicant should discuss the application of Designated Protected Area's with the Council at the earliest possible stage.</i>
42 – East Herts Housing Development and Strategy	3.2 Housing Mix, Type and Tenure	-	Many sites will deviate from the mix set out in the table, simply because they are entirely or predominantly flatted. Housing Development & Strategy would welcome a statement in the AHSPD on the property types offered as we do not encourage the delivery of flats for affordable housing on developments that are otherwise 100% houses. Property types offered for affordable housing should be broadly in proportion to those being	The issue is noted – it is difficult to deal with this specific issue within the scope of an SPD without being overly prescriptive. District Plan policies and guidance in the SPD on the design and layout, as well as up-to-date housing evidence should help to assist with any issues that arise.	No amendment in response to this issue.

			delivered for market housing.		
43 – East Herts Housing Development and Strategy	3.2 Housing Mix, Type and Tenure	-	Housing Development & Strategy would welcome the inclusion of the sentence from Paragraph 64 of the NPPF “Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.”	Wording included as proposed to reflect this and other comments received.	Following amendment to paragraph 3.2.4: <i>“Paragraph 64 of the updated NPPF sets out that where major developments are providing housing at least 10% of the total dwellings are to be made available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. As this figure...”</i>
43 – East Herts Housing Development and Strategy	3.2 Housing Mix, Type and Tenure	-	Paragraph 3.2.5: Given that the identified housing need in East Herts is for 84% affordable rent, the Council's ability to meet the OAN is already compromised by reducing the contribution to 75%. Therefore Housing Development & Strategy would encourage a statement on our position where sites do not deliver the full affordable housing contribution of 35/40% that we may seek a tenure split of up to 84% affordable rent.	This would be contrary to paragraph 64 of the NPPF which states that at least 10% of the homes are to be available for affordable home ownership.	No amendment in response to this issue.
60 – Bengoe Neighbourhood Plan Community Steering Group	3.3 Design and Layout	Support	We support the principle of mixed, inclusive and sustainable communities and endorse the commitment in para 3.3.3 to distribute affordable housing across development sites.	Support noted and welcomed	No amendment in response to this issue.

<p>56 – Pioneer Property Services Ltd.</p>	<p>3.3 Design and Layout</p>	<p>Object</p>	<p>Amendments requested to paragraph 3.3.1 on preferences regarding the number of parking spaces and that they should be well related to the homes for which they are provided.</p> <p>Amendments to paragraph 3.3.3 suggested:</p> <p><i>“To achieve mixed, inclusive and sustainable communities and to supplement the supporting text in paragraphs 14.4.16 and 14.4.17 of the District Plan, <u>the Council will negotiate how the affordable housing is to be distributed. The Council's preferences are that it should;</u></i></p> <ul style="list-style-type: none"> - <i>on all sites be distributed across the site rather than provided in one single parcel;</i> - <i>on sites incorporating 30 or more residential units be provided in groups of no more than 15% of the total number of units being provided or 25 affordable units, whichever is the lesser.”</i> <p>Further amendments suggested to paragraph 3.3.5:</p> <p><i>“On sites proposing 11 or more gross additional dwellings, a proportion of affordable dwellings will be expected to meet the Building Regulations Requirement M4(3): Category 3 –</i></p>	<p>Paragraph 3.3.3 reflects policy HOU3 part V. which requires affordable housing units to be integrated into the development by being tenure blind and pepper-potted across the site in clusters appropriate to the size of the site.</p> <p>The aim of an SPD is to aid the implementation of Local Plan policies and in this case it details the Council's expectations regarding clustering to assist developers. There is sufficient flexibility within the policy to allow for alternatives should the size or scale of the site require a different approach.</p> <p>Both paragraph 3.3.5 and 3.3.6 clearly note that the Council will negotiate on a site-by-site basis with regards to wheelchair</p>	<p>No amendment in response to this issue.</p>
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			<p><i>Wheelchair User Dwellings. Such dwellings may be wheelchair adaptable or wheelchair accessible. The Council will therefore negotiate the proportion of wheelchair adaptable/accessible dwellings on a site-by-site basis <u>where provision is appropriate (the Council having demonstrated specifically evidenced local housing needs), practically achievable and subject to viability.</u></i></p> <p>Further amendments suggested to paragraph 3.3.6:</p> <p><i><u>"The most recent assessment of need for wheelchair user dwellings by specific local households identified by the Council will inform negotiations. The SHMA identifies a need for 15% of affordable housing to meet wheelchair user requirements alongside the 10% of market housing."</u></i></p>	<p>adaptable/accessible dwellings. As well as this it is noted that the most recent assessment of need will inform these negotiations and that these requirements are subject to viability considerations.</p>	
56 – Pioneer Property Services Ltd.	3.4 Provision of Affordable Housing on an Alternative Site	Object	<p>Paragraph 3.4.4 sets out an approach that would result in a developer being required to provide a greater level of affordable housing off-site than it would on-site. The SPD should not seek to introduce additional burdens, the Council should take a flexible approach and amend the paragraph as follows:</p> <p><i><u>"Where off-site provision is agreed by the Council, the Council's preference is,</u></i></p>	<p>This approach results only in the correct level of affordable housing being applied percentagewise (as per policy HOU3) in comparison to the level of market housing being provided on a site.</p>	<p>No amendment in response to this issue.</p>

			<p><i>subject to negotiation, for the amount of affordable housing to be delivered will to be calculated using the following formula:</i></p> <p><i>i. 40% affordable housing requirement:</i> 40/60 $\times M$</p> <p><i>ii. 35% affordable housing requirement:</i> 35/65 $\times M$</p> <p><i>Where M = the number of open market units"</i></p>		
56 – Pioneer Property Services Ltd.	3.5 Commuted Sums in Lieu of Affordable Housing	Object	<p>Current formula is inappropriate as it would result in a developer being required to provide a greater contribution off-site than it would on-site. The SPD should not seek to introduce additional burdens, the Council should take a flexible approach and amend the paragraph.</p>	<p>This approach results only in the correct level of affordable housing being applied percentagewise (as per policy HOU3) in comparison to the level of market housing being provided on a site.</p> <p>Flexibility has been provided with regards to the cost methodology set out in paragraph 3.5.3.</p>	No amendment in response to this issue.
57 – St William Homes LLP	3.5 Commuted Sums in Lieu of Affordable Housing	-	<p>There is an omission of any reference to viability considerations. As the provision of all affordable housing is subject to this, reference should be made in this section.</p>	<p>Viability is covered in section 5 of the SPD.</p>	No amendment in response to this issue.
31 – Harlow District Council	3.5 Commuted Sums in Lieu of Affordable Housing	-	<p>Para 3.5.5 – Unable to find the BCIS mean averages for Hertfordshire on BCIS web site. Consequently a footnote including where you can find this and the URL would be helpful.</p>	<p>BCIS averages are provided independently and as such require a subscription to access.</p>	No amendment in response to this issue.

50 – Pigeon Investment Management Ltd.	3.5 Commuted Sums in Lieu of Affordable Housing	Object	3.5.3 It is disappointing that within the draft SPD there is no more clarity given to how off-site contributions will be calculated, in order to give certainty to developers. We previously suggested a simple formula based on anticipated open market value (net of sales costs) of the homes that are now open market but would have been affordable on site, less the anticipated RP offer prices, equalling the level of contribution, may be appropriate. As drafted the SPD suggests contributions 'broadly equivalent to the cost of providing the affordable housing on site'. This is not appropriate as it does not take into account the financial contribution Registered Providers make from their own resources.	The Council considers this approach to be clear and flexible enough to provide the right approach on a site-by-site basis.	No amendment in response to this issue.
37 – Clyde Millard	3.6 Provision of Land in Lieu of Affordable Housing	-	3.6.2 There is no commitment by the Council to ensure that affordable housing is provided on the land provided in Lieu, otherwise that land could be seen as a bribe to the Council for the developer to evade their affordable housing obligations. It is essential that affordable housing is provided on the said land.	The Council's preference is for affordable housing to be provided on the development site. In the unlikely scenario that land was provided in lieu, it would likely be for the Council or a developer to provide affordable housing.	No amendment in response to this issue.
51 – Pigeon Investment Management Ltd.	3.6 Provision of Land in Lieu of Affordable Housing	Object	3.6. The draft SPD allows for the Council to accept land, serviced to the boundaries, in lieu of affordable housing. The draft SPD notes the site size should be of 'equivalent value to	It is anticipated that in the event that the Council agreed for the provision of land in lieu of affordable housing, that a number of factors	No amendment in response to this issue.

			on-site provision'. The SPD needs to be clearer about the provision of serviced land in lieu of on-site provision. If the calculation was based on anticipated open market values (net of sales costs) of the homes that are now open market but would have been affordable provision on site, less the anticipated RP offer prices for those homes, equalling the level of contribution, it may be appropriate.	would need to be considered that could not be comprehensively covered by this SPD and is more appropriate to have that discussion on a site-by-site basis.	
32 – Harlow District Council	3.7 Vacant Building Credit	-	Suggest a reference to paragraph 63 of NPPF is flagged up in section 3.7 of the SPD. It may be helpful to set out the formulae i.e. - (Difference between proposed and existing floorspace/proposed floorspace) * policy requirement.	Reference has been updated to national policy and the PPG. Changes made to paragraphs 3.7.3 and 3.7.4.	<p>The following amendments have been made to paragraphs 3.7.3 – 3.7.4:</p> <p>3.7.3 <i>Vacant Building Credit will apply where the building is wholly vacant and to be redeveloped. completely If VBC applies, the existing floorspace or a vacant building should be credited against the floorspace of the new development and may result in a proportionate reduction in the Affordable Housing Contribution should be made. Vacant Building Credit does not apply where the building:</i></p> <p><i>a) has been abandoned in planning terms; or</i></p> <p><i>b) has been vacated for the sole purpose of redevelopment; or</i></p> <p><i>c) is covered by an extant or recently expired planning permission</i></p>

					<p><i>3.7.4 The application of VBC will be guided by the Planning Practice Guidance and national policy. VBC does not apply to buildings that have been abandoned, the PPG sets out a number of criteria that can be used to distinguish whether a use has been abandoned.</i></p>
52 – Pigeon Investment Management Ltd.	3.7 Vacant Building Credit	Support	3.7. The positive application of the Vacant Building Credit is welcomed.	Support noted and welcomed	No amendment in response to this issue.
57 – St William Homes LLP	3.7 Vacant Building Credit	Object	<p>Paragraphs 3.7.2 and 3.7.3 have oversimplified and differs from the PPG. Paragraph 3.7.3 should be amended as follows:</p> <p>“Vacant Building Credit will apply where the building is wholly vacant or redundant and to be reused or redeveloped completely. <u>If VBC applies, the existing floorspace of a vacant building should be credited against the floorspace of the new development</u> and may result in a proportionate reduction in the Affordable Housing Contribution should be made. Vacant Building Credit does not apply where the building:</p> <ul style="list-style-type: none"> - has been abandoned in planning terms; or — has been vacated for the sole purpose of redevelopment; or 	<p>Suggested amendments are agreed and further amendments made as well. Changes made to reflect, and for consistency with the Planning Practice Guidance.</p> <p>Addition of paragraph noting reference to the PPG.</p>	<p>The following amendments have been made to paragraphs 3.7.3 – 3.7.4:</p> <p><i>3.7.3 Vacant Building Credit will apply where the building is wholly vacant and to be redeveloped. completely If VBC applies, the existing floorspace or a vacant building should be credited against the floorspace of the new development and may result in a proportionate reduction in the Affordable Housing Contribution should be made. Vacant Building Credit does not apply where the building:</i></p> <p><i>a) — has been abandoned in planning terms; or</i></p> <p><i>b) — has been vacated for the sole purpose of redevelopment; or</i></p> <p><i>c) — is covered by an extant or recently expired planning permission</i></p>

			<ul style="list-style-type: none"> - is covered by an extant or recently expired planning permission 		<p>3.7.4 The application of VBC will be guided by the Planning Practice Guidance and national policy. VBC does not apply to buildings that have been abandoned, the PPG sets out a number of criteria that can be used to distinguish whether a use has been abandoned.</p>
4. Securing Affordable Housing					
56 – Pioneer Property Services Ltd.	4 Securing Affordable Housing	Object	<p>Suggested amendment to paragraph 4.0.2:</p> <p><i>"Subject to negotiation tThe affordable housing clauses in the S106 agreement will <u>can</u> include obligations relating to:</i></p> <ul style="list-style-type: none"> - <i>the size, type, tenure, location, design and layout of the affordable housing;</i> - <i>the number of affordable dwellings to be delivered;</i> - <i>limitations on the occupation of the affordable housing;</i> - <i>nomination rights;</i> - <i>the phasing of [the delivery of] affordable housing in relation to market housing</i> - <i>triggers relating to any review mechanism or commencement schedule;</i> - <i>indexation</i> - <i>the retention of the housing as affordable;</i> - <i>obligations relating to the</i> 	<p>A legal agreement such as a S106 has to be agreed by both parties and so would be subject to negotiation. The addition of suggested wording is superfluous.</p>	<p>No amendment in response to this issue.</p>

			<p><i>affordable dwellings for first and subsequent residents; requirements to replace the affordable dwellings and for subsidy recycling</i></p> <ul style="list-style-type: none"> - <i>continued use of affordable dwellings in perpetuity</i> - <i>review (clawback) provisions, where relevant."</i> 		
23 – G. Edkins	4.4 Affordability	-	<p>Investment in affordable housing thrives on predictable long terms income, and affordability for tenants is also based on abated rents yielding no nasty surprises in future. For this reason it is prudent to cap rents at LHA at first letting, and for rents thereafter to follow rent inflation regimes that govern Registered Providers, and not be periodically rebased to a percentile of potentially volatile market levels. To clarify that this is the intended approach, we suggest 4.4.2 should read: Affordable rents, including service charges, should be set at first letting no higher than current Local Housing Allowance (LHA) rates in the District and shall be governed thereafter by national rent regimes, secured as part of a S106 agreement.</p>	<p>Section 4.4 deleted due to similarity with section 3.2.8. See changes to section 3.2.8 for any amendments.</p>	<p>Section 4.4 Affordability, deleted.</p>
13 - Countryside Properties	4.4 Affordability	Object	<p>The capping of affordable rents to Local Housing Allowance rate is</p> <p>1) inconsistent with the definition of affordable rent in Annex 2 of the</p>	<p>Section 4.4 deleted due to similarity with section 3.2.8. See changes to section 3.2.8 for any amendments.</p>	<p>Section 4.4 Affordability, deleted.</p>

			<p>NPPF;</p> <p>2) not strictly appropriate given that Local Housing Allowance historically relates to social rent (rather than affordable rent) dwellings</p> <p>3) not applicable for those individuals or families who take up affordable rent dwellings but do not receive housing benefit.</p> <p>As such paragraphs; 3.2.8, 3.2.9, 4.4.2 and 4.4.3 should be redrafted to reflect definition and cap for affordable rent set out in Annex 2 of the NPPF.</p>		
54 – Places for People	4. Securing Affordable Housing	Object	Paragraph 4.0.2 of the SPD notes that provisions for review mechanisms will be included within the S106 agreement. The text should be amended to make clear that this will not be relevant for schemes which are delivering 40% affordable homes.	The text already notes that this is ‘where relevant’.	No amendment in response to this issue.
57 – St William Homes LLP	4. Securing Affordable Housing	Object	Overly prescriptive clauses in first bullet – ‘design’ and ‘layout’ should be removed.	Given this relates to a S106 agreement the detail at the stage would have been clarified through the application process and as such isn’t overly prescriptive.	No amendment in response to this issue.
34 – Harlow District Council	4. Securing Affordable Housing	-	Para 4.0.2 includes a S106 clause with regards “clawback”. Unable to identify a policy supporting this in the adopted plan, nor further details on how this	It is clear in the text that the review mechanism will only be included ‘where relevant’.	No amendment in response to this issue.

			may be achieved in the SPD.		
25 - Much Hadham Parish Council	4. Securing Affordable Housing	Object	Previous draft of the SPD had a section on Community led housing, the current draft does not. MHPC calls for the SPD to explicitly support and encourage community-led housing and to publish its policies, detailing its approach and requirements so that this can be understood by all concerned.	The Council still supports Community-led Housing but feels it is best placed to assist its communities deliver these schemes outside of the scope of this Affordable Housing SPD.	No amendment in response to this issue.
26 - Much Hadham Parish Council	4.3 Nomination Rights	Object	<p>In Para 4.3.1 - EHC seeks to reserve for itself 100% nomination rights for the initial lets of affordable housing and a minimum of 75% for relets. This, however, is inconsistent with the express purpose which community-led housing is intended to fulfil, viz. to provide affordable housing for people from the local community as a first priority. It is for that purpose that the community supported CLH in the context of a neighbourhood plan. In the circumstances EHC's reservation of nomination rights is neither justifiable nor acceptable.</p> <p>MHPC requests that EHC give due regard to the principle of "localism" and the wishes of the community and relinquishes nomination rights to the community trust responsible for bringing forward development.</p>	<p>As the holder of the District's Housing Needs Register the Council rightly seeks to normally reserve 100% nomination rights for people on that register.</p> <p>As noted in the SPD, this is normally the Council's approach, should the Neighbourhood Plan group have an alternative scheme in place they should start by contacting the Council.</p>	No amendment in response to this issue.
24 - Much Hadham Parish	4.3 Nomination	-	Para 4.3.3 - In determining eligibility for shared ownership EHC seeks to	This paragraph has been amended to acknowledge	Amendments made to Paragraph

Council	Rights		<p>impose its shared ownership local priorities cascade.</p> <p>MHPC recommends that for shared ownership CLH properties, priority be given to people from the local community ahead of other eligible applicants. For both tenures (affordable rent and shared ownership), it would help achieve “joined up” governance if the definitions for preferential eligibility could be agreed with EHC as part of the planning agreement. We invite EHC to enter discussions with MHPC to achieve this.</p>	that the Council’s preference is people who meet the Local Authority Shared Ownership Cascade.	<p>4.3.3:</p> <p>To be eligible <i>The Council's preference is that the person must meet the Local Authority Shared Ownership Cascade as well as being financially eligible through the Government's criteria and regulations.</i></p>
57 – St William Homes LLP	4.3 Nomination Rights	Object	<p>Requirement for shared ownership dwellings only to be made available to applicants which meet the requirements of the Local Authority Shared Ownership Cascade should be omitted from the SPD.</p> <p>Furthermore the “Local Authority Shared Ownership Cascade” referenced within the footnote is merely a list of requirements and does not function as a “cascade” due to the absence of any reference to timing triggers etc.</p>	This paragraph has been amended to acknowledge that the Council’s preference is people who meet the Local Authority Shared Ownership Cascade.	<p>Amendments made to Paragraph 4.3.3:</p> <p>To be eligible <i>The Council's preference is that the person must meet the Local Authority Shared Ownership Cascade as well as being financially eligible through the Government's criteria and regulations.</i></p>
33 – Harlow District Council	4.3 Nomination Rights	-	Para 4.3.1 should incorporate a proviso that “The Council and other Local Authorities which have secured nomination rights by mutual agreement” will normally seek.....	Sufficient flexibility noted in the paragraph already for any alternative arrangements.	No amendment in response to this issue.

55 – Pioneer Property Services Ltd.	4.3 Nomination Rights	Object	Suggested amendment to paragraph 4.3.1: <i><u>"As a guide and subject to negotiation it is the Council's preference to The Council will normally seek 100% nomination rights for the initial lets of affordable rented housing and a minimum of 75% nomination rights for relets."</u></i>	Sufficient flexibility noted in the paragraph already for any alternative arrangements.	No amendment in response to this issue.
56 – Pioneer Property Services Ltd.	4.4 Affordability	Object	Suggest the deletion of paragraph 4.4.2 as it repeats 3.2.8.	Paragraphs are set in different contexts and needed to provide advice and guidance to applicants.	No amendment in response to this issue.
5. Viability					
3 - Sworders	Viability General	Object	District Plan submitted and examined under 2012 NPPF therefore policies have not been assessed as per paragraph 57 in the 2019 NPPF. Adopted policies not sufficiently detailed regarding financial contributions and it cannot be assumed that all development proposals that comply with the District Plan are viable. Wording should be more flexible.	Paragraphs 5.0.5 – 5.0.7 follow national guidance and as such have sufficient flexibility.	No amendment in response to this issue.
9 – Simon McClelland	Viability	Support	If, on a particular site, the developer can show extra costs that make the site unviable in respect of affordable housing, is the developer required to provide S106 money to allow this housing to be delivered on another nearby site? Could this be made clear	Off-site provision of affordable housing and commuted sums in lieu of affordable provision are covered in sections 3.4 and 3.5. They are options only considered in exceptional	No amendment in response to this issue.

			in the final document?	<p>circumstances.</p> <p>A viability assessment is only required where a developer is unable to provide the scale of affordable provision due to exceptional or abnormal site costs.</p>	
38 – Clyde Millard	5 Viability	Object	<p>5.0.3 & 5.0.6 There seems to be no absolute commitment by the Council in the Consultation Document to maintain the appropriate 35% or 40% requirement for affordable housing. Requiring ‘the developer to demonstrate why a site should not include provision in line with the Council’s targets’ (5.0.3) or making any viability assessment publicly available (5.0.6) is all well and good but is unlikely to deter a well resourced developer. The Council should have more robust provisions in place in the form of perhaps, a credible independent organisation, to examine the developer’s figures and be able to make a judgement.</p>	<p>In the event that a viability assessment is submitted to the Council, it is likely that it will be independently scrutinised and publicly available. The Council follows national guidance in relation to viability.</p>	No amendment in response to this issue.
56 – Pioneer Property Services Ltd.	5 Viability	Object	<p>Councils evidence base on viability unlikely to be sufficient where developer contributions have been increased by County Council to those assessed at Plan-making stage. Suggested amendment to paragraph 5.0.</p> <p><i>“The Council recognises that in some</i></p>	<p>Noted. Council’s approach to viability is inline with that in the PPG and does not set additional criteria. As noted it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application</p>	No amendment in response to this issue.

			<i>cases there may be abnormal development costs which need to be considered. Negotiations to reduce obligations based on site specific viability considerations should only be necessary where the site <u>specific</u> circumstances suggest exceptional or abnormal costs that will make policy compliance unviable."</i>	stage.	
57 – St William Homes LLP	5 Viability	-	Generally supportive to viability approach but requirement to provide a viability statement at pre-application stage is too onerous.	Paragraph 5.0.5 notes that this is not a requirement and only 'if possible and where necessary'.	No amendment in response to this issue.
6. Appendices					
10 – S. McClemont	Appendix A	Object	Objection to the words 'up to' in front of 35% and 40%. Provides a cap on housing rather than a requirement.	Reflects policy in the adopted East Herts District Plan 2018 and as such cannot be modified through an SPD.	No amendment in response to this issue.

APPENDIX A: CONSULTEES

The following organisations were directly notified of the draft Affordable Housing SPD in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). It should be noted that individuals on the planning policy consultation database were also consulted, but are not listed.

Specific Consultation Bodies and/or Duty to Cooperate Bodies

- Affinity Water
- Anglian Water
- The Civil Aviation Authority
- Communication Operators
- EDF Energy Networks
- Environment Agency
- Essex County Council
- Great Anglia
- Hertfordshire Constabulary
- Hertfordshire County Council
- Highways England
- Hertfordshire Local Enterprise Partnership
- Historic England
- Homes and Communities Agency
- Lee Valley Regional Park Authority
- National Grid
- Natural England
- Network Rail
- NHS East and North Hertfordshire CCG
- NHS West Essex
- Neighbouring Authorities: Broxbourne Borough Council, Epping Forest District Council, Harlow District Council, North Hertfordshire District Council, Stevenage Borough Council, Uttlesford District Council
- Police and Crime Commissioner
- Stansted Airport
- Thames Water
- The Coal Authority
- The Princess Alexandra Hospital NHS Trust

- Veolia Water

East Herts Town and Parish Councils	
Bishop's Stortford Town Council	Hertford Heath Parish Council
Buntingford Town Council	Hertingfordbury Parish Council
Hertford Town Council	High Wych Parish Council
Sawbridgeworth Town Council	Hormead Parish Council
Ware Town Council	Hunsdon Parish Council
Albury Parish Council	Little Berkhamsted Parish Council
Anstey Parish Council	Little Hadham Parish Council
Ardeley Parish Council	Little Munden Parish Council
Aspenden Parish Council	Much Hadham Parish Council
Aston Parish Council	Sacombe Parish Meeting
Bayford Parish Council	Standon Parish Council
Bengeo Rural Parish Council	Stanstead Abbots Parish Council
Benington Parish Council	Stanstead St Margarets Parish Council
Bramfield Parish Council	Stapleford Parish Council
Braughing Parish Council	Stocking Pelham Parish Council
Brent Pelham and Meesden Parish Council	Tewin Parish Council
Brickendon Liberty Parish Council	Thorley Parish Council
Buckland and Chipping Parish Council	Thundridge Parish Council
Cottered Parish Council	Walkern Parish Council
Datchworth Parish Council	Wareside Parish Council
Eastwick and Gilston Parish Council	Watton-at-Stone Parish Council
Furneux Pelham Parish Council	Westmill Parish Council
Great Amwell Parish Council	Widford Parish Council
Great Munden Parish Council	Wyddial Parish Meeting
28 Other Parish Councils outside of East Herts	

General Consultation Bodies and Other Organisations	
Aldwyck Housing Group Ltd	Hertfordshire Community Health Services
Bat Conservation Trust	Hertfordshire Gardens Trust
Bellway homes	Hunsdon Eastwick and Gilston Neighbourhood Plan Group
Beds and Herts Local Medical Committee	Hutchinson 3G UK Limited
Bishops Stortford Methodist Church	Ian Baseley Associates
Bishop's Stortford District Footpath Association	Jarvis Homes Ltd
Bishop's Stortford Chamber Of Commerce	Labour Party
Bishop's Stortford Liberal Democrats	Layston Pre-School and Nursery
Bishop's Stortford Mencap	Leach Homes
Bishop's Stortford Town Centre Management Partnership	Leaside Church

British Horse Society	Leaside Under 5's Kindergarten
British Telecommunications plc	Lee Valley Regional Park Authority
British Waterways	Linden Homes
Building Research Establishment	Linden Homes Eastern
Buntingford Chamber of Commerce	McMullen & Sons Ltd
Buntingford Civic Society	Mobile Operators Association
Buntingford Town Partnership	Molewood Residents Association
CABE	National Express East Anglia
Canal & River Trust	National Farmers Union
Carers in Hertfordshire	National Federation of Gypsy Liaison Groups
CBI East of England	Network Homes
CDA for Herts	North East Herts Labour Party
Chaldean Estate	North Hertfordshire Homes
Christ Church C of E (VA) Primary & Nursery School	Openreach Newsites
Church Commissioners	Orange Personal Communications Services
Circle Anglia	Origin Housing Association
Coke Gearing Consulting	PACE
Community Safety & Crime Reduction Department, Herts Constabulary	Paradigm Housing Group
Countryside Management Service	Paradise Wildlife Park
CPRE Hertfordshire	Parsonage Residents Association
Croudace Homes	Parsonage Surgery
Department for Transport Rail Group	Pelham Structures Ltd
Diocese of St Albans	Persimmon Homes
DPDS Consulting Group	Pigeon Investment Management Ltd
East Herts Ramblers	Plainview Planning Ltd
East of England Ambulance Service NHS Trust	Planning Potential
East of England Development Agency	RSPB
East of England Local Government Association	Salvation Army Bishop's Stortford Corps
Essex County Cricket Board	Sanctuary Carr-Gomm
Fairview New Homes	Sanctuary Hereward
Fields In Trust	Savills
First Capital Connect	Shelter
Forebury Estates Ltd	South Anglia Housing Association
Forewind Ltd	Sport England
Framptons	St Joseph's RC Primary School
Freight Transport Association	St Michaels Church
Friends, Families and Travellers and Traveller Law Reform Project	Standon and Puckeridge Surgery
Garden History Society	STANDonA120 campaign
Gascoyne Cecil Estates	Stevenage Liberal Democrats

Gladman Developments	Stewart Ross Associates
Good Architecture/ Transition Hertford	STOP Harlow North
Grange Builders	Strategic Planning Research Unit, DLP Planning Ltd
Granta Housing Society Ltd	Strutt & Parker
Hanover Housing Association	Sustrans
Hastoe Housing Association Ltd (East)	Telefonica O2 UK Ltd
Hatfield Town Council	Tesni Properties Limited
Haymeads Residents' Association	Thakeham Homes
Hazel End Farm	The Bishop's Stortford High School
Hertford Disability Support Group	The Canal and River Trust
Hertford Heath Primary School	The Gallery at Parndon Mill
Hertfordshire Action on Disability	The Georgian Group
Hertfordshire Association of Parish and Town Councils	The Gypsy Council
Hertingfordbury Conservation Society	The Lawn Tennis Association
Herts & Middlesex Badger Group	The Princess Alexandra Hospital NHS Trust
Herts & Middlesex Wildlife Trust	The Theatres Trust
Hertfordshire Building Preservation Trust	The Traveller Law Reform Project
Hertfordshire Chamber of Commerce & Industry	The Ware Society
Hertfordshire Community Health Services	The Woodland Trust
Hertfordshire Gardens Trust	Theatres Trust
Hertfordshire Police Authority	Wallace House Surgery
Herts & North Middlesex Area of the Ramblers	Ware Town Partnership
Herts Sports Partnership	Wareside C of E Primary School
Hightown Praetorian and Churches Housing Association	Watermill Estate Residents' Association
Hill Residential	Wates Developments
Hockerill Residents Association	Wattsdown Development Limited
Home Builders Federation	Welwyn Garden City Society
Home Farm Trust Herts & Essex	Wodson Park Sports Centre
Housing 21	Woodhall Estate
Hertfordshire Building Preservation Trust	
Hertfordshire Chamber of Commerce & Industry	


Appendix B


East Herts: Affordable Housing SPD


October 2019



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Contents

1. Introduction	3
2. The Affordable Housing Requirement	8
3. The Planning Application Stage	11
4. Securing Affordable Housing	23
5. Viability	27
Appendices	29

1. Introduction

Background:

- 1.0.1 The Council believes that everyone should be given the opportunity to access a decent home, which they can afford and is in a community where they want to live. A key objective of the East Herts District Plan seeks to ensure that new housing is accessible to, and meets the needs and aspirations of the District's communities.
- 1.0.2 The purpose of this Affordable Housing Supplementary Planning Document (SPD) is to aid the effective implementation of the Council's strategic housing objectives. In particular the affordable housing policies in the East Herts District Plan 2018 and also assisting developers in understanding the Council's approach and requirements with regards to viability.
- 1.0.3 The approach to affordable housing outlined in this document seeks to ensure the effective and consistent implementation of the policies relating to the provision of affordable housing in the East Herts District Plan. It also includes recognition of changes made to the National Planning Policy Framework (NPPF) in February 2019, as well as changes to the Planning Practice Guidance (PPG) with regards to viability.
- 1.0.4 This SPD provides further information and guidance on the specific District Plan policies contained in Chapter 14: Housing, and in particular those relating to affordable housing. The guidance in the SPD will assist applicants, developers and providers of affordable housing, to understand how the District Plan Policies will be implemented. Extracts of the relevant policies in the District Plan

are provided in Appendix A of this document, and the District Plan in its entirety can be found here: www.eastherts.gov.uk/districtplan

Legislative and Policy Context:

- 1.0.5 This draft SPD will be a material consideration in the determination of planning applications when formally adopted by the Council and will also inform pre-application discussions on relevant developments. This document has been prepared in accordance with Regulations 8 & 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.0.6 This Supplementary Planning Document will replace the Affordable Housing and Lifetime Homes SPD 2008 when adopted.

What is affordable housing?

- 1.1.1 The definition of affordable housing is set out in the NPPF 2019 as; housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers).
- 1.1.2 In order to be considered affordable, housing must meet the criteria above and also comply with one or more of the following definitions:

Affordable housing for rent: *meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes*

provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).

Starter homes: *is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.*

Discounted market sales housing: *is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.*

Other affordable routes to home ownership: *is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.*

- 1.1.3 The above presents the latest definition as at the time the SPD has been published. Should there be any subsequent update to the definition(s) set out in regulations, policy or guidance then it shall supersede what is set out above.

How is affordable housing provided?

- 1.2.1 The planning system is central to delivering affordable housing across the UK and delivers the majority of affordable housing in East Herts. This is principally provided through requiring developers to include affordable housing within their open market housing development as a part of planning permission. This is what is known as a planning obligation or Section 106¹ agreement and these are legally enforceable obligations used to mitigate the impact of a development proposal.
- 1.2.2 The level of affordable housing required on development sites is set out in planning policies, namely within the East Herts District Plan 2018 and the NPPF (details on this are explained in Section 2). ~~This~~ [The East Herts District Plan](#) also includes [further details on](#) the type, size and tenure of affordable housing that is expected to be delivered as part of an open market development.
- 1.2.3 In some exceptional circumstances there are other routes and mechanisms to enable the delivery of affordable housing, either through off-site provision or through [entry-level and](#) rural exception schemes.

¹ Section 106 of the Town and Country Planning Act 1990 (as amended).

Structure of Document

- 1.3.1 **Section 2** outlines the exact requirements expected of developers as set out in the District Plan and taking into consideration the changes to the NPPF.
- 1.3.2 **Section 3** sets out the various requirements and expectations when it comes to discussions at pre-application or submitting a full planning application. It also notes the expectations of design and the Council's approach to alternatives to on-site provision.
- 1.3.3 **Section 4** builds on the previous section by highlighting the Council's process for securing the provision of affordable homes through S106 agreements.
- 1.3.4 **Section 5** notes the Council's approach to viability which largely follows the updated PPG.

2. The Affordable Housing Requirement

2.0.1 The specific requirement for affordable housing will be calculated in accordance with District Plan Policy HOU3 as well as any other material considerations, including the most-up-to-date Strategic Housing Market Assessment (SHMA), the National Planning Policy Framework (NPPF) and relevant Planning Practice Guidance (PPG). District Plan Policy HOU3 expects that relevant developments will provide the following proportion of affordable housing:

- a) *up to 35% on sites proposing 10 or fewer gross additional dwellings and where the dwellings would have a combined gross floor space greater than 1,000 sq metres;*
- b) *up to 35% on sites proposing 11 to 14 gross additional dwellings;*
- c) *up to 40% on sites proposing 15 or more gross additional dwellings.*

2.0.2 In July 2018 and again in February 2019 the NPPF was revised, paragraph 63 notes that the provision of affordable housing should only be sought for residential developments that are classified as a *major development*. Major developments are subsequently defined in the NPPF glossary as: *development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.*

2.0.3 Therefore ~~it is unlikely that~~ the Council will not seek affordable housing contributions on sites with less than 10 dwellings unless the site is 0.5 hectares or more, or national policy is changed following the publication of this SPD.

- 2.0.4 The District Plan sets out that affordable housing will be sought on all sites that propose residential development that falls within the use class C3 (dwelling houses), including specialist accommodation such as; sheltered and extra care housing for older people where such schemes provide accommodation that is self-contained. The PPG has been updated to note that with reference to the application of the use class system to specialist housing it is for a local planning authority to consider into which use class a particular development may fall.
- 2.0.5 There will be cases where the percentage of affordable housing sought for a site does not give rise to an exact number of dwellings (e.g. 40% of 51 dwellings would be an affordable requirement of 20.4). In these cases the approach will be to round up or round down the number to give the final affordable housing figure. Any calculation that results in a requirement of 0.5 or above will be rounded up to the next whole unit, anything below 0.5 will be rounded down to the next whole unit.
- 2.0.6 On a site with significantly more affordable housing than required by Policy HOU3, the Council will ensure that the policy compliant level of affordable housing of 35% or 40% will be secured as affordable for first and subsequent occupiers of those homes, and that there are provisions for recycling subsidy should the property no longer be an affordable unit.
- 2.0.7 The phasing of a development or division of the site into separate parts will not result in reducing the proportion of affordable housing to be delivered. Where a site can clearly be identified, irrespective of ownership, the entire site will be used to determine whether the site meets the size criteria for affordable housing provision.

2.0.8 Inclusion of affordable housing on a development should also include provisions for:

- 1.** housing to either remain at an affordable price for future eligible households and/ or;
- 2.** any recycled grants to be spent on the provision of affordable housing within East Herts.

3. Planning Application Stage

3.0.1 This section provides further details and guidance on areas such as affordable housing mix, type and design that are commonly addressed at the pre-application or planning application stage.

Pre-Application Advice

3.1.1 Applicants are advised to seek pre-application planning advice to discuss all aspects of the planning proposal including the affordable housing requirement of the proposed scheme: <https://www.eastherts.gov.uk/preapplicationservice>

3.1.2 The purpose of pre-application planning advice in relation to affordable housing is to establish how affordable homes will be delivered, and to help provide all parties with greater certainty as the proposals move forward.

3.1.3 An Affordable Housing Statement (i.e. the proposed approach to meeting the affordable housing requirement and the housing mix) should be submitted with any pre-application materials to enable pre-application consideration and discussion. If possible, it should include the following:

- the intended quantum, type and tenure, size [\(in squared meters, and the number of bedrooms\)](#) and number of persons per unit; and
- the proportion of affordable housing to meet M4(3): Category 3 Wheelchair User Dwelling standards and the units specifically identified.

3.1.4 Pre-application discussions in relation to affordable housing will seek to address the following:

- consider the quantum, type, size and tenure of affordable housing to be provided;
- consider the location;
- identify/involve the (potential) Registered Provider/s and consider the arrangements for the provision of affordable housing prior to the submission of a planning application; and
- consider the Heads of Terms of the S106 Agreement that will be required to ensure the delivery of the affordable housing. A S106 agreement is necessary to secure the affordable housing requirements set out in the District Plan; the agreement must be completed before planning permission is issued

Housing Mix, Type and Tenure:

3.2.1 All developments that provide Affordable Housing will be expected to do so in line with Policy HOU1 of the District Plan and take into account the Council's most up-to-date evidence of housing needs in accordance with Policy HOU3. The tenure mix will be negotiated by the Council on a site by site basis and the type and size of affordable units sought will accord with the most up to date evidence on housing need.

3.2.2 The SHMA is an objective analysis of the housing circumstances in the District. It provides an evidence base to support the Council's affordable housing requirement, however, the Council shall at all times seek to use the most up-to-date information available.

3.2.3 The most recent SHMA identifies a requirement that 84% of new affordable housing provision should be for affordable rent with the remaining 16% being for intermediate affordable housing tenures as summarised by table 14.2 in the East Herts District Plan and below.

Affordable Rent		Number
Flat	1 bedroom	660
	2+ bedroom	360
House	2 bedroom	930
	3 bedroom	970
	4+ bedroom	250
Subtotal		3,170
% of affordable housing		84%
Intermediate Affordable Housing		Number
Flat	1 bedroom	80
	2+ bedroom	70
House	2 bedroom	180
	3 bedroom	240
	4+ bedroom	40
Subtotal		610
% of affordable housing		16%

3.2.4 Paragraph 64 of the updated NPPF sets out that where major developments are providing housing at least 10% of the total dwellings are to be made available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. As this figure is

taken from the total dwellings across the site and not just the affordable proportion, the expectation to provide affordable home ownership is greater than that set out in the SHMA (16% of 40% is less than 10% of 100%).

3.2.5 The Council will therefore accept an uplift in affordable home ownership tenures to accommodate the change in the NPPF up to the level of 25% of the affordable proportion. Regarding the overall mix, it is up to the applicant to provide sufficient evidence to demonstrate why any further deviation from the SHMA is appropriate for a specific site.

3.2.6 The Council's current preferred intermediate tenure is shared ownership. Where applicants wish to propose an alternative intermediate housing product they should submit evidence demonstrating why a particular product is more appropriate and we will consider this against the definitions set out in the NPPF and consider how the product proposed meets identified needs now and in the future.

3.2.7 The Council does have certain expectations for different affordable housing products in particular affordable housing for rent and shared ownership (see below):

Affordable Housing for Rent

3.2.8 Where affordable rented housing is proposed the Council will ~~require seek to~~ negotiate that rents, including service charges, are below or capped at the Local Housing Allowance rate (LHA) (or its equivalent). Currently, the District has 3 Local Housing Allowance rate areas in the District:

- Harlow and Stortford;

- South East Herts, and
- Stevenage and North Herts

3.2.9 Local Housing Allowance is a flat rate allowance based on the size of the household and the area your property is located in. Providers ~~will~~ need generally prefer to ensure that affordable rents do not exceed the LHA for the area in which the property is situated.

Shared Ownership

3.2.10 For Shared Ownership housing the initial share sold must be between 25% -75 % of the total value. After purchasing the initial share owners have the option to staircase up to 100% ownership, unless the property is within a Designated Protected Area.

3.2.11 In the main, rural areas in the East Herts district are largely within Designated Protected Areas. Where development is in a Designated Protected Area, staircasing on shared ownership properties is restricted to 80% to retain the affordable element of the properties in perpetuity. It is noted that in East Herts, allocated sites within Designated Protected Area's would also be subject to this staircasing restriction. Where the retention of stock may not be such an issue to some sites, the applicant should discuss the application of Designated Protected Area's with the Council at the earliest possible stage.

3.2.12 For reference, a full list of Designated Protected Areas can be found here: http://www.legislation.gov.uk/ukxi/2009/2098/pdfs/ukxi_20092098_en.pdf

Design and Layout

3.3.1 As with all forms of residential accommodation, the Council expects affordable housing to be built to a high standard of design and amenity. Affordable housing provided within developments should be integrated with the market housing and the design and appearance should be indistinguishable from those market units and built using the same materials, form and quality of design to ensure that it makes a positive contribution to local character and distinctiveness. This also applies to provision of parking which should be no different to that of market units.

3.3.2 Plans submitted to the Council for planning consideration should clearly show the position of all affordable units within the development, except in those outline applications where only illustrative plans are submitted.

3.3.3 To achieve mixed, inclusive and sustainable communities and to supplement the supporting text in paragraphs 14.4.16 and 14.4.17 of the District Plan, affordable housing (with the exception of 100% affordable housing schemes and rural exception sites) should;

- on all sites be distributed across the site rather than provided in one single parcel;
- on sites incorporating 30 or more residential units be provided in groups of no more than 15% of the total number of units being provided or 25 affordable units, whichever is the lesser.

3.3.4 To meet the needs of current and future household the requirement is for all new dwellings to meet the Building Regulation M4(2): Category 2 accessible and adaptable dwellings. This, alongside the Category 3 requirement (below), is

based upon an identified need as the NPPF and PPG allows plan-making authorities to make such a requirement.

- 3.3.5 On sites proposing 11 or more gross additional dwellings, a proportion of affordable dwellings will be expected to meet the Building Regulations Requirement M4(3): Category 3 – Wheelchair User Dwellings. Such dwellings may be wheelchair adaptable or wheelchair accessible. The Council will therefore negotiate the proportion of wheelchair adaptable/accessible dwellings on a site-by-site basis.
- 3.3.6 The most recent assessment of need for wheelchair user dwellings will inform negotiations. The SHMA identifies a need for 15% of affordable housing to meet wheelchair user requirements alongside the 10% of market housing.
- 3.3.7 The Council's preference is for wheelchair user dwellings to be adaptable to provide a wet room. Where there is a specific and clearly evidenced need, which is outside of that provided for by the wheelchair standard, the Council may have different requirements to meet that need. Such a requirement will be subject to viability considerations.
- 3.3.8 The Council will negotiate size, layout and design on a site by site basis but it should be noted that DES4 in the District Plan requires all new residential development to deliver internal rooms that are of an appropriate size and dimension. As the Council does not have any local space standards, developers

could look to the Nationally Described Space Standards² for guidance as to what might be considered a satisfactory size and dimension.

3.3.9 All development including affordable housing should make efficient use of land and meet density requirements. See Policy HOU2 (Appendix A).

3.3.10 To ensure that the design, layout and size of affordable housing provides a dwelling that suits the need of the household its providing for and delivers the greatest opportunity for longevity within the unit; developers should consider the number of people a unit can accommodate. Where possible, the following criteria should be followed:

- 2 bed units should be suitable for 4 people
- 3 bed units suitable for 5 people
- 4 bed units suitable for 7 people
- 5+ bed units suitable for more than 7 people

3.3.11 Consideration should also be given in dwellings with more than one double bedroom, that the second and subsequent double bedrooms are suitable for two single beds. This should be demonstrated in the floorplans submitted as part of an application.

² <https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard>

Provision of Affordable housing on an Alternative Site

- 3.4.1 The Council expects that, in accordance with the District Plan Policy HOU3, the required affordable housing will be provided on site.
- 3.4.2 In exceptional circumstances, the Council may permit a proportion or the entire affordable housing requirement to be delivered on an alternative site within the District.
- 3.4.3 Applicants proposing off-site provision should provide justification, setting out why off site provision is necessary, as part of a planning application.
- 3.4.4 Where off-site provision is agreed by the Council, the amount of affordable housing to be delivered will be calculated using the following formula:
- a) 40% affordable housing requirement: $40/60 \times M$
 - b) 35% affordable housing requirement: $35/65 \times M$
- Where M = the number of open market units*
- 3.4.5 It is strongly recommended that pre-application advice is sought if an applicant considers that an off-site contribution is appropriate.

Commuted Sums in Lieu of Affordable Housing

- 3.5.1 Commuted sums will only be considered where the Council is satisfied that there is justification for not providing affordable housing on-site or on an alternative site.

- 3.5.2 The Council will use the formula in paragraph 3.28 to calculate the amount of affordable housing subject to a commuted sum.
- 3.5.3 The Council will seek to secure financial contributions broadly equivalent to the cost of providing the affordable housing on-site via an agreed methodology with the Council.
- 3.5.4 It is strongly recommended that pre-application advice is sought if an applicant considers that a commuted sum is appropriate.
- 3.5.5 Commuted sums will be subject to indexation for the residential development. Indexing using BCIS mean averages for Hertfordshire will apply.
- 3.5.6 The applicant should notify the Council when the development commences or the trigger for payment/delivery has been reached. On receipt of the notification the Council will issue an invoice for the amount payable including any indexation.
- 3.5.7 The Council will monitor Building Control and other sources and will issue an invoice if the Applicant fails to advise the Council that the payment has been triggered.
- 3.5.8 Indexation applies until the date of the invoice, so in these circumstances the amount may be higher than if the applicant had advised the Council when the payment was triggered. Penalty interest is payable to all unpaid contributions and accrues from the date payment is triggered to the date of actual payment.

Provision of Land in Lieu of Affordable Housing

- 3.6.1 The Council may accept or seek the provision of land in lieu of part or all of the affordable housing contribution.
- 3.6.2 If the proposal for alternative land is accepted by the Council, land should be serviced to its boundaries and be of a size that is of equivalent value to on-site provision and in an agreed location close to the original site.

Vacant Building Credit

- 3.7.1 The NPPF provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floor space of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.
- 3.7.2 To qualify for vacant building credit a site must be a brownfield development and contain an existing building at the time the application is made and it is proposed to:
- a) demolish the building for redevelopment; or
 - b) bring the building back into use
- 3.7.3 Vacant Building Credit will apply where the building is ~~wholly~~ vacant and to be redeveloped. completely. If VBC applies, the existing floorspace or a vacant

building should be credited against the floorspace of the new development and may result in a proportionate reduction in the Affordable Housing Contribution should be made. Vacant Building Credit does not apply where the building:

- a) has been abandoned in planning terms; or
- b) has been vacated for the sole purpose of redevelopment; or
- c) is covered by an extant or recently expired planning permission

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3.7.4 The application of VBC will be guided by the Planning Practice Guidance and national policy. VBC does not apply to buildings that have been abandoned, the PPG sets out a number of criteria that can be used to distinguish whether a use has been abandoned.

3.7.54 The proportion of the vacant building floor space as part of the total new floor space should be used to calculate the proportion of the affordable housing required by the policy.

Rural Exception Sites

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3.8.1 The Council may permit schemes for affordable housing on rural sites, which would not usually secure planning permission, to meet an evidenced local housing need. Proposed developments should accord with Policy HOU4.

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3.8.2 Evidence should be submitted as part of the planning application to support the requirement for localised housing need and should reflect the evidenced need in terms of unit sizes and affordable housing tenures within the village or /parish. Local Parish Council support would be beneficial to demonstrate

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a local housing need.

3.8.3 If a viability assessment is required it should be undertaken as set out in Section 5. Where a viability assessment demonstrates that a cross subsidy is necessary to make the scheme viable, a small number of market homes may be permitted. In these circumstances, the market housing will be expected to meet identified local needs.

3.8.4 A Rural Exception Scheme will be subject to a Local Lettings Cascade as part of the planning requirement which will prioritise the rental allocation of affordable homes provided to residents with a local connection to the village and will be agreed with the Council.

3.8.5 The Council will support the development of entry-level exception sites where they meet the criteria set out in paragraph 71 of the NPPF. The Council encourage developers seeking to bring forward an entry-level exception site to discuss their proposals with the Council at the earliest possible stage.

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4. Securing Affordable Housing

4.0.1 The Council will secure affordable housing requirements through entering into a legal agreement with the developer or landowner, or receive a Unilateral Undertaking under Section 106 of the Town and Country Planning Act (1990) (as amended) and in some cases, dependent on the scale or nature of development, via conditions.

4.0.2 The affordable housing clauses in the S106 agreement will include obligations relating to:

- the size, type, tenure, location, design and layout of the affordable housing;
- the number of affordable dwellings to be delivered;
- limitations on the occupation of the affordable housing;
- nomination rights;
- the phasing of [the delivery of] affordable housing in relation to market housing;
- triggers relating to any review mechanism or commencement schedule;
- indexation
- the retention of the housing as affordable;
 - obligations relating to the affordable dwellings for first and subsequent residents;
 - requirements to replace the affordable dwellings and for subsidy recycling
 - continued use of affordable dwellings in perpetuity
 - review (clawback) provisions, where relevant.

4.0.3 The S106 Agreement will contain a clause(s) that trigger the delivery/payment of the contribution. This will usually be the commencement of development and will be set out in the obligations.

4.0.4 The Council expect that the S106 guideline(s) and guideline clauses which can be provided by the Council will be utilised.

Monitoring the Affordability of Homes in Perpetuity

4.1.1 The benefits of affordable housing developed in the district should remain in place for future generations.

4.1.2 Regarding rented affordable homes, the Council believes this should be provided in line with the definition of 'affordable housing for rent' given in Annex 2 of the NPPF (or see pages 4-5 of this SPD).

4.1.3 With regard to affordable homes of all tenures, where it is proposed that the completed units are not to be transferred to a Registered Provider the Council will need to be satisfied that, provisions are in place to ensure that:

- the affordable housing will remain at an affordable price for future eligible households *or*;
- the value of the subsidy or discounted price is recycled for alternative affordable housing provision. These provisions will usually take the form of restrictive covenants within any S106.

4.1.4 If, in any type of scheme, it is proposed that a Registered Provider is not to be involved in the management of affordable housing, the Council will usually

secure the provision of affordable housing for successive occupants through the use of planning obligations, restricting occupancy to households who cannot compete in the housing market.

Funding

- 4.2.1 Affordable housing provided as part of planning agreements arising from market-led developments is unlikely to receive grant funding. It should therefore be assumed that affordable units required by the Council's District Plan will be delivered without grant funding.
- 4.2.2 If grant funding for affordable housing is available at the time of application and/or delivery from Homes England, the Council or another funding body, the criteria should be requested from the funding body by the applicant and the applicant must be able to demonstrate to the Council that the viability assessment is based on reasonable and realistic assumptions about subsidy.

Nomination rights

- 4.3.1 The Council will normally seek 100% nomination rights for the initial lets of affordable rented housing and a minimum of 75% nomination rights for relets.
- 4.3.2 A Nomination Agreement should be entered into prior to occupation of the affordable rented dwellings and will be a requirement of the S106.

4.3.3 Shared ownership properties must be made available to eligible applicants. ~~To be eligible~~The Council's preference is that the person must meet the Local Authority Shared Ownership Cascade³ ~~and as well as being~~be financially eligible through the Government's criteria and regulations.

Affordability

~~4.4.1 Affordable housing is provided for eligible households whose needs are not met by the market and includes social rented, affordable rented and intermediate housing.~~

~~4.4.2 Affordable rents, including service charges, should be set no higher than current Local Housing Allowance (LHA) rates in the District and shall be secured as part of a S106 agreement.~~

~~4.4.3 The Broad Market Rental Areas (BMRA) for East Herts are~~

- ~~• Harlow and Stortford~~
- ~~• Stevenage and North Herts; and~~
- ~~• South East Herts~~

³ <https://www.eastherts.gov.uk/article/35169/Shared-Ownership-Local-Priorities-Cascade>

5. Viability

- 5.0.1 The percentage of affordable housing that the Council will expect to secure from development schemes has been informed by development viability assessments which demonstrate that the policy requirements are viable for most locations across the District.
- 5.0.2 The Council recognises that in some cases there may be abnormal development costs which need to be considered. Negotiations to reduce obligations based on site specific viability considerations should only be necessary where the site circumstances suggest exceptional or abnormal costs that will make policy compliance unviable.
- 5.0.3 Where there is a proven need for affordable housing, but a developer is not able to provide the scale of provision or contribution expected, the onus will be on the developer to demonstrate why a site should not include provision in line with the Councils' targets.
- 5.0.4 If possible and where necessary, a viability statement should be provided and discussed at the pre-application stage.

What is the Council's Approach to Viability?

- 5.0.5 In line with the Planning Practice Guidance, the East Herts District Plan provides up-to-date policies on the contributions expected from development. Therefore, proposals that comply with the District Plan will be assumed to be viable.

5.0.6 Should the applicant successfully demonstrate that a circumstance does justify the need for a viability assessment, then such a viability assessment must be submitted in line with the updated Planning Practice Guidance. This includes submitting assessments compliant with the standardised inputs and be prepared on the basis that it will be made publically available.

5.0.7 The Planning Practice Guidance sets out the key principles in understanding viability in both plan making and decision taking, a link to the relevant guidance can be found here: <https://www.gov.uk/guidance/viability>

Appendix A

Policy HOU1 Type and Mix of Housing

- I. On new housing developments of 5 or more gross additional dwellings, an appropriate mix of housing tenures, types and sizes will be expected in order to create mixed and balanced communities appropriate to local character and taking account of the latest Strategic Housing Market Assessment and any additional up-to-date evidence, including the latest East Herts Housing and Health Strategy; local demographic context and trends; local housing need and demand; and site issues and design considerations.
- II. Affordable Housing should be provided in accordance with Policy HOU3 (Affordable Housing).
- III. Where appropriate, provision of specialist housing will be encouraged for older people and vulnerable groups in accordance with Policy HOU6 (Specialist Housing for Older and Vulnerable People).
- IV. Provision of accessible and adaptable dwellings to meet the changing needs of occupants over their lifetime should be provided in accordance with Policy HOU7 (Accessible and Adaptable Homes).
- V. Self-Build Housing in accordance with Policy HOU8 (Self-Build and Custom Build Housing)
- VI. Where appropriate, provision of specialist accommodation will be expected for Gypsies and Travellers and Travelling Showpeople and Non-Nomadic Gypsies and Travellers and Travelling Showpeople, in accordance with Policies HOU9 (Gypsies and Travellers and Travelling Showpeople) and HOU10 (New Park Home Sites for Non-Nomadic Gypsies and Travellers and Travelling Showpeople).

I. Housing development should make efficient use of land. Proposals are required to demonstrate how the density of new development has been informed by the character of the local area and contributes to:

- (a) The design objectives set out in Policy DES4 (Design of Development);
- (b) Improving the mix of house types in accordance with Policy HOU1 (Type and Mix of Housing); and
- (c) Providing adequate levels of public open space in accordance with Policy CFLR1 (Open Space, Sport and Recreation); and
- (d) Retaining existing site features, including mature trees, shrubs, hedgerows and amenity areas, and make provision for new green infrastructure in accordance with Policy NE4 (Green Infrastructure).

II. Subject to the above, densities will vary according to the relative accessibility and character of locations. Higher net densities will be favourably considered on central sites in or near town centres and where the character of the surroundings allows.

III. Medium net densities will normally be appropriate for sites that are in more peripheral locations within and on the edge of these settlements.

IV. In villages and for some other locations lower net densities may be more appropriate to respond to local character and context.

Policy HOU3 Affordable Housing

I. Affordable housing provision will be expected on all development sites that propose development that falls within Class C3 (Dwelling Houses) as follows:

- (a) up to 35% on sites proposing 10 or fewer gross additional dwellings, where the dwellings would have a combined gross floor space greater than 1,000 square metres;
- (b) up to 35% on sites proposing 11 to 14 gross additional dwellings;
- (c) up to 40% on sites proposing 15 or more gross additional dwellings.

II. Affordable Housing provision will be expected to incorporate a mix of tenures taking account of the Council's most up to date evidence on housing need. The Council will negotiate the tenure mix to be provided on a site, having regard to the affordable housing products defined within the National Planning Policy Framework, through the planning application process.

III. Lower provision may be permitted if it is demonstrated that the 35% and 40%, as appropriate referred to in I (a), (b) and (c) above, cannot be achieved due to viability reasons or where it would prejudice the need to secure other infrastructure priorities.

Applicants seeking to justify a lower percentage level of affordable housing to that referred to in I (a), (b) and (c) above, will be required to provide a financial viability assessment as part of the planning application. Where agreement is not reached, external independent consultants, agreed by both the Council and applicant, will be appointed by the developer, to undertake further independent viability assessment. The applicant will be required to meet the costs of this independent assessment.

IV. Affordable Housing should normally be provided on site, apart from in exceptional circumstances when agreed with the Council. Applicants will be required to

provide justification as part of the planning application setting out the need for off-site provision or financial contributions in lieu to be made.

V. The affordable housing units should be integrated into the open market housing development using appropriate design methods, i.e. tenure blind, and ‘pepper-potted’ across the site in clusters appropriate to the size and scale of the development.

VI. To secure the benefits of affordable housing for first and subsequent occupiers affordable rented and intermediate housing will be retained as affordable by means of an appropriate legal agreement or condition with the Council, or the subsidy will be recycled for alternative affordable housing provision.

Policy HOU4 Rural Exception Affordable Housing Sites

I. Proposals for rural exception affordable housing schemes, on sites that would not normally be acceptable for general housing development, may be permitted, subject to the following criteria:

- (a) The exception site is adjacent to an existing built-up area boundary, or is well related to existing residential development and amenities located in, or adjacent to, a clearly identifiable village or settlement;
- (b) The proposed development will contribute towards meeting an identified need for affordable housing within the parish; and
- (c) The proposed development would be appropriate to the settlement and area in which it is proposed to be located in terms of scale, form and character.

II. The Council will base its assessment of identified housing need on the Housing Register and other available up-to-date housing needs assessments.

III. A small number of market homes may be permitted, at the Council’s discretion, where a viability assessment demonstrates that a cross subsidy is necessary to

make the scheme viable. Any market housing provided will be expected to meet identified local needs.

IV. Where permission is granted this will be subject to planning obligations and will include safeguards that the scheme provides for the identified local affordable housing need and will continue to do so in perpetuity.

Policy HOU7 Accessible and Adaptable Homes

I. In order to ensure delivery of new homes that are readily accessible and adaptable to meet the changing needs of occupants, and to support independent living, the Council will require that:

- (a) all new residential development should meet the Building Regulations Requirement M4(2): Category 2 - Accessible and Adaptable Dwellings; and
- (b) on sites proposing 11 or more gross additional dwellings, a proportion of dwellings will be expected to meet the Building Regulations Requirement M4(3): Category 3 - Wheelchair User Dwellings, where appropriate.

II. Only where circumstances exist where it can be demonstrated by the applicant that it is not practically achievable or financially viable to deliver this policy, will new development be exempt from the requirement.

Policy HOU8 Self-Build and Custom Build Housing

I. To support prospective self-builders, on sites of more than 200 dwellings, developers will be expected to supply at least 1% of dwelling plots for sale to self-builders, having regard to the need identified on the Council's Self-Build and Custom Build Register.

II. The Council will support locally proposed self-build projects identified within a neighbourhood Plan wherever possible.

- III. Planning permissions should include conditions requiring self-build developments to be completed within 3 years of a self-builder purchasing a plot.
- IV. Where plots have been made available and marketed appropriately for at least 12 months and have not sold out, the plot(s) may either remain on the open market as self-build or be built out by the developer.

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East Herts Affordable Housing SPD

May 2020





1 Introduction	2
1.1 What is affordable housing?	3
1.2 How is affordable housing provided?	4
1.3 Structure of document	4
2 The Affordable Housing Requirement	5
3 Planning Application Stage	7
3.1 Pre-Application Advice	7
3.2 Housing Mix, Type and Tenure	8
3.3 Design and Layout	10
3.4 Provision of Affordable Housing on an Alternative Site	11
3.5 Commuted Sums in Lieu of Affordable Housing	12
3.6 Provision of Land in Lieu of Affordable Housing	13
3.7 Vacant Building Credit	13
3.8 Rural Exception Sites	13
4 Securing Affordable Housing	15
4.1 Monitoring the Affordability of Homes in Perpetuity	16
4.2 Funding	16
4.3 Nomination Rights	16
5 Viability	18
6 Appendix A	19



1 Introduction

Background:

- 1.0.1** The Council believes that everyone should be given the opportunity to access a decent home, which they can afford and is in a community where they want to live. A key objective of the East Herts District Plan seeks to ensure that new housing is accessible to, and meets the needs and aspirations of the District's communities.
- 1.0.2** The purpose of this Affordable Housing Supplementary Planning Document (SPD) is to aid the effective implementation of the Council's strategic housing objectives. In particular the affordable housing policies in the East Herts District Plan 2018 and also assisting developers in understanding the Council's approach and requirements with regards to viability.
- 1.0.3** The approach to affordable housing outlined in this document seeks to ensure the effective and consistent implementation of the policies relating to the provision of affordable housing in the East Herts District Plan. It also includes recognition of changes made to the National Planning Policy Framework (NPPF) in February 2019, as well as changes to the Planning Practice Guidance (PPG) with regards to viability.
- 1.0.4** This SPD provides further information and guidance on the specific District Plan policies contained in Chapter 14: Housing, and in particular those relating to affordable housing. The guidance in the SPD will assist applicants, developers and providers of affordable housing, to understand how the District Plan Policies will be implemented. Extracts of the relevant policies in the District Plan are provided in Appendix A of this document, and the District Plan in its entirety can be found here: www.eastherts.gov.uk/districtplan

Legislative and Policy Context:

- 1.0.5** This SPD is a material consideration in the determination of planning applications and will also inform pre-application discussions on relevant developments. This document has been prepared in accordance with Regulations 8 & 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.0.6** This Supplementary Planning Document will replace the Affordable Housing and Lifetime Homes SPD 2008 when adopted.



1.1 What is affordable housing?

1.1.1 The definition of affordable housing is set out in the NPPF 2019 as; housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers).

1.1.2 In order to be considered affordable, housing must meet the criteria above and also comply with one or more of the following definitions:

Affordable Housing for rent: *meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).*

Starter homes: *is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.*

Discounted market sales housing: *is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.*

Other affordable routes to home ownership: *is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.*



- 1.1.3** The above presents the latest definition as at the time the SPD has been published. Should there be any subsequent update to the definition(s) set out in regulations, policy or guidance then it shall supersede what is set out above.

1.2 How is affordable housing provided?

- 1.2.1** The planning system is central to delivering affordable housing across the UK and delivers the majority of affordable housing in East Herts. This is principally provided through requiring developers to include affordable housing within their open market housing development as a part of planning permission. This is what is known as a planning obligation or Section 106⁽¹⁾ agreement and these are legally enforceable obligations used to mitigate the impact of a development proposal.
- 1.2.2** The level of affordable housing required on development sites is set out in planning policies, namely within the East Herts District Plan 2018 and the NPPF (details on this are explained in Section 2). The East Herts District Plan also includes further details on the type, size and tenure of affordable housing that is expected to be delivered as part of an open market development.
- 1.2.3** In some exceptional circumstances there are other routes and mechanisms to enable the delivery of affordable housing, either through off-site provision or through entry-level and rural exception schemes.

1.3 Structure of document

- 1.3.1** **Section 2** outlines the exact requirements expected of developers as set out in the District Plan and taking into consideration the changes to the NPPF.
- 1.3.2** **Section 3** sets out the various requirements and expectations when it comes to discussions at pre-application or submitting a full planning application. It also notes the expectations of design and the Council's approach to alternatives to on-site provision.
- 1.3.3** **Section 4** builds on the previous section by highlighting the Council's process for securing the provision of affordable homes through S106 agreements.
- 1.3.4** **Section 5** notes the Council's approach to viability which largely follows the updated PPG.

¹ Section 106 of the Town and Country Planning Act 1990 (as amended).



2 The Affordable Housing Requirement

2.0.1 The specific requirement for affordable housing will be calculated in accordance with District Plan Policy HOU3 as well as any other material considerations, including the most-up-to-date Strategic Housing Market Assessment (SHMA), the National Planning Policy Framework (NPPF) and relevant Planning Practice Guidance (PPG). District Plan Policy HOU3 expects that relevant developments will provide the following proportion of affordable housing:

- a) *up to 35% on sites proposing 10 or fewer gross additional dwellings and where the dwellings would have a combined gross floor space greater than 1,000 sq metres;*
- b) *up to 35% on sites proposing 11 to 14 gross additional dwellings;*
- c) *up to 40% on sites proposing 15 or more gross additional dwellings.*

2.0.2 In July 2018 and again in February 2019 the NPPF was revised, paragraph 63 notes that the provision of affordable housing should only be sought for residential developments that are classified as a *major development*. Major developments are subsequently defined in the NPPF glossary as: *development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.*

2.0.3 Therefore the Council will not seek affordable housing contributions on sites with less than 10 dwellings unless the site is 0.5 hectares or more, or national policy is changed following the publication of this SPD.

2.0.4 The District Plan sets out that affordable housing will be sought on all sites that propose residential development that falls within the use class C3 (dwelling houses), including specialist accommodation such as; sheltered and extra care housing for older people where such schemes provide accommodation that is self-contained. The PPG has been updated to note that with reference to the application of the use class system to specialist housing it is for a local planning authority to consider into which use class a particular development may fall.

2.0.5 There will be cases where the percentage of affordable housing sought for a site does not give rise to an exact number of dwellings (e.g. 40% of 51 dwellings would be an affordable requirement of 20.4). In these cases the approach will be to round up or round down the number to give the final affordable housing figure. Any calculation that results in a requirement of 0.5 or above will be rounded up to the next whole unit, anything below 0.5 will be rounded down to the next whole unit.



- 2.0.6** On a site with significantly more affordable housing than required by Policy HOU3, the Council will ensure that the policy compliant level of affordable housing of 35% or 40% will be secured as affordable for first and subsequent occupiers of those homes, and that there are provisions for recycling subsidy should the property no longer be an affordable unit.
- 2.0.7** The phasing of a development or division of the site into separate parts will not result in reducing the proportion of affordable housing to be delivered. Where a site can clearly be identified, irrespective of ownership, the entire site will be used to determine whether the site meets the size criteria for affordable housing provision.
- 2.0.8** Inclusion of affordable housing on a development should also include provisions for:
1. housing to either remain at an affordable price for future eligible households and/ or;
 2. any recycled grants to be spent on the provision of affordable housing within East Herts.



3 Planning Application Stage

3.0.1 This section provides further details and guidance on areas such as affordable housing mix, type and design that are commonly addressed at the pre-application or planning application stage.

3.1 Pre-Application Advice

3.1.1 Applicants are advised to seek pre-application planning advice to discuss all aspects of the planning proposal including the affordable housing requirement of the proposed scheme: <https://www.eastherts.gov.uk/preapplicationservice>

3.1.2 The purpose of pre-application planning advice in relation to affordable housing is to establish how affordable homes will be delivered, and to help provide all parties with greater certainty as the proposals move forward.

3.1.3 An Affordable Housing Statement (i.e. the proposed approach to meeting the affordable housing requirement and the housing mix) should be submitted with any pre-application materials to enable pre-application consideration and discussion. If possible, it should include the following:

- the intended quantum, type and tenure, size (in squared meters, and the number of bedrooms) and number of persons per unit; and
- the proportion of affordable housing to meet M4(3): Category 3 Wheelchair User Dwelling standards and the units specifically identified.

3.1.4 Pre-application discussions in relation to affordable housing will seek to address the following:

- consider the quantum, type, size and tenure of affordable housing to be provided;
- consider the location;
- identify/involve the (potential) Registered Provider/s and consider the arrangements for the provision of affordable housing prior to the submission of a planning application; and
- consider the Heads of Terms of the S106 Agreement that will be required to ensure the delivery of the affordable housing. A S106 agreement is necessary to secure the affordable housing requirements set out in the District Plan; the agreement must be completed before planning permission is issued



3.2 Housing Mix, Type and Tenure

- 3.2.1** All developments that provide Affordable Housing will be expected to do so in line with Policy HOU1 of the District Plan and take into account the Council's most up-to-date evidence of housing needs in accordance with Policy HOU3. The tenure mix will be negotiated by the Council on a site by site basis and the type and size of affordable units sought will accord with the most up to date evidence on housing need.
- 3.2.2** The SHMA is an objective analysis of the housing circumstances in the District. It provides an evidence base to support the Council's affordable housing requirement, however, the Council shall at all times seek to use the most up-to-date information available.
- 3.2.3** The most recent SHMA identifies a requirement that 84% of new affordable housing provision should be for affordable rent with the remaining 16% being for intermediate affordable housing tenures as summarised by table 14.2 in the East Herts District Plan and below.

Affordable Rent		Number
Flat	1 bedroom	660
	2+ bedroom	360
House	2 bedroom	930
	3 bedroom	970
	4+ bedroom	250
Subtotal		3,170
% of affordable housing		84%
Intermediate Affordable Housing		Number
Flat	1 bedroom	80
	2+ bedroom	70
House	2 bedroom	180
	3 bedroom	240
	4+ bedroom	40
Subtotal		610
% of affordable housing		16%

- 3.2.4** Paragraph 64 of the updated NPPF sets out that where major developments are providing housing at least 10% of the total dwellings are to be made available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. As this figure is taken from the total dwellings across the site and not just the affordable proportion, the expectation to provide affordable home ownership is greater than that set out in the SHMA (16% of 40% is less than 10% of 100%).



3.2.5 The Council will therefore accept an uplift in affordable home ownership tenures to accommodate the change in the NPPF up to the level of 25% of the affordable proportion. Regarding the overall mix, it is up to the applicant to provide sufficient evidence to demonstrate why any further deviation from the SHMA is appropriate for a specific site.

3.2.6 The Council's current preferred intermediate tenure is shared ownership. Where applicants wish to propose an alternative intermediate housing product they should submit evidence demonstrating why a particular product is more appropriate and we will consider this against the definitions set out in the NPPF and consider how the product proposed meets identified needs now and in the future.

3.2.7 The Council does have certain expectations for different affordable housing products in particular affordable housing for rent and shared ownership (see below):

Affordable Housing for Rent:

3.2.8 Where affordable rented housing is proposed the Council will seek to negotiate that rents, including service charges, are below or capped at the Local Housing Allowance rate (LHA) (or its equivalent). Currently, the District has 3 Local Housing Allowance rate areas in the District:

- Harlow and Stortford;
- South East Herts, and
- Stevenage and North Herts

3.2.9 Local Housing Allowance is a flat rate allowance based on the size of the household and the area your property is located in. Providers generally prefer to ensure that affordable rents do not exceed the LHA for the area in which the property is situated.

Shared Ownership:

3.2.10 For Shared Ownership housing the initial share sold must be between 25% -75 % of the total value. After purchasing the initial share owners have the option to staircase up to 100% ownership, unless the property is within a Designated Protected Area.

3.2.11 In the main, rural areas in the East Herts district are largely within Designated Protected Areas. Where development is in a Designated Protected Area, staircasing on shared ownership properties is restricted to 80% to retain the affordable element of the properties in perpetuity. It is noted that in East Herts, allocated sites within Designated Protected Area's would also be subject to this staircasing restriction. Where the retention of stock may not be such an issue to some sites, the applicant should discuss the application of Designated Protected Area's with the Council at the earliest possible stage.



3.2.12 For reference, a full list of Designated Protected Areas can be found here: http://www.legislation.gov.uk/ukxi/2009/2098/pdfs/ukxi_20092098_en.pdf

3.3 Design and Layout

3.3.1 As with all forms of residential accommodation, the Council expects affordable housing to be built to a high standard of design and amenity. Affordable housing provided within developments should be integrated with the market housing and the design and appearance should be indistinguishable from those market units and built using the same materials, form and quality of design to ensure that it makes a positive contribution to local character and distinctiveness. This also applies to provision of parking which should be no different to that of market units.

3.3.2 Plans submitted to the Council for planning consideration should clearly show the position of all affordable units within the development, except in those outline applications where only illustrative plans are submitted.

3.3.3 To achieve mixed, inclusive and sustainable communities and to supplement the supporting text in paragraphs 14.4.16 and 14.4.17 of the District Plan, affordable housing (with the exception of 100% affordable housing schemes and rural exception sites) should;

- on all sites be distributed across the site rather than provided in one single parcel;
- on sites incorporating 30 or more residential units be provided in groups of no more than 15% of the total number of units being provided or 25 affordable units, whichever is the lesser.

3.3.4 To meet the needs of current and future household the requirement is for all new dwellings to meet the Building Regulation M4(2): Category 2 accessible and adaptable dwellings. This, alongside the Category 3 requirement (below), is based upon an identified need as the NPPF and PPG allows plan-making authorities to make such a requirement.

3.3.5 On sites proposing 11 or more gross additional dwellings, a proportion of affordable dwellings will be expected to meet the Building Regulations Requirement M4(3): Category 3 – Wheelchair User Dwellings. Such dwellings may be wheelchair adaptable or wheelchair accessible. The Council will therefore negotiate the proportion of wheelchair adaptable/accessible dwellings on a site-by-site basis.

3.3.6 The most recent assessment of need for wheelchair user dwellings will inform negotiations. The SHMA identifies a need for 15% of affordable housing to meet wheelchair user requirements alongside the 10% of market housing.



- 3.3.7** The Council's preference is for wheelchair user dwellings to be adaptable to provide a wet room. Where there is a specific and clearly evidenced need, which is outside of that provided for by the wheelchair standard, the Council may have different requirements to meet that need. Such a requirement will be subject to viability considerations.
- 3.3.8** The Council will negotiate size, layout and design on a site by site basis but it should be noted that DES4 in the District Plan requires all new residential development to deliver internal rooms that are of an appropriate size and dimension. As the Council does not have any local space standards, developers could look to the Nationally Described Space Standards⁽²⁾ for guidance as to what might be considered a satisfactory size and dimension.
- 3.3.9** All development including affordable housing should make efficient use of land and meet density requirements. See Policy HOU2 (Appendix A).
- 3.3.10** To ensure that the design, layout and size of affordable housing provides a dwelling that suits the needs of the household it is providing for and delivers the greatest opportunity for longevity within the unit; developers should consider the number of people a unit can accommodate. Where possible, the following criteria should be followed:
- 2 bed units should be suitable for 4 people
 - 3 bed units suitable for 5 people
 - 4 bed units suitable for 7 people
 - 5+ bed units suitable for more than 7 people
- 3.3.11** Consideration should also be given in dwellings with more than one double bedroom, that the second and subsequent double bedrooms are suitable for two single beds. This should be demonstrated in the floorplans submitted as part of an application.

3.4 Provision of Affordable Housing on an Alternative Site

- 3.4.1** The Council expects that, in accordance with the District Plan Policy HOU3, the required affordable housing will be provided on site.
- 3.4.2** In exceptional circumstances, the Council may permit a proportion or the entire affordable housing requirement to be delivered on an alternative site within the District.
- 3.4.3** Applicants proposing off-site provision should provide justification, setting out why off site provision is necessary, as part of a planning application.
- 3.4.4** Where off-site provision is agreed by the Council, the amount of affordable housing to be delivered will be calculated using the following formula:



- i. 40% affordable housing requirement: $40/60 \times M$
- ii. 35% affordable housing requirement: $35/65 \times M$
Where M = the number of open market units

3.4.5 It is strongly recommended that pre-application advice is sought if an applicant considers that an off-site contribution is appropriate.

3.5 Commuted Sums in Lieu of Affordable Housing

3.5.1 Commuted sums will only be considered where the Council is satisfied that there is justification for not providing affordable housing on-site or on an alternative site.

3.5.2 The Council will use the formula in paragraph 3.4.4 to calculate the amount of affordable housing subject to a commuted sum.

3.5.3 The Council will seek to secure financial contributions broadly equivalent to the cost of providing the affordable housing on-site via an agreed methodology with the Council.

3.5.4 It is strongly recommended that pre-application advice is sought if an applicant considers that a commuted sum is appropriate.

3.5.5 Commuted sums will be subject to indexation for the residential development. Indexing using BCIS mean averages for Hertfordshire will apply.

3.5.6 The applicant should notify the Council when the development commences or the trigger for payment/delivery has been reached. On receipt of the notification the Council will issue an invoice for the amount payable including any indexation.

3.5.7 The Council will monitor Building Control and other sources and will issue an invoice if the Applicant fails to advise the Council that the payment has been triggered.

3.5.8 Indexation applies until the date of the invoice, so in these circumstances the amount may be higher than if the applicant had advised the Council when the payment was triggered. Penalty interest is payable to all unpaid contributions and accrues from the date payment is triggered to the date of actual payment.



3.6 Provision of Land in Lieu of Affordable Housing

- 3.6.1** The Council may accept or seek the provision of land in lieu of part or all of the affordable housing contribution.
- 3.6.2** If the proposal for alternative land is accepted by the Council, land should be serviced to its boundaries and be of a size that is of equivalent value to on-site provision and in an agreed location close to the original site.

3.7 Vacant Building Credit

- 3.7.1** The NPPF provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floor space of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.
- 3.7.2** To qualify for vacant building credit a site must be a brownfield development and contain an existing building at the time the application is made and it is proposed to:
- demolish the building for redevelopment; or
 - bring the building back into use
- 3.7.3** Vacant Building Credit will apply where the building is vacant and to be redeveloped. If VBC applies, the existing floorspace or a vacant building should be credited against the floorspace of the new development and a proportionate reduction in the Affordable Housing Contribution should be made.
- 3.7.4** The application of VBC will be guided by the Planning Practice Guidance and national policy. VBC does not apply to buildings that have been abandoned, the PPG sets out a number of criteria that can be used to distinguish whether a use has been abandoned.
- 3.7.5** The proportion of the vacant building floor space as part of the total new floor space should be used to calculate the proportion of the affordable housing required by the policy.

3.8 Rural Exception Sites

- 3.8.1** The Council may permit schemes for affordable housing on rural sites, which would not usually secure planning permission, to meet an evidenced local housing need. Proposed developments should accord with Policy HOU4.



- 3.8.2** Evidence should be submitted as part of the planning application to support the requirement for localised housing need and should reflect the evidenced need in terms of unit sizes and affordable housing tenures within the village or /parish. Local Parish Council support would be beneficial to demonstrate a local housing need.
- 3.8.3** If a viability assessment is required it should be undertaken as set out in Section 5. Where a viability assessment demonstrates that a cross subsidy is necessary to make the scheme viable, a small number of market homes may be permitted. In these circumstances, the market housing will be expected to meet identified local needs.
- 3.8.4** A Rural Exception Scheme will be subject to a Local Lettings Cascade as part of the planning requirement which will prioritise the rental allocation of affordable homes provided to residents with a local connection to the village and will be agreed with the Council.
- 3.8.5** The Council will support the development of entry-level exception sites where they meet the criteria set out in paragraph 71 of the NPPF. The Council encourage developers seeking to bring forward an entry-level exception site to discuss their proposals with the Council at the earliest possible stage.



4 Securing Affordable Housing

4.0.1 The Council will secure affordable housing requirements through entering into a legal agreement with the developer or landowner, or receive a Unilateral Undertaking under Section 106 of the Town and Country Planning Act (1990) (as amended) and in some cases, dependent on the scale or nature of development, via conditions.

4.0.2 The affordable housing clauses in the S106 agreement will include obligations relating to:

- the size, type, tenure, location, design and layout of the affordable housing;
- the number of affordable dwellings to be delivered;
- limitations on the occupation of the affordable housing;
- nomination rights;
- the phasing of [the delivery of] affordable housing in relation to market housing;
- triggers relating to any review mechanism or commencement schedule;
- indexation
- the retention of the housing as affordable;
 - obligations relating to the affordable dwellings for first and subsequent residents;
 - requirements to replace the affordable dwellings and for subsidy recycling
 - continued use of affordable dwellings in perpetuity
 - review (clawback) provisions, where relevant.

4.0.3 The S106 Agreement will contain a clause(s) that trigger the delivery/payment of the contribution. This will usually be the commencement of development and will be set out in the obligations.

4.0.4 The Council expect that the S106 guideline(s) and guideline clauses which can be provided by the Council will be utilised.



4.1 Monitoring the Affordability of Homes in Perpetuity

- 4.1.1** The benefits of affordable housing developed in the district should remain in place for future generations.
- 4.1.2** Regarding rented affordable homes, the Council believes this should be provided in line with the definition of 'affordable housing for rent' given in Annex 2 of the NPPF (or see page 3 of this SPD).
- 4.1.3** With regard to affordable homes of all tenures, where it is proposed that the completed units are not to be transferred to a Registered Provider the Council will need to be satisfied that, provisions are in place to ensure that:
- the affordable housing will remain at an affordable price for future eligible households *or*;
 - the value of the subsidy or discounted price is recycled for alternative affordable housing provision. These provisions will usually take the form of restrictive covenants within any S106.
- 4.1.4** If, in any type of scheme, it is proposed that a Registered Provider is not to be involved in the management of affordable housing, the Council will usually secure the provision of affordable housing for successive occupants through the use of planning obligations, restricting occupancy to households who cannot compete in the housing market.

4.2 Funding

- 4.2.1** Affordable housing provided as part of planning agreements arising from market-led developments is unlikely to receive grant funding. It should therefore be assumed that affordable units required by the Council's District Plan will be delivered without grant funding.
- 4.2.2** If grant funding for affordable housing is available at the time of application and/or delivery from Homes England, the Council or another funding body, the criteria should be requested from the funding body by the applicant and the applicant must be able to demonstrate to the Council that the viability assessment is based on reasonable and realistic assumptions about subsidy.

4.3 Nomination Rights

- 4.3.1** The Council will normally seek 100% nomination rights for the initial lets of affordable rented housing and a minimum of 75% nomination rights for relets.
- 4.3.2** A Nomination Agreement should be entered into prior to occupation of the affordable rented dwellings and will be a requirement of the S106.



- 4.3.3** Shared ownership properties must be made available to eligible applicants. The Council's preference is that the person must meet the Local Authority Shared Ownership Cascade⁽³⁾ as well as being financially eligible through the Government's criteria and regulations.

17



5 Viability

- 5.0.1** The percentage of affordable housing that the Council will expect to secure from development schemes has been informed by development viability assessments which demonstrate that the policy requirements are viable for most locations across the District.
- 5.0.2** The Council recognises that in some cases there may be abnormal development costs which need to be considered. Negotiations to reduce obligations based on site specific viability considerations should only be necessary where the site circumstances suggest exceptional or abnormal costs that will make policy compliance unviable.
- 5.0.3** Where there is a proven need for affordable housing, but a developer is not able to provide the scale of provision or contribution expected, the onus will be on the developer to demonstrate why a site should not include provision in line with the Councils' targets.
- 5.0.4** If possible and where necessary, a viability statement should be provided and discussed at the pre-application stage.

What is the Council's Approach to Viability?

- 5.0.5** In line with the Planning Practice Guidance, the East Herts District Plan provides up-to-date policies on the contributions expected from development. Therefore, proposals that comply with the District Plan will be assumed to be viable.
- 5.0.6** Should the applicant successfully demonstrate that a circumstance does justify the need for a viability assessment, then such a viability assessment must be submitted in line with the updated Planning Practice Guidance. This includes submitting assessments compliant with the standardised inputs and be prepared on the basis that it will be made publically available.
- 5.0.7** The Planning Practice Guidance sets out the key principles in understanding viability in both plan making and decision taking, a link to the relevant guidance can be found here: <https://www.gov.uk/guidance/viability>



6 Appendix A

Policy HOU1 Type and Mix of Housing

- I. On new housing developments of 5 or more gross additional dwellings, an appropriate mix of housing tenures, types and sizes will be expected in order to create mixed and balanced communities appropriate to local character and taking account of the latest Strategic Housing Market Assessment and any additional up-to-date evidence, including the latest East Herts Housing and Health Strategy; local demographic context and trends; local housing need and demand; and site issues and design considerations.
- II. Affordable Housing should be provided in accordance with Policy HOU3 (Affordable Housing).
- III. Where appropriate, provision of specialist housing will be encouraged for older people and vulnerable groups in accordance with Policy HOU6 (Specialist Housing for Older and Vulnerable People).
- IV. Provision of accessible and adaptable dwellings to meet the changing needs of occupants over their lifetime should be provided in accordance with Policy HOU7 (Accessible and Adaptable Homes).
- V. Self-Build Housing in accordance with Policy HOU8 (Self-Build and Custom Build Housing)
- VI. Where appropriate, provision of specialist accommodation will be expected for Gypsies and Travellers and Travelling Showpeople and Non-Nomadic Gypsies and Travellers and Travelling Showpeople, in accordance with Policies HOU9 (Gypsies and Travellers and Travelling Showpeople) and HOU10 (New Park Home Sites for Non-Nomadic Gypsies and Travellers and Travelling Showpeople).



Policy HOU2 Housing Density

- I. Housing development should make efficient use of land. Proposals are required to demonstrate how the density of new development has been informed by the character of the local area and contributes to:
 - a. The design objectives set out in Policy DES4 (Design of Development);
 - b. Improving the mix of house types in accordance with Policy HOU1 (Type and Mix of Housing); and
 - c. Providing adequate levels of public open space in accordance with Policy CFLR1 (Open Space, Sport and Recreation); and
 - d. Retaining existing site features, including mature trees, shrubs, hedgerows and amenity areas, and make provision for new green infrastructure in accordance with Policy NE4 (Green Infrastructure).
- II. Subject to the above, densities will vary according to the relative accessibility and character of locations. Higher net densities will be favourably considered on central sites in or near town centres and where the character of the surroundings allows.
- III. Medium net densities will normally be appropriate for sites that are in more peripheral locations within and on the edge of these settlements.
- IV. In villages and for some other locations lower net densities may be more appropriate to respond to local character and context.



Policy HOU3 Affordable Housing

- I. Affordable housing provision will be expected on all development sites that propose development that falls within Class C3 (Dwelling Houses) as follows:
 - a. up to 35% on sites proposing 10 or fewer gross additional dwellings, where the dwellings would have a combined gross floor space greater than 1,000 square metres;
 - b. up to 35% on sites proposing 11 to 14 gross additional dwellings;
 - c. up to 40% on sites proposing 15 or more gross additional dwelling
- II. Affordable Housing provision will be expected to incorporate a mix of tenures taking account of the Council's most up to date evidence on housing need. The Council will negotiate the tenure mix to be provided on a site, having regard to the affordable housing products defined within the National Planning Policy Framework, through the planning application process.
- III. Lower provision may be permitted if it is demonstrated that the 35% and 40%, as appropriate referred to in I (a), (b) and (c) above, cannot be achieved due to viability reasons or where it would prejudice the need to secure other infrastructure priorities.
- IV. Affordable Housing should normally be provided on site, apart from in exceptional circumstances when agreed with the Council. Applicants will be required to provide justification as part of the planning application setting out the need for off-site provision or financial contributions in lieu to be made.
- V. The affordable housing units should be integrated into the open market housing development using appropriate design methods, i.e. tenure blind, and 'pepper-potted' across the site in clusters appropriate to the size and scale of the development.
- VI. To secure the benefits of affordable housing for first and subsequent occupiers affordable rented and intermediate housing will be retained as affordable by means of an appropriate legal agreement or condition with the Council, or the subsidy will be recycled for alternative affordable housing provision.



Policy HOU4 Rural Exception Affordable Housing Sites

- I. Proposals for rural exception affordable housing schemes, on sites that would not normally be acceptable for general housing development, may be permitted, subject to the following criteria:
 - a. The exception site is adjacent to an existing built-up area boundary, or is well related to existing residential development and amenities located in, or adjacent to, a clearly identifiable village or settlement;
 - b. The proposed development will contribute towards meeting an identified need for affordable housing within the parish; and
 - c. The proposed development would be appropriate to the settlement and area in which it is proposed to be located in terms of scale, form and character.
- II. The Council will base its assessment of identified housing need on the Housing Register and other available up-to-date housing needs assessments.
- III. A small number of market homes may be permitted, at the Council's discretion, where a viability assessment demonstrates that a cross subsidy is necessary to make the scheme viable. Any market housing provided will be expected to meet identified local needs.
- IV. Where permission is granted this will be subject to planning obligations and will include safeguards that the scheme provides for the identified local affordable housing need and will continue to do so in perpetuity.

Policy HOU7 Accessible and Adaptable Homes

- I. In order to ensure delivery of new homes that are readily accessible and adaptable to meet the changing needs of occupants, and to support independent living, the Council will require that:
 - a. all new residential development should meet the Building Regulations Requirement M4(2): Category 2 – Accessible and Adaptable Dwellings; and
 - b. on sites proposing 11 or more gross additional dwellings, a proportion of dwellings will be expected to meet the Building Regulations Requirement M4(3): Category 3 – Wheelchair User Dwellings, where appropriate.
- II. Only where circumstances exist where it can be demonstrated by the applicant that it is not practically achievable or financially viable to deliver this policy, will new development be exempt from the requirement.



Policy HOU8 Self-Build and Custom Build Housing

- I. To support prospective self-builders, on sites of more than 200 dwellings, developers will be expected to supply at least 1% of dwelling plots for sale to self-builders, having regard to the need identified on the Council's Self-Build and Custom Build Register.
- II. The Council will support locally proposed self-build projects identified within a neighbourhood Plan wherever possible.
- III. Planning permissions should include conditions requiring self-build developments to be completed within 3 years of a self-builder purchasing a plot.
- IV. Where plots have been made available and marketed appropriately for at least 12 months and have not sold out, the plot(s) may either remain on the open market as self-build or be built out by the developer.

Affordable Housing Supplementary Planning Document

Strategic Environmental Assessment Screening Statement

1. The Purpose of this Report

- 1.1 This screening statement has been prepared to determine whether the proposed Affordable Housing Supplementary Planning Document (SPD) should be subject to a Strategic Environmental Assessment (SEA) in accordance with the European Union Directive 2001/42/EC (SEA Directive) and the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations).
- 1.2 Purpose of the Affordable Housing SPD is to aid the effective implementation of the Council's strategic housing objectives and the affordable housing policies in the East Herts District Plan 2018, adopted October 2018. It also seeks to provide further information and guidance on district plan policies relating to affordable housing. In particular, the relevant policies are:
- Policy HOU1 – Type and Mix of Housing
 - Policy HOU3 – Affordable Housing
 - Policy HOU4 – Rural Exception Affordable Housing Sites
 - Policy HOU7 – Accessible and Adaptable Homes
- 1.3 The SPD will be a material consideration in the determination of planning applications and will inform Development Management decisions. The SPD will provide practical advice to all parties seeking to comply with the District Plan policies and will therefore be of particular use to developers, architects and agents looking to bring forward development.

2. Strategic Environmental Assessment – Regulatory Requirements

- 2.1 The basis for Strategic Environmental Assessment legislation is European Directive 2001/42/EC. This was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations). Detailed guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM, 2005) and Paragraph 11-008 of the Planning Practice Guidance (PPG), which states that "supplementary planning documents do not require sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental

effects that have not already been assessed during the preparation of the local plan.

- 2.2 Under the requirements of the European Union Directive 2001/42/EC and Environmental Assessment of Plans and Programmes Regulations (2004), certain types of plans that set the framework for the consent of future development projects, must be subject to an environmental assessment.
- 2.3 The objective of Strategic Environmental Assessment is to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development.

3. The Strategic Environmental Appraisal Process

- 3.1 The first stage of the process is for the Council to determine whether or not the SPD is likely to have significant effects on the environment. This screening process includes assessing the SPD against a set of criteria (as set out in Schedule 1 of the SEA Regulations). The results of this are set out in Appendix 1 of this statement. The aim of this statement is therefore to provide sufficient information to demonstrate whether the SPD is likely to have significant environmental effects.
- 3.2 The Council also has to consult the Environment Agency, Historic England and Natural England on this screening statement. A final determination cannot be made until the three statutory consultation bodies have been consulted.
- 3.3 Where the Council determines that a SEA is not required, Regulation 9(3) of the SEA Regulations states that the Council must prepare a statement setting out the reasons for this determination. This statement is East Herts Council's Draft Regulation 9(3) statement.

4. Other Regulatory Considerations

Sustainability Appraisal

- 4.1 Whilst there is no statutory requirement to undertake a Sustainability Appraisal (SA) of the Affordable Housing SPD, the Council has considered whether an SA of this SPD is required. The Council has determined that the SPD is unlikely to have significant environmental, social or economic effects beyond those of the District Plan policies it supplements. This SPD does not create new policies and only serves to provide useful guidance on how to effectively and consistently implement the policies in the East Herts District Plan, which has been subject to a fully comprehensive SA process, incorporating SEA.
- 4.2 More information on the Sustainability Appraisal of the East Herts District Plan can be viewed on the Council's website: www.eastherts.gov.uk/districtplan.

Habitats Regulations Assessment

- 4.3 In addition to SEA and SA, the Council is required to consider Habitats Regulations Assessment (HRA). HRA is the process used to determine whether a plan or project would have significant adverse effects on the integrity of internationally designated site of nature conservation importance, known as European sites. The need for a HRA is set out within the Conservation of Habitats and Species Regulations 2010, which transposed EC Habitats Directive 92/43/EEC into UK law.
- 4.4 As with the SA, the District Plan was also subject to a comprehensive HRA. The HRA screened out the housing policies at an early stage, concluding that they were unlikely to have a significant effect on the integrity of European Sites. As the purpose of this SPD is to expand upon these policies, the Council has determined that a HRA is not required.
- 4.5 More information on the Habitats Regulations Assessment of the East Herts District Plan can be viewed on the Council's website:
www.eastherts.gov.uk/submission.

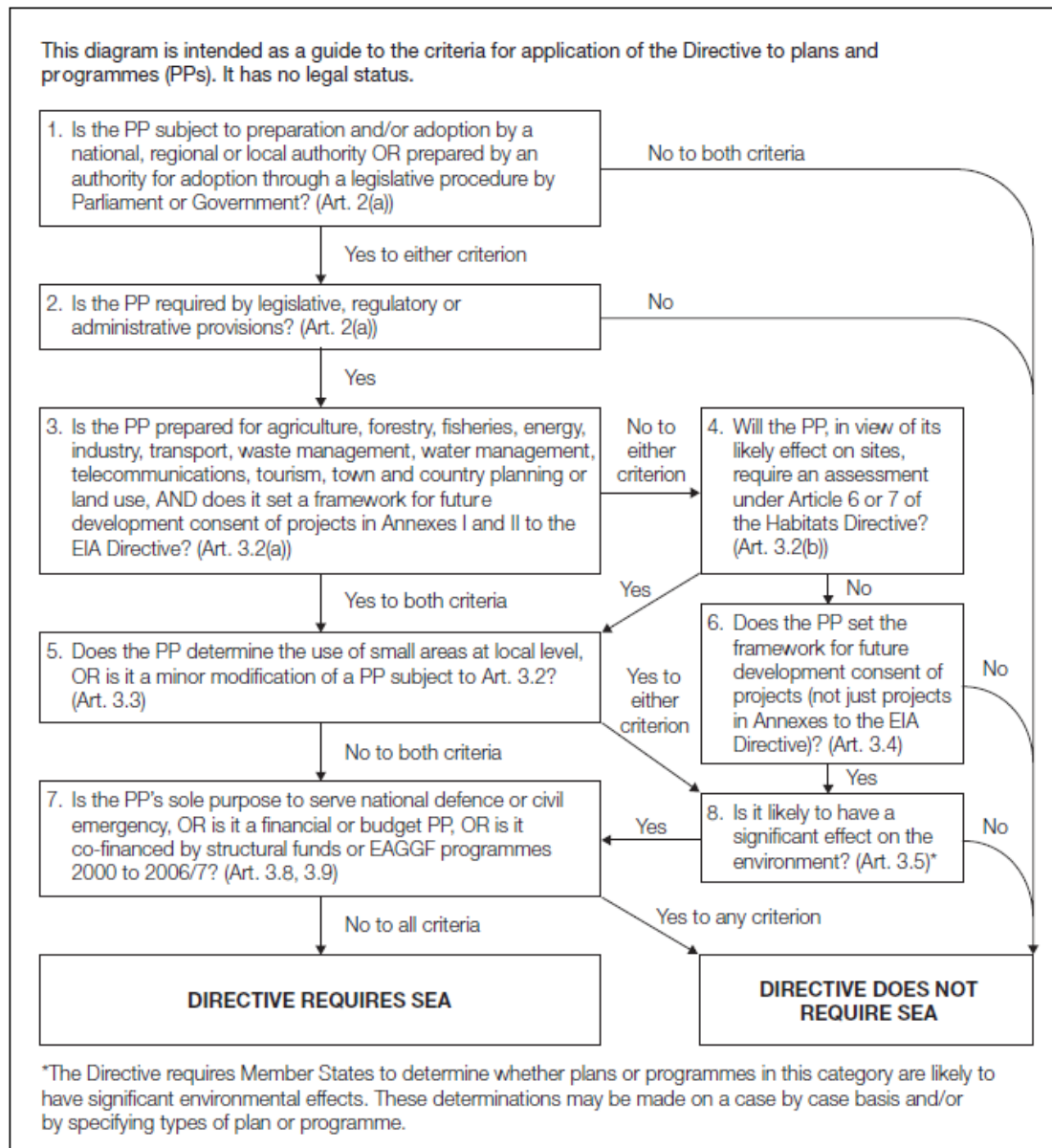
5. Conclusion

- 5.1 On the basis of the screening process, it is the Council's opinion that the Affordable Housing SPD does not require a Strategic Environmental Assessment or Sustainability Appraisal. This is because there will be no significant environmental, social or economic effects arising from its implementation, as it seeks only to expand upon and provide guidance for the effective and consistent implementation of District Plan policies.

Appendix 1

SEA Screening of the Affordable Housing SPD:

Figure 1: Application of the SEA Directive to plans and programmes guide



A Practical Guide to the Strategic Environmental Assessment Directive, ODPM 2005

Table 1: Establishing whether there is a need for SEA

Stage	Yes/No	Assessment
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Yes to either criterion: proceed to question 2	The SPD has been prepared by East Herts Council to provide more detail relating to affordable housing policies contained in the East Herts District Plan.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes: proceed to question 3	Once the SPD is adopted it will become a material consideration as part of the development plan for East Herts.
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	Yes to both criterion: proceed to question 5	The SPD is prepared for town and country planning and land use AND it sets the framework for future development which may require an Environmental Impact Assessment.
5. Does the PP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Yes to first criterion: proceed to question 8	The SPD supplements the District Plan policies on affordable housing which define the type and mix of dwellings on development sites, which may in turn determine the other types of land uses provided.
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	Directive does not require SEA.

Table 2: Assessment of the SPD against Schedule 1 of the SEA Directive

SEA Directive Criteria (Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004)	Potential effects of the SPD
1. Characteristic of the SPD having particular regard to:	
(a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	The SPD provides more detail on the policies and principles established in the East Herts District Plan 2018, which has been subject to comprehensive SA incorporating SEA. The purpose of the SPD is to provide guidance on the effective and consistent implementation of the relevant housing policies.
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The purpose of the SPD is to supplement the District Plan policies and sits below the District Plan in terms of the Development Plan hierarchy. It will influence the preparation of masterplans relating to strategic scale or significant developments.
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The SPD is highly relevant in terms of promoting sustainable development as it seeks to ensure the effective and consistent implementation of housing policies, the aim of which is to provide a range of housing options to meet the needs of the different communities in East Herts.
(d) environmental problems relevant to the plan or programme; and	There are no environmental problems relevant to the SPD. The SA of the East Herts District Plan identified a number of issues relating to housing affordability, which the housing policies seek to address. This SPD will therefore result in social and economic benefits through the effective and consistent implementation of affordable housing policies.
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	The purpose of the SPD is to provide guidance on the effective and consistent implementation of affordable housing policies. The East Herts District Plan contains other policies relating to these objectives.

2. Characteristics of the effects and area likely to be affected having particular regard to:	
(a) the probability, duration, frequency and reversibility of the effects;	The SPD is not expected to give rise to any significant environmental effects. The SPD seeks to ensure the effective and consistent implementation of affordable housing policies, which in themselves should ensure positive effects relating to affordability within the housing market and access to home ownership for current and future generations.
(b) the cumulative nature of the effects;	The SPD is not considered to have any significant cumulative effects.
(c) the trans-boundary nature of the effects;	The SPD is not expected to give rise to any significant transboundary environmental effects. However, where strategic sites are in close proximity to neighbouring settlements, the provision of affordable housing will assist in providing housing choices for residents from a wider area as well as from within East Herts communities.
(d) the risks to human health or the environment (for example, due to accidents);	There are no anticipated effects of the SPD on human health.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The effective and consistent implementation of affordable housing policies will have positive benefits for all East Herts residents and those who wish to move to East Herts.
(f) the value and vulnerability of the area likely to be affected due to— (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use;	The SPD is not anticipated to adversely affect any special natural characteristic or cultural heritage. Nor would the SPD be expected to lead to the exceedance of environmental standards or promote intensive land use. Matters relating to environmental standards and land use are contained in the East Herts District Plan 2018.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	The SPD is not expected to have any adverse effect on areas with national, community or international protection.

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East Herts Council

Council

Date of Meeting: 13 May 2020

Report by: Cllr Linda Haysey, Leader of the Council

Report title: Harlow and Gilston Garden Town
Employment Commission Report, Hardisty
Jones Associates (2020)

Ward(s) affected: Hunsdon, Much Hadham, Sawbridgeworth &
Stanstead Abbots

Summary

RECOMMENDATIONS FOR COUNCIL that:

(a) The 'draft final' Harlow and Gilston Garden Town Employment Commission Report, as detailed at Appendix A to this report, be agreed as a material consideration for Development Management purposes.

(b) Authority be delegated to the Head of Communications, Strategy and Policy to agree the final version of the Harlow and Gilston Garden Town Employment Commission Report, in consultation with the Leader, following any further changes made to the Report.

1.0 Proposal

1.1 That the Executive, having considered the report by emailed circulation (the Executive meeting of 21 April 2020 having been cancelled due to the coronavirus situation), recommends to Council that the findings and recommendations of the Harlow and Gilston Garden Town Employment Commission Report by Hardisty Jones Associates 2020, be treated as a material consideration in the assessment of the planning applications relating to the Gilston Area.

2.0 Background

- 2.1 Two studies have previously been conducted into the employment land requirements of the West Essex East Herts FEMA¹ (Hardisty Jones 2015 and 2017) which modelled the projected housing growth and the minimum hectarage requirement of employment land area to maintain a sustainable local economy. The second study was an update of the first in the light of increased housing target and recent economic data. What these reports didn't address were the business type uses, floorspace requirements or where they should be located across the FEMA area.
- 2.2 The methodology of the studies are as follows:
The FEMA is roughly in 'balance' at present. People commute into and out of it, but broadly speaking the number of jobs equates to the number of residents of working age. If more houses are built, the number of residents of working age will increase. Therefore, to compensate, space must be found for new businesses to employ those people to maintain the balance.
- 2.3 Traditionally, this would be calculated using a square

¹ Functional Economic Market Area covering East Herts, Uttlesford, Harlow and Epping Forest Districts

metre requirement per working-age person (which would vary according to business use type). In simplistic terms, the study would extrapolate the floorspace requirement in the existing business-use mix ratios in the area to the extent that the number of new employees could be catered for. This floorspace was then converted to site area hectarage often using a 40% building to land conversion density ratio to allow for parking and other curtilage. These hectarage were then allocated to specific sites in the District/Local Plans.

- 2.4 However, the studies did not directly address the specific sustainability requirements of the Garden Town in terms of employment and land use, as they predated the work relating to the objectives and vision for the Garden Town.
- 2.5 Each of the three Garden Town Partner Districts² is at a different stage in their Local Plan processes and it was considered that although the Plans allocate new employment land to particular sites, there was no overall masterplan as to where, how or with what uses the Garden Town's employment land should be deployed nor any comprehensive, systematic guidance to an underlying vision, rationale and methodology.

The Report (See Appendix A)

- 2.6 The Harlow and Gilston Garden Town team considered that addressing this matter more specifically would provide a more robust position in relation to securing employment related development as part of the planning application proposals coming forward.
- 2.7 Therefore jointly and on behalf of the partner Councils, the Garden Town commissioned a third report (which

² Partner Councils are East Herts, Epping Forest and Harlow District Councils, Hertfordshire and Essex County Councils.

Hardisty Jones was appointed to produce) specifically relating to the employment requirements of the Garden Town, but within the wider context of the West Essex and East Herts FEMA and the Innovation Corridor (LSCC³). This would detail a more specific outline of the types of employment space that should be catered for, where, and the amount of floorspace required within each of the allocated Garden Town development sites and elsewhere in Harlow.

- 2.8 The final draft report was completed in March 2020, and a copy is available to view at Appendix A. The report details the parameters relating to employment land in the Garden Town as listed in 2.7 above, both within and beyond the current East Herts District Plan period.
- 2.9 It incorporates anticipated changes in working patterns and improvements in technology and the Transport Strategy aspirations for the Garden Town. This seeks to limit the need for travel and provide jobs, services and facilities close to where people will live. In this way, the Report indicates how the seven village developments proposed as part of the Gilston area development should be designed to operate as sustainable communities and as part of the Garden Town. Furthermore, it indicates the employment land densities of development that would be acceptable to the Partner Councils.
- 2.10 At officer level, all Councils are in agreement with the outputs. East Herts is the first to seek formal endorsement as a result of the timescale requirements of the planning applications in the Gilston area.
- 2.11 As a final draft, it is possible that changes could be made to the final version. Recommendation (b) above proposes that power to agree any further changes be delegated to the Head of Communications, Strategy and Policy in consultation with the Member for Planning and

³ London Stansted Cambridge Corridor

Growth

2.12 The main findings relating to Gilston are summarised below. However, these should be read in the context of the Executive Summary and then ideally the Report itself (see Appendix A) to give a balanced understanding of the methodology employed.

- The Garden Town population will rise from 80,000 in 2011, to 120,000 by 2033 and 135,000 in the period beyond.
- The requirement for jobs will rise from 40,000 to 60,000 by 2033 and then to about 70,000 post 2033.
- There is a requirement in the Garden Town for 25-29 hectares of employment land to 2033. 27h have been allocated and should be sufficient if they are all realised including most of the 5h at Gilston.
- Village or neighbourhood centres in the Garden Town must have sufficient employment space to enable them to be viable and sustainable in the long term.
- The allocation of and use of employment land must adhere to the Vision and Principles of the Garden Town.
- In Gilston, a minimum of 20,000m² of B class use floorspace must be made available to 2033 with the ultimate aim of achieving 34,000m² in total, beyond 2033.
- The regeneration and transformation of the Garden Town Centre is essential to support the Vision of the Garden Town.
- Strong leadership is required to drive through transformational change sought.

3.0 Reason(s)

3.1 Planning applications for development from the two

main landowners at Gilston have now been received. These proposals are in outline form and include the provision of land for employment purposes. However, they do not deliver the amounts of employment floorspace set out above.

- 3.2 Given the Garden Town Vision and the sustainable development objectives that the Council has for the village centres, it is vital that sufficient employment land is provided in the schemes to ensure the resulting development maximizes its potential to operate sustainably. Endorsement of the findings of the Employment Commission Report will bolster efforts to ensure that sufficient space is set aside to provide both local services and employment.
- 3.3 The other two Local Planning Authority Council partners in the Garden Town (Harlow and Epping Forest) will also endorse the finding of the report following the timetable of their own Local Plans.

4.0 Options

- 4.1 The Council chooses to endorse, to not endorse or make no comment on the Employment Commission Report.

5.0 Risks

- 5.1 If the Council fails to endorse or comment on the Employment Commission Report, it will be assigned less weight as a material consideration when assessing planning applications. Developers may take it as a sign of a lack of democratic support for the planning case for employment land.
- 5.2 By applying a coherent and consistent methodology across the Garden Town endorsed by the Partner Councils, the Employment Commission Report will be used as a material consideration in making the case for

the full allocation of employment land in the Garden Town Gilston and elsewhere.

6.0 Implications/Consultations

6.1 None.

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

No

Specific Wards

Yes – although the Report relates to the Harlow and Gilston Garden Town and for East Herts, the Gilston element of that, the wards

affected directly and indirectly are Hunsdon, Much Hadham, Sawbridgeworth and Stanstead Abbots.

7.0 Background papers, appendices and other relevant material

- 7.1 Appendix 1 – The Harlow and Gilston Garden Town
Employment Commission Report by Hardisty Jones 2020

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Harlow Gilston Garden Town Employment Commission

Draft Report v3.0

January 2020

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Foreword

TBC by client to set out vision for Garden Town and context in respect of employment.

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Table of Contents

Executive Summary	i
1 Introduction	1
2 Headline Employment Growth Scenarios	4
3 Sector Mix of Growth	15
4 Employment Sites and Premises Requirements	23
5 High Level Employment Sites Strategy	30
6 Wider Issues	37
Appendix 1: Baseline Data Analysis	39
Appendix 2: Review of Policy, Strategy and Research	45
Appendix 3: Stakeholder Consultation	57
Appendix 4: Future Trends in Work, Working Practices and Commercial Property Requirements	58
Appendix 5: Method for Calculating Employment Land Requirements	69
Appendix 6: Potential Employment Development Options for New Garden Communities	78

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Executive Summary

Introduction

- i. Hardisty Jones Associates was appointed by the Harlow Gilston Garden Town (HGGT) Employment Workstream¹ to undertake research on the future employment role and function of the HGGT, with a particular focus on the implications for employment (B Use Class) sites and premises.
- ii. Existing policy and strategy sets out a range of underlying principles for HGGT. At the heart of the rationale for the HGGT is the ambition to strengthen and grow the Harlow economy, and to deliver the capacity to regenerate the town centre. The established principles are a key reference for this new research on the future economic and employment role and function of the Garden Town, in terms of both the nature and scale of ambition, and the development of a high level employment sites strategy.
- iii. The brief for this study set out four key objectives/questions:
 - 1. Based on existing economic data for the sub region and other work undertaken to date, provide an assessment of the opportunities for sustainable job generation across the HGGT in relation to the known housing trajectory growth of 23,000 minimum homes
 - 2. Which employment sectors/industries are likely to create the jobs growth?
 - 3. What is the appropriate quantum and type of employment/business accommodation required to accommodate the economic and employment growth?
 - 4. What is the employment land requirement to accommodate the economic and employment growth based upon the outcomes of questions 1, 2 and 3?
- iv. Following consideration of these four questions the requirement included a high level strategy for the allocated employment sites within the HGGT.

Headline Employment Growth Scenarios

- v. When interpreting analysis of future requirements it is vital to recognise the inherent uncertainty. The assessment of future employment growth scenarios draws together currently available evidence in order to take informed and considered views of what might reasonably happen, or need to happen.
- vi. The analysis of headline employment scenarios is predicated on planned residential growth at the HGGT of approximately 16,000 dwellings over the period 2011-33, with a minimum of 7,000 further dwellings post 2033.
- vii. Data from the 2011 Census shows that at the start of the analysis period Harlow had a broadly balanced labour market with around 40% in- and out-commuting, approximately 16,000 persons in each direction. Stakeholder consultation has identified that maintaining a balanced labour market is a desirable outcome for the HGGT, minimising the need to travel as far as possible and encouraging sustainable travel where possible.

¹ A number of workstreams have been set up to develop the concept of the HGGT. The Employment Workstream is tasked with considering the matters around economic development.

- viii. In considering the future scale of employment growth required to deliver a balanced labour market at the HGGT, this analysis has shown there will need to be 19,000 – 21,500 additional jobs over the current plan period 2011-33, with a further minimum of 8,500 – 9,000 post 2033.
- ix. This will require significant levels of growth, relative to historic and baseline forecasts to align to the population rising from around 80,000 in 2011 to 120,000 by 2033 and above 135,000 when the full complement of housing is delivered. In employment terms the HGGT will increase from some 40,000 jobs in 2011 to more than 60,000 jobs by 2033 and around 70,000 jobs when all 23,000 additional dwellings are occupied.
- x. To align to the employment land evidence base prepared to inform the Harlow, East Hertfordshire and Epping Forest District Local Plans a shortened analysis period of 2016-33 has been considered. After considering actual growth over the period 2011-16, minimum requirements of 15,000 additional jobs 2016-33 with a further 8,500 post 2033 were identified.
- xi. The review of policy and strategy, as well as stakeholder consultation has identified a number of clear opportunities which create the potential to achieve this step change in jobs growth at the HGGT. The current target sectors of advanced manufacturing; ICT and digital; life sciences; and medical technologies were confirmed as appropriate. However, it is recognised that opportunity alone is insufficient and success is not guaranteed. There is therefore a need for clear vision and strong leadership to deliver this economic transformation. The relocation of PHE to Harlow is a key opportunity and the benefits of this need to be maximised.

Sector Mix of Growth

- xii. The West Essex and East Hertfordshire Assessment of Employment Needs (October 2017) has been used as a starting point for more detailed sectoral analysis.
- xiii. The Harlow District element of the 2017 Assessment of Employment Needs formed the first building block of sectoral analysis. This estimated approximately 8,500 additional jobs over the period 2016-33. This falls well below the 15,000 required jobs for this period.
- xiv. Apportioning part of the identified employment growth of East Hertfordshire and Epping Forest Districts, reflecting the apportionment of housing growth within these areas to the HGGT, could add a further 5,000 jobs.
- xv. Two further uplifts were identified that may deliver broad labour market balance at the HGGT. Firstly, an uplift to employment in the education sector, based on a bottom up review of future educational requirements set out in the HGGT Infrastructure Delivery Plan (2019). Secondly, a further boost to key target sectors over and above that included in the 2017 Assessment of Employment Needs. Making such uplifts retains consistency with the 2017 analysis, which noted a further 2,100 jobs required to balance the FEMA wide labour market but without clarity on where these could or should be located. This HGGT focused analysis suggests the vast majority of these should be targeted at the HGGT in order to support achievement of the balanced community ambitions.
- xvi. The largest growth sectors 2016-33, in jobs terms, are expected to be:
 - Health & Care
 - Research & Development

- Public Administration²
- Education
- Business Services
- Professional Services
- Construction
- Accommodation and Food Services

- xvii. Post 2033 the education and health and care sectors are expected to continue to be significant employment growth drivers.
- xviii. This analysis shows that a significant level of employment growth at HGGT will arise within the core or foundational economy i.e. that part of the economy that makes a place function effectively. This includes health and care, education, construction, leisure and retail.
- xix. However, increasing the size of the tradeable economy will be essential in creating a vibrant economy and bringing wealth to the area, as well as sufficient employment to meet the needs of the growing workforce. Significant growth will come from the relocation of PHE. Further jobs growth in the tradeable economy will need to be secured, through maximising the benefits of the PHE relocation, the Business Innovation Centre at Harlow Science Park, and committed efforts to realise the opportunities presented by being within the UK Innovation Corridor including potential overspill from Cambridge and London.

Employment Sites and Premises Requirements

- xx. The assessment of future employment sites and premises requirements has been undertaken to be consistent with the 2017 Assessment of Employment Needs. Over the period 2016-33 a requirement for an additional 7-9ha of employment land has been identified. This is over and above the requirements as set out for Harlow in the 2017 study which has informed the Harlow Local Plan allocations. This comprises 1 – 3ha for B1a office uses, 2.5ha of B1b R&D uses and 3ha for B1c/B2/B8 industrial and warehouse uses. When aggregated with the Harlow requirements from the 2017 analysis this creates a total quantitative need for the HGGT over the period 2016-33 (aligned to the respective Local Plans) of 25 – 29ha.
- xxi. The period beyond 2033 has not yet been considered in other evidence, given that it extends beyond the Local Plan periods. Notwithstanding, appropriate consideration should be given to any sites anticipated to play a long-term role in the delivery of HGGT. Long term future requirements at the HGGT will comprise both net additional requirements and the need to facilitate further modernisation and replacement of existing stocks. Analysis based the net additional requirements arising from a minimum of 7,000 dwellings post 2033 plus replacement requirements to maintain a healthy commercial property stock over a 10-year period indicates a longer-term quantitative need for a further minimum of 3.5 – 9ha of land for office uses and 8ha for industrial and warehouse uses.
- xxii. In qualitative terms there are changing trends in the commercial employment property markets. There are likely to be further changes over the period to 2033 and beyond, as working practices change. This will require appropriate flexibility and a 'plan, monitor, manage' approach.

² Along with Research & Development this includes the uplift for PHE relocation.

- xxiii. Within the office market the primary changes are being driven by ensuring access to amenities for workers. This is driving office requirements to town and city centres with good public transport access and nearby leisure, retail and services. This has potential implications for future town centre redevelopment at HGGT. There is also a move to more flexible workspaces and tenures, with office space being viewed as a service rather than a commodity. This flexibility includes offices in non traditional settings, integrated with other uses such as hotels, cafes and retail centres. Whilst homeworking may be more prevalent, there is a continued desire to enable collaboration and interaction. Discussion with local agents has indicated that Harlow is not currently a primary office location and there will need to be a substantial change in perception for this to change. Most large requirements have arisen from relocations within the town. Future requirements are therefore expected to be predominantly for smaller flexible workspaces.
- xxiv. Within the industrial market the evidence suggests continued requirements for new stock to enable modern working practices and technology. The trend is also towards smaller unit sizes. The primary focus for HGGT is expected to be small units and grow on space. The current industrial market in Harlow is viewed as very strong with low void rates and evidence of new developments proving successful.
- xxv. Within the storage, distribution and logistics markets there is a separation between very large regional distribution centres and more localised final mile centres. There is also evidence of a move towards more intensive use of space including multi storey development to reduce land costs. The primary concern for HGGT is footloose logistics uses swallowing up all available supply which constrains growth in target sectors.

High Level Employment Sites Strategy

- xxvi. The assessment of requirements over the 2016-33 period estimated a need for a minimum of 25-29ha. This compares to identified supply within the three Local Plans of 27ha plus further opportunities in Harlow Town Centre and the redevelopment of an additional 1ha at Dorrington Farm. In purely quantitative terms this suggests that there is sufficient supply to meet minimum requirements to 2033. However, this is reliant on the vast majority of land coming forward and little or no additional capacity to meet requirements beyond 2033 identified at present.
- xxvii. Much of the allocated supply is designated for B1 uses. It is likely that this will need to include a range of B1b/c R&D and light industrial activities to align to the anticipated mix of requirements. It will also be important that the vast majority of identified allocations come forward within the plan period. This includes the majority of the 5ha at Gilston.
- xxviii. There have been high levels of activity on previously used employment sites, bringing forward new employment development. This was a critical element of the 2017 Assessment of Employment Needs for Harlow. Emerging development is broadly aligned to the anticipated mix of re-use activity within the earlier research. In order to meet the full requirement the redevelopment of Templefields will be important, this site has been subject to less activity to date.
- xxix. The high-level sites strategy has been devised to support and deliver the wider strategic principles of the HGGT, in particular facilitating the economic revitalisation of Harlow and maximising the potential of its key development sites and regeneration opportunities, including the Enterprise Zone. These larger sites will be important in accommodating the bulk of employment development. The strategy recognises the centrality of the sustainable travel aims and this has been a key influencing document.

- xxx. The strategy for employment allocations at the new Garden Communities has been developed to ensure they are able to be 'economically vibrant in their own right' as well as providing a range of local services and workspace to enable sustainable travel aims. This reflects the important placemaking role of providing employment premises within the new Garden Communities, as well as contributing to the wider needs of HGGT.
- xxxi. The Harlow Business Park, Harlow Science Park and East Road allocations within the Harlow Local Plan should be progressed as anticipated. Harlow Science Park should continue to be protected as a premium site aligned to the economic ambitions around the target sectors. Early thought should be given to where further Science Park related development might be located in the long term given limitations on expansion to the current site. Harlow Business Park should be developed in keeping with its surroundings with potential for a mix of B1a, b and c uses. East Road has a permitted/constructed scheme which is almost fully taken up. The larger employment sites at Harlow should be used to accommodate larger occupiers and users which may not be appropriate within the new Garden Communities.
- xxxii. Within the new Garden Communities there are two employment allocations. The 1ha (+1ha) allocation at Dorrington Farm within the Latton Priory Garden Community should provide a minimum of 15,000sqm of B Use Class floorspace including a mix of B1 uses comprising both office and light industrial/workshop space.
- xxxiii. A significant proportion of the 5ha allocation at Gilston for B1, B2 and B8 uses will be required within the current plan period. A minimum of 20,000sqm of B Use Class floorspace should therefore be delivered by 2033, with the ambition for a total of 34,000sqm at completion. Consultation has identified opportunities linked to proximity to key transport infrastructure such as the A414 and Harlow Town rail station. This should be a focus for the majority of employment provision, with the remainder provided within other village centres. This will include industrial premises, workshops and grow on space for SMEs (both office and industrial).
- xxxiv. New Garden Communities should include integrated mixed-use centres which feature employment uses, including facilities such as workhubs or serviced offices. These should be in close proximity to local amenities (retail and leisure) and with good public transport access. This can serve local micro businesses and SMEs as well as homeworkers. These are unlikely to be large scale and should not compete with Harlow town centre.
- xxxv. Harlow Town Centre has been identified in the Harlow Local Plan as having potential for office development. This will be examined through development of an Area Action Plan. Based on trends in the office market, integration of office development within the town centre should be a key ambition in order to deliver vibrancy and provide an offer aligned to the needs of modern occupiers.
- xxxvi. There is concern that footloose logistics development could crowd out higher value industrial uses and hamper efforts to achieve the economic ambitions for the HGGT, particularly given the proximity of HGGT to both the M11 and M25 providing strong attraction for such users. The allocation of new employment sites at Harlow for B1 uses is therefore helpful in protecting these sites. However, there is a need to strategically plan long term for large scale footloose logistics uses across a wide geography given their role as critical economic infrastructure for the modern economy. Without alternative appropriate long term locations for such uses pressure will remain on sites in and around the HGGT which is a clear risk to the ambitions for transformation. This

should be explored with stakeholders with a wider geographic focus such as the LEPs and UK Innovation Corridor.

Wider Issues

- xxxvii. Through the course of undertaking this research a number of wider issues relevant to the economic future of the HGGT have been highlighted. These are not specific to employment sites and premises but they should be recognised by stakeholders.
- xxxviii. Firstly, the scale of employment growth that is required to deliver a balanced labour market is well ahead of historic levels of growth. Whilst there are opportunities and drivers with the potential to enable this level of growth to be achieved there is a recognition that there is a need to be proactive in securing it. There is therefore a need for a long term economic vision and committed leadership to drive a high profile economic growth agenda. If the economic development focus is merely in the background there is a clear risk that growth will be predominantly residential led with an increasing dormitory status for the HGGT which will not meet sustainable travel targets. Through new funding routes including the Future High Streets Fund and Town Deal, the latter of which has led to the establishment of a Town Growth Board, there is already a strengthening of the leadership offering. This requirement for a step change in growth is also consistent with the Harlow Economic Development Strategy and underpinning ambitions of the HGGT.
- xxxix. Secondly, delivering a high quality housing mix and town centre regeneration have been identified as critical to enabling the economic ambition to be achieved. The challenges surrounding town centre regeneration in particular are recognised. There are strong interrelationships between housing, town centre regeneration and high value employment growth which creates a 'chicken and egg' dilemma. For this reason a very pro-active public sector led approach has been suggested.
- xl. Thirdly, it is a key ambition of the HGGT that existing residents of Harlow are able to participate in the benefits of economic growth and development. This analysis has identified that employment growth is likely to be spread across a range of sectors within the foundational and tradeable economy. However, this analysis has not considered the skills needs arising from the indicated employment growth. This will need to be a key part of the economic strategy of the HGGT, recognising the rapidly changing skills requirements within sectors.
- xli. Finally, the relocation of PHE is a major boost to the economic transformation of the area. The potential to drive further growth as a result of this is as yet unproven and unquantified but has been recognised as an opportunity. Over time, the establishment of a critical mass of highly skilled workers at PHE has the potential to create significant spin-out activity and PHE could become an anchor of a public health related cluster. The activity related to maximising the local benefits of this relocation to HGGT and the wider area will likely need leadership and coordination from outside PHE, in partnership with relevant PHE staff.

1 Introduction

- 1.0.1 Hardisty Jones Associates was appointed by the Harlow Gilston Garden Town (HGGT) Employment Workstream³ to undertake research on the future employment role and function of the HGGT, with a particular focus on the implications for employment (B Use Class) sites and premises.

1.1 What is the Harlow Gilston Garden Town?

- 1.1.1 The HGGT is now a well-established proposal to support the growth needs of the West Essex and East Hertfordshire area. A vision document was published in November 2018 setting out the latest thinking. Proposals include 16,000 additional homes within the current plan period to 2033, with a minimum of 7,000 further homes beyond the plan period.
- 1.1.2 The HGGT covers the entirety of the district of Harlow, with significant proposed development around its fringes within the districts of East Hertfordshire and Epping Forest. This includes four new Garden Communities comprising approximately 10,000 homes in the Gilston Villages area to the north of Harlow, as well as substantial new residential development at Water Lane, Latton Priory and East of Harlow.
- 1.1.3 Figure 1.1 illustrates the proposals for the Garden Town. The coloured blocks highlight the most substantial areas of new development at various locations around the edges of the existing Harlow settlement.

1.2 Underlying Harlow Gilston Garden Town Economic Principles

- 1.2.1 Existing policy and strategy sets out a range of underlying principles for HGGT. At the heart of the rationale for the HGGT is the ambition to strengthen and grow the Harlow economy, and to deliver the capacity to regenerate the town centre. The established principles are a key reference for this new research on the future economic and employment role and function of the Garden Town, in terms of both the nature and scale of ambition, and the development of a high level employment sites strategy.
- 1.2.2 Key principles set out in the HGGT Vision document relevant to the economy and employment include the need to be:
- Adaptable – able to respond to economic shifts and the emergence of new sectors;
 - Sustainable – with people inspired to work locally and encouraged to travel actively; and
 - Innovative – spearheading the nation's response to the UK Industrial Strategy.
- 1.2.3 The economic strategies set out in the relevant Local Plans and the Harlow Economic Development Strategy are consistent in seeking to secure the economic revitalisation of Harlow and capitalise on its location at the heart of the UK Innovation Corridor. Housing growth and developing critical mass is being utilised as a key enabler of this vision.
- 1.2.4 Across the relevant documentation is a clear articulation of the opportunities around key sectors such as life sciences, public health, medical technologies, advanced manufacturing, ICT and digital. Existing policy and strategy also supports key site development at Harlow Science Park,

³ A number of workstreams have been set up to develop the concept of the HGGT. The Employment Workstream is tasked with considering the matters around economic development.

the relocation of Public Health England and through the presence of the Harlow Enterprise Zone, which includes the regeneration of existing employment areas. As well as key employment sites there is a desire that new Garden Communities are economically vibrant in their own right. Town centre renewal is also a central aim of the HGGT ambition, in order to deliver an offer that complements and enables the economic growth ambition. This vision is being supported through ongoing work to secure investment through the Future High Streets Fund and a Town Deal.

- 1.2.5 Sustainability runs wide and deep throughout the ambitions for HGGT, with the Transport Strategy there is a clear target that 60% of all journeys within the new Garden Communities and 50% of all journeys across Harlow will be undertaken by sustainable modes. As a result the strategy is clear that a hierarchy of importance for travel needs to influence HGGT activity: reducing the need to travel; walking and cycling; public transport; and private vehicles.
- 1.2.6 Delivering the sites and premises required to enable the economic ambition, aligned to the HGGT principles, is therefore critical. This is identified within the Harlow Economic Development Strategy and Local Plan.
- 1.2.7 Appendix 2 to this report sets out summaries of the key policy and strategy documents.

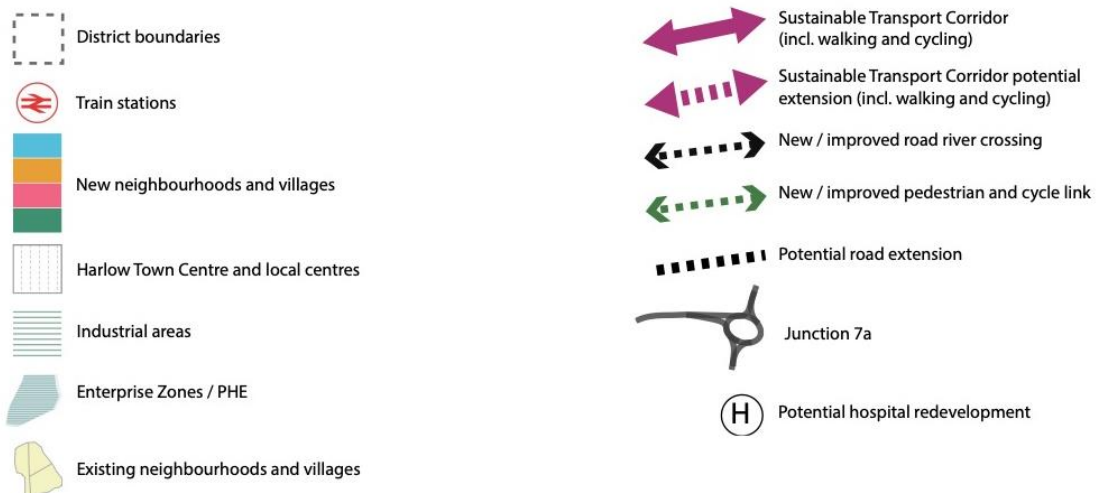
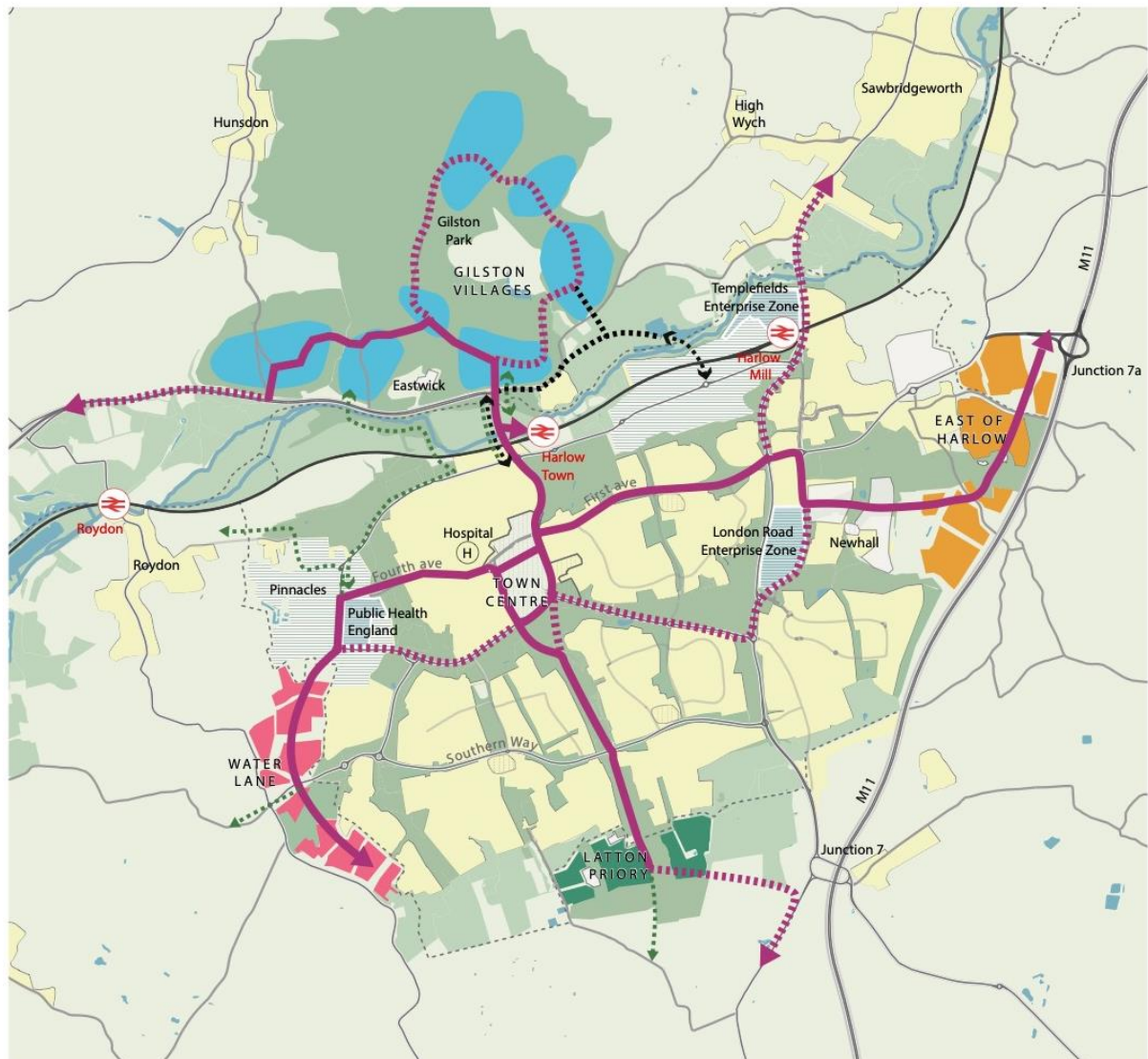
1.3 Purpose of this report

- 1.3.1 The brief for this study set out four key objectives/questions:
 1. Based on existing economic data for the sub region and other work undertaken to date, provide an assessment of the opportunities for sustainable job generation across the HGGT in relation to the known housing trajectory growth of 23,000 minimum homes
 2. Which employment sectors/industries are likely to create the jobs growth?
 3. What is the appropriate quantum and type of employment/business accommodation required to accommodate the economic and employment growth?
 4. What is the employment land requirement to accommodate the economic and employment growth based upon the outcomes of questions 1, 2 and 3?
- 1.3.2 Following consideration of these four questions the requirement included a high level strategy for the allocated employment sites within the HGGT.

1.4 Structure of this report

- 1.4.1 This report sets out the findings of research and analysis to answer the key requirements of the brief, and is structured as follows:
 - Chapter 2 outlines the development of headline growth scenarios and broad parameters for growth.
 - Chapter 3 considers issues around the sectoral mix of growth.
 - Chapter 4 considers the employment sites and premises requirements arising from this growth.
 - Chapter 5 provides a high-level strategy for allocated sites.
 - Chapter 6 sets out wider recommendations arising from this research.
- 1.4.2 A series of appendices provide further detail on research undertaken to underpin the findings set out in this report.

Figure 1.1 Illustrative Map of Harlow Gilston Garden Town



2 Headline Employment Growth Scenarios

2.0.1 This chapter sets out future potential employment and economic growth scenarios for the HGGT. The analysis in this chapter is based upon:

- Existing research, strategy and policy;
- Official statistics; and
- Consultations with key stakeholders.

2.0.2 The emerging findings were shared in a workshop with the HGGT Employment Workstream⁴ in September 2019. Further detail in respect of existing documentation, data and consultations can be found in Appendices 1-4 to this report.

2.1 Interpreting Future Scenarios and Forecast Analysis

2.1.1 This entire commission is concerned with helping to understand and plan for the future. It is vital that any analysis that considers the future is interpreted appropriately. The future is not certain. The longer the time horizon that is considered the greater the level of uncertainty. Recognising this uncertainty is critically important when reading this report.

2.1.2 The analysis set out within this report is seeking to utilise the available evidence to help inform decision making and planning. It draws on what we know about the here and now, about recent historic trends, and draws on evidence of trends that are likely to continue in the future, or changes that could make an impact. However, the exact manifestation of these trends is subject to uncertainty. Things will occur which have not been foreseen. Other changes that are expected may not come to pass. The speed of change may be greater or slower than expected. This report is being drafted in a context of ongoing negotiation of the manner in which the UK leaves the European Union, which itself creates a significant level of uncertainty around the future economic growth of the UK. However, whilst there is uncertainty which must be acknowledged, it is appropriate to seek to plan using the best evidence available.

2.1.3 This report includes quantitative analysis to outline future scenarios for the HGGT. As a result of the uncertainties of forecasting, these numbers should not be grasped as firm predictions, nor should a level of spurious accuracy be inferred. In considering the period to 2033 and beyond, the analysis in this report is seeking to make broad brush strokes, to set 'orders of magnitude'. These can help to understand the nature and scale of potential responses and actions to take. The focus of this report is not therefore on whether any given figure should be a fraction higher or lower over a 10- or 20-year period but whether the underlying fundamentals are in place, and of a broadly appropriate scale or type. As a result, figures are generally heavily rounded or expressed as a range to avoid any implication of detail or accuracy that is unhelpful. The intention is that this research provides the foundations for a 'plan, monitor and manage' approach rather than 'predict and provide'.

⁴ Comprising representatives of the HGGT team, Harlow Council, Epping Forest District Council, East Herts District Council, Essex County Council and Hertfordshire County Council.

2.2 Establishing Parameters

2.2.1 In order to determine the scope of scenarios for the potential economic future of the HGGT it is necessary to establish some broad parameters to work within. The following parameters have been established:

Geographical Area for Baseline Analysis

2.2.2 The HGGT will comprise the entirety of the Harlow local authority area, as well as parts of both Epping Forest District and East Hertfordshire District⁵. Because the areas in Epping Forest and East Hertfordshire districts which comprise the HGGT are currently relatively sparsely populated, it is not possible to tightly define the HGGT area using standard geographical designations⁶. In seeking to define the geographic area of HGGT, additional parts of Epping Forest and East Hertfordshire districts (including villages and small settlements) are included which are not considered part of the HGGT area. Inclusion of these areas can skew data analysis. However, as a result of the sparse residential and employment development within these growth areas at present, some 99% of the current estimated HGGT population and employment base is accommodated within the Harlow local authority area.

2.2.3 For this reason, the Harlow local authority area has been adopted for the purposes of baseline analysis (including 2011 and 2016 analysis as discussed in more detail below). Adoption of the local authority boundary also allows for a greater range of datasets to be considered.

2.2.4 As development takes place around the edges of Harlow one would expect a redrawing of LSOA and MSOA boundaries at some point in the future, and as such, improved definitions of HGGT for statistical analysis purposes should be possible.

2.2.5 Whilst the analysis is focused on the HGGT area, it is acknowledged that the area is not and will not be an island, and sits within a wider functional economic market area.

Time Periods for Analysis

2.2.6 Local Plans for Harlow (examination stage), Epping Forest District (examination stage) and East Hertfordshire District (adopted) cover the period 2011-33. Planned dwelling numbers for HGGT have been subdivided into 'by 2033' and 'after 2033'. For the purposes of this analysis it has been agreed that the growth of HGGT in its entirety will be underpinned by approximately 16,000 homes within the current plan period (2011-33) with 'at least'⁷ 7,000 additional dwellings beyond 2033⁸.

2.2.7 Therefore:

- 2011 is set as a base date for analysis. This has advantages in that it aligns to the last census of population which provides good quality data as well as the start of the Local Plans.

⁵ Current proposals include approximately 14,000 dwellings of the currently planned 23,000 dwellings outside the boundary of Harlow.

⁶ A range of small area statistical definitions are typically used, for example, lower layer or mid layer super output areas (LSOA or MSOA). These areas are defined to cover areas that accommodate approximately 1,500 persons population (LSOA) and 7,200 persons population (MSOA). Where population is sparse (e.g. rural areas) the geographic coverage of LSOAs or MSOAs is much greater than in densely populated (e.g. urban areas) the geographical coverage is small.

⁷ A further 7,000 dwellings at the Gilston Villages have been identified within documentation to date. Any further potential dwellings growth beyond the current plan periods has not been discussed. This will be a matter for future Local Plan reviews and plan making.

⁸ With some of the identified housing potentially delivered beyond 2050.

- 2016 has been adopted as an interim date to capture the current situation, on the basis that there are lags in the release of statistical data and that it aligns to analysis set out within the West Essex and East Hertfordshire Assessment of Employment Needs report, published in October 2017, which is an important reference document for this analysis.
- 2033 is used as a first 'end point', to enable an indication of the situation at the end of the current plan period.
- No end date is specified for the post-2033 period, to consider the implications of the full extent of current planned dwelling growth at HGGT. Figures for this period are illustrative as full housing requirements for this period have not been considered and will be a matter for future Local Plan reviews and plan making.

Future of Work

2.2.8 In consultation with stakeholders there has been some discussion as to the potential implications of changes to the nature of work. There are a number of issues around this topic:

- The rise of artificial intelligence (AI) and automation and the potential erosion of jobs; and
- Increasing flexibility around what constitutes a 'job' and the growth of portfolio careers that may comprise multiple part time jobs.

2.2.9 With regard to the first issue, the rise of AI, the UK economy has already experienced a transition towards automation in many parts of manufacturing over the last 30-50 years. Whilst this has led to a reduction in jobs within some parts of the manufacturing sector, there has been a substantial shift in the economy towards the services sector. There has been no long-term stagnation in the ability of the economy to create jobs despite the increased use of robotics and automation.

2.2.10 A headline review of literature related to the growth of AI and automation does not suggest a widespread erosion of employment as a concept in the future. Whilst over the course of the analysis period for this study there is likely to be erosion of jobs in a number of sectors, through increased use of AI and automation in new areas, there is an expectation that these will be more than offset through the creation of new jobs⁹.

2.2.11 This continual change within the economy is not in any way new and is clearly likely to continue. This will have implications for the skills required by workers. However, for the purposes of this research it is assumed that the prevalence of work in general will not be affected by AI and further automation, but that it is likely to impact on the sectoral and skills mix of employment opportunity.

2.2.12 There has also been a long-standing speculation that over the course of time increasing wages would lead to workers reducing working hours and increasing leisure time. However, this pattern has not been widely observed. There is no clear rationale to assume this will change markedly over the next 20 years.

2.2.13 In terms of the pattern of part-time and full-time working, time series data from the Annual Population Survey for the UK shows a broadly consistent share of full time and part time working over the last 15 years. There is a slight reduction in the numbers of people working 45 hours or more per week, with rises in those working 35-44 hours and 10-34 hours per week. There is also

⁹ World Economic Forum (2018) The Future of Jobs Report

evidence of a rise in self-employment over the same 15-year period. Non-permanent employment was on the rise as a share of total employment over the period 2004-2014, but has since seen a reversal.

- 2.2.14 For these reasons, the modelling in this report assumes as its core proposition that the nature of work, and its relationship to the population remains broadly consistent. Some additional detail in respect of the future of work is set out within Appendix 4 to this report.

2.3 Baseline or Starting Position

- 2.3.1 In 2011 Harlow had a resident population of approximately 82,000 persons residing within approximately 36,000 dwellings (Census). The town also accommodated approximately 43,000 jobs (ONS, Jobs Density).
- 2.3.2 By 2018 the population is estimated to have grown to around 87,000 persons (ONS, Mid Year Estimates), residing in approximately 37,500 dwellings (HJA estimate based on Census and Harlow Council Annual Monitoring Returns). The town is estimated to accommodate approximately 48,000 jobs (2017, ONS, Jobs Density).
- 2.3.3 Harlow has seen jobs growth since 2000, however, this has been relatively modest (12%) in comparison to the England average (20%).
- 2.3.4 Over the period 2011-18 the level and rate of unemployment in Harlow has fallen in line with national trends. The growth in employment has therefore been underpinned by both the growth in the population, but also a reduction in the spare capacity in the labour market.
- 2.3.5 The 2011 Census of Population provides the most detailed assessment of travel-to-work patterns. This indicates that approximately 16,000 workers commuted out from Harlow for work. This was approximately 40% of the resident-based workforce of the town. The Census also indicates that around 16,000 workers commuted into Harlow for work, equivalent to around 40% of the Harlow workplace-based workforce. This data tells us that whilst there are substantial workforce flows in and out of Harlow, overall there is a broad balance.
- 2.3.6 Further statistical baseline information is set out within Appendix 1 to this report.

2.4 Economic Role, Function and Opportunity

- 2.4.1 The review of existing documentation and consultation with key stakeholders (see Appendices 2 and 3) has helped to establish an understanding of the aspirations around the future potential economic role and function of HGGT. This relates to a number of broad areas:
- a. The overall scale of employment growth and the potential balance of labour demand (jobs) and supply (workers), which has implications for self-containment;
 - b. The types of economic activity and target sectors to be pursued; and
 - c. The role of HGGT within a broader geographic context, which relates to both a. and b. above.

Balance and Self Containment

- 2.4.2 As identified at 2.3.5 above, Harlow is presently a town with broad balance in terms of labour supply and demand. However, the 2011 Census indicates notable commuting flows into and out of Harlow.

- 2.4.3 Consultations with key stakeholders tested the options for HGGT in the future which are distributed across a continuum. At one extreme is the development of a dormitory settlement, where there are far fewer employment opportunities than workers. In this instance there would be a tendency toward significant net out-commuting to other locations for work. At the other end of the continuum HGGT could be considered an economic hub. Not only a place of greater scale, but accommodating far more jobs than resident workers. On this basis, HGGT would become a significant net in-commuting location, attracting workers from a wider hinterland. At the centre of the range is what could be termed a balanced community, where there are broadly a similar number of jobs to workers. There may well be flows in and out, as there are at present, but these flows would be broadly in balance.
- 2.4.4 When posed this question, consultees had often not considered this issue explicitly but when reflecting, tended towards the concept of a balanced community. Two reasons underlying this conclusion were the Garden Town principles and the sustainable travel objectives¹⁰ at the core of HGGT.
- 2.4.5 It is acknowledged that there will continue to be flows, not least to and from other economic hubs within close proximity such as London and Cambridge and within the local FEMA¹¹. However, to achieve the sustainable travel aims around the Garden Town the volume of commuting flows should be minimised wherever possible. Whilst it is not within the gift of policy makers or masterplanners to determine where people choose to live and work, it is possible to create the conditions that make sustainable development possible. On this basis it was determined that a central aim of the scenario testing should be on creating a broadly balanced community in terms of jobs and workers.
- 2.4.6 Given the scale of planned housing growth at HGGT achieving balanced growth in terms of jobs and workers remains ambitious as set out below.

Target Sectors and Activities

- 2.4.7 The target sectors that have previously been identified within strategy and research documentation were endorsed through consultation. A review of the relevant strategy documentation is set out at Appendix 2 to this report. The key target sectors are:
- Advanced manufacturing
 - ICT and digital
 - Life sciences
 - Medical technologies
- 2.4.8 These sectors have been consistently identified across local, sub-regional and regional policy. These are recognised to have specific opportunities in the HGGT area, capitalising on the location between London and Cambridge. The relocation of Public Health England (PHE) to Harlow is seen as highly significant and creates the potential for Harlow to develop a broader specialism around public health and play a key role in the UK Innovation Corridor.

¹⁰ This includes 60% of trips within the new Garden Communities and 50% within/across the HGGT by sustainable travel modes. Further detail is set out at Appendix 2 in respect of the HGGT Transport Strategy (Consultation Draft, 2019).

¹¹ Which includes the districts of East Herts, Epping Forest, Uttlesford, Harlow and more widely includes Broxbourne and parts of the northern fringe of London.

2.4.9 The scale of proposed growth at the HGGT, including substantial infrastructure investment (new motorway junction, new hospital, 50% uplift in housing delivery etc) has the potential to boost the construction sector in the area.

2.4.10 Further comment on sectors is set out within the following chapter of this report.

Wider Context

2.4.11 The HGGT is viewed by stakeholders, and is identified within policy and strategy, as an important growth location in both economic and residential terms. This has underpinned its designation as a Garden Town.

2.4.12 HGGT is therefore recognised within the Harlow, Epping Forest District and East Hertfordshire Local Plans as a key growth location. The HGGT also forms a key element of the 'core area' of the London-Stansted-Cambridge Corridor (LSCC) now referred to as the 'UK Innovation Corridor'.

2.4.13 Stakeholders identified the 'confluence of opportunity' which the HGGT must seize. This includes:

- The relocation of PHE, bringing up to 3,000 jobs
- The UK Innovation Corridor
- The planned residential growth and designation as a Garden Town
- Economic overspill from both Cambridge and London
- The designation of the Harlow Enterprise Zone, including a Science Park and new Innovation Centre
- The proposed replacement Princess Alexandra Hospital
- The new motorway junction providing improved strategic road access
- Ongoing growth at Stansted Airport providing improved access to global markets
- Strong stakeholder support

2.4.14 However, it was also recognised by stakeholders that opportunity alone is not enough, and success is not guaranteed. These opportunities need to be grasped and challenges need to be overcome. There were multiple calls for a clear, strong and ambitious economic vision accompanied by clear, strong and ambitious economic leadership and governance. It was recognised that whilst well founded, the opportunities and vision were not always well aligned to current market perceptions of Harlow as a primarily industrial and distribution location, which would require concerted effort to change. It was recognised that there were particular issues around housing mix and the quality of the town centre which are fundamental to enabling economic success. There were also calls to ensure that the residents of HGGT, both existing and new are able to participate in the economic opportunities presented.

2.5 Headline Quantitative Growth Scenarios

2.5.1 HJA has used the available data to help understand the overall scale of employment growth required at HGGT. A number of different approaches have been used, with the results triangulated to come to a balanced view on appropriate levels of growth. Each of these approaches is underpinned by the scale of planned housing growth.

Demographic Led

2.5.2 This first approach considers the potential changes in the working population of Harlow. This uses data from:

- Harlow, East Hertfordshire and Epping Forest District Local Plans on planned dwellings growth;
- West Essex and East Hertfordshire Strategic Housing Market Assessment on future average household size;
- 2016-based Sub National Population Projections (SNPP) on working age population share;
- SNPP, Office for Budget Responsibility and ONS Annual Population Survey (APS) on economic activity rates; and
- HJA assumptions on unemployment rates.

2.5.3 Table 2.1 sets out a summary. The analysis identifies a growth in the HGGT resident employed population 2011-33 of approximately 20,000 persons.

2.5.4 It is assumed that net commuting remains broadly in balance, and therefore no adjustment is made for this. An uplift of 6% is applied for double jobbing¹² based on 2011 data. This increases the total job requirement to approximately 21,500 additional jobs over the period 2011-33.

2.5.5 Considering the post 2033 period, the growth in employed resident population is estimated at approximately 8,500 as a result of current planned housing growth. After allowing for double jobbing the required jobs growth is approximately 9,000.

2.5.6 In population terms the scale of planned dwelling growth delivers around a 50% increase in population by 2033 from 2011 levels, and by approximately 66% by completion. Total population will be in the order of 135,000 persons. This will transform Harlow to a place of similar scale to Ipswich or Norwich at the current time, larger than places such as Cambridge, Gloucester or Exeter.

Table 2.1 Summary of Demographic Led Modelling (Resident Based)

	2011	2016	2033	2040s (23,000 dwellings)	Change 2011-33	Change Post 2033
Dwellings	35,500	37,000	52,000	59,000	16,000	7,000
Population	81,500	86,000	119,000	135,500	37,500	16,000
Working Age Population	53,000	54,000	74,000	83,000	21,500	9,000
Economically Active	44,000	47,500	62,000	71,000	18,500	8,500
Unemployed	4,000	2,000	2,000	2,000	-2,000	-
Employed	40,000	46,500	60,500	68,500	20,500	8,500
Jobs Requirement					21,500	9,000

Source: HJA based on Census, Annual Population Survey, Population Mid Year Estimates, Harlow Council Annual Monitoring Reports, West Essex and East Hertfordshire SHMA and own analysis.

Figures may not sum due to rounding.

2.5.7 The analysis suggests a slight shift in the number of workers per dwelling from 1.13 at 2011 (Census) to 1.16 at 2033 and 1.17 at 2041. This uplift is driven by increases in the proportion of working age population that are recorded as economically active, as well as assumed reductions in the rate of unemployment when compared to 2011.

¹² This is where a single person holds a more than one job.

- 2.5.8 This modelling clearly relies on a number of variables and assumptions. Some sensitivity testing has been undertaken to consider the implications of unemployment rates being slightly higher (4% instead of 3%) and economic activity rates being slightly lower (1% point lower than 2033 and 2041 estimates). This reduces the 2011-33 employed population growth to 19,000 and the jobs requirement to 20,000. For the post 2033 period the employed population is estimated at an additional 8,000 persons with an associated jobs requirement of approximately 8,500.

Workers Per Dwelling Approach

- 2.5.9 A second scenario was modelled, using the 2011 Census workers per dwelling figure (1.13) as a fixed assumption and applied to the increased dwelling stock at 2033. This suggests a growth in employed workers of approximately 18,000, and a commensurate jobs estimate of approximately 19,000. For the post 2033 period this approach estimates 8,000 additional employed residents requiring approximately 8,500 additional jobs.
- 2.5.10 The slightly lower level of projected growth requirements during the period 2011-33 highlights the marginal increase in workers per dwelling at 2033 which results from the more detailed demographic modelling. It provides a second helpful sensitivity test for what might be expected without change in this variable.

Jobs Per Dwelling Approach

- 2.5.11 A third approach uses the 2011 data to calculate jobs per dwelling (1.21) applied to the increased dwelling stock. This approach estimates a requirement of approximately 19,500 additional jobs 2011-33, with a further 8,500 jobs post 2033.
- 2.5.12 Similarly to the workers per dwelling approach, this holds the 2011 assumption constant and arrives at a broadly similar result.

Summary

- 2.5.13 As noted at section 2.1 of this report, the focus of this analysis is to set broad parameters and 'orders of magnitude' for future growth at the HGGT.
- 2.5.14 These three approaches indicate a jobs range in the order of 19,000 – 21,500 by 2033, with a further minimum of 8,500 – 9,000 beyond that point. The results of the three approaches are summarised in Table 2.2 below.

Table 2.2 Summary of Employment Requirement Estimates

Approach	Demographic Led	Workers per Dwelling	Jobs per Dwelling
2011-33	21,500	19,000	19,500
Post 2033	9,000	8,500	8,500
Total	30,500	27,500	28,000

- 2.5.15 The higher end of these ranges is based on the more detailed demographic modelling which includes positive movement in both economic activity and unemployment variables. The sensitivity test, softening the level of improvement in these variables adjusts the outcomes towards the centre of the range.
- 2.5.16 On the basis of the three approaches, and the sensitivity test on the most complex approach, a range of approximately 20,000 – 21,000 jobs over the period 2011-33 appears a reasonable scale of growth to maintain a broadly balanced labour market at the HGGT. For the post 2033 period a minimum of approximately 8,500 – 9,000 jobs will be required. There is a clear

implication that under any of the scenarios there is a need to exceed the minimum one job per dwelling metric which is often cited.

Growth to Date

- 2.5.17 The analysis above covers the full analysis period from 2011. As set out at 2.2.6 the analysis has an intermediate break point at 2016, to allow alignment with the 2017 West Essex and East Hertfordshire Assessment of Employment Needs. It is therefore appropriate to consider the change in employment during the period 2011-16, in order to identify the residual requirement 2016-33.
- 2.5.18 Local level employment data can be subject to volatility and there are multiple measures of employment released by the Office for National Statistics (ONS). There is a need for an element of caution in taking a simplistic reading of employment change data between two points, and it is wise to consider the data in the round.
- 2.5.19 The most comprehensive jobs measure for local areas is the total jobs indicator, released by ONS within its jobs density data series. This data is rounded to the nearest thousand, and this can mask some fairly sizeable changes. The data, set out at Appendix 1 (Figure A1.1) to this report estimates 43,000 jobs at Harlow at 2011. This had risen to 46,000 jobs by 2016. Because of the effects of rounding, the actual scale of growth could range from 2,000 – 4,000 jobs over that time. Of note, the 2017 data adds a further 2,000 jobs in a single year. This helps to demonstrate the effects of data volatility. If the period under consideration were 2011-17 the jobs growth would be 5,000, with a range of 4,000 – 6,000. Using the ONS Business Register and Employment Survey, the growth in employment at Harlow is estimated at approximately 4,000 additional jobs, again affected by rounding (potential range 3,000 – 5,000 jobs).
- 2.5.20 The analysis undertaken within the 2017 West Essex and East Hertfordshire Assessment of Employment Needs drawing on a range of sources, estimated a jobs change of approximately 5,000 jobs 2011-16 at Harlow.
- 2.5.21 Overall the evidence suggests in the order of 3,000 – 5,000 jobs created at Harlow over the period 2011-16
- 2.5.22 On this basis, a further 14,000 – 18,500 jobs are required to maintain a balanced labour market at the HGGT over the period 2016-33. The calculations are summarised in Table 2.3 below. The requirement is equivalent to 800 – 1,100 additional jobs per annum.
- 2.5.23 A minimum of 8,500 – 9,000 will then be required for the post 2033 period.

Table 2.3 Summary of Employment Requirement Estimates 2016-33 and beyond

Approach	Demographic Led	Workers per Dwelling	Jobs per Dwelling
2011-33	21,500	19,000	19,500
2011-16	3,000 – 5,000	3,000 – 5,000	3,000 – 5,000
2016-33	16,500 – 18,500	14,000 – 16,000	14,500 – 16,500
Post 2033	9,000	8,500	8,500

Results in Context

- 2.5.24 The analysis has built a picture of the scale of employment growth required at the HGGT. This is approaching a figure of up to 1,100 jobs per annum over an extended period. It is helpful to set this into some context.

- 2.5.25 Over the period 2000-2017 the ONS Jobs Density measure of total jobs at Harlow suggested growth of approximately 5,000 jobs, approximately 300 additional jobs per annum. This included the effects of the financial crash in 2008 and the large-scale closure of the GSK operations in Harlow (with the loss of some 2,000 jobs). Whilst performance from 2011 onwards has been slightly improved, the data indicates that overall jobs growth at Harlow has been fairly modest for a protracted period. As noted at 2.3.3, employment growth has lagged well behind the overall rate of growth of England.
- 2.5.26 This relatively weak historic performance is a key factor behind the pursuit of the HGGT. There is a committed desire to boost the economic performance of the Harlow area, to deliver new infrastructure and tackle some of the challenges that have constrained recent performance.
- 2.5.27 To achieve balanced growth will require annual growth in employment of 1.5% - 2.0% depending on the scenario adopted. This compares to the preferred FEMA wide growth scenario, adopted in the 2017 Assessment of Employment Needs of 0.8% (analysis which included growth for Harlow alone at 1%), and EEFM 2017 and Assessment of Employment Needs baseline levels of growth of 0.4% (0.3% for Harlow alone). The EEFM also forecast UK growth of employment 2016-33 of 0.4% per annum.
- 2.5.28 Both the historic analysis and forecast context highlights the scale of the economic challenge and the step change in performance which is required. Employment growth required to create a balanced community at HGGT will need to vastly outstrip trend rates of growth and baseline forecast rates of growth. As set out at 2.4.11 – 2.4.14 there are clear opportunities including the committed large-scale investment of PHE, but stakeholders recognise these will not deliver growth without concerted effort, strong vision and strong leadership. This could be termed transformational growth.
- 2.5.29 Further, the global economy and UK economy are currently performing relatively weakly¹³. The UK remains embroiled in Brexit uncertainty, with the economic implications of this anticipated to last for some time. This wider context creates a relatively challenging backdrop to the ambitions for HGGT.
- 2.5.30 Therefore, if considering whether the risks are weighted towards the downside (failing to achieve the required level of growth) or upside (over-shooting the required level of growth), the available information would suggest a greater weighting towards downside risks.
- 2.5.31 On this basis, for the purposes of scenario testing figures towards the lower end of the ranges are used as a starting point, mindful of the fact that outperforming these targets is the ideal. Therefore a minimum of 15,000 jobs 2016-33 and a minimum of 8,500 jobs post 2033.

2.6 Summary

- 2.6.1 When interpreting analysis of future requirements it is vital to recognise the inherent uncertainty. The assessment of future employment growth scenarios draws together currently available

¹³ No significant discussion of this backdrop is included. However, for further information the following may be useful: [IMF World Economic Outlook July 2019](#); [OECD Economic Outlook May 2019](#); [World Bank Press Release June 2019](#); [World Bank Global Economic Prospects June 2019](#); [IFS Recent Trends to the UK Economy October 2019](#); [OBR G7 Growth and Investment Since the EU Referendum December 2018](#); [LSE Economic Performance Since the Brexit Vote](#); [PWC UK Economic Outlook July 2019](#); [KPMG UK Economic Outlook September 2019](#).

evidence in order to take informed and considered views of what might reasonably happen, or need to happen.

- 2.6.2 The analysis of headline employment scenarios is predicated on planned residential growth at the HGGT of approximately 16,000 dwellings over the period 2011-33, with a minimum of 7,000 further dwellings post 2033.
- 2.6.3 Data from the 2011 Census shows that Harlow had a broadly balanced labour market with around 40% in- and out-commuting, approximately 16,000 persons in each direction. Stakeholder consultation has identified that maintaining a balanced labour market is a desirable outcome for the HGGT, minimising the need to travel as far as possible and encouraging sustainable travel where possible.
- 2.6.4 When looking forward 20 or more years there will clearly be potential changes in the nature of the economy. One potential change is the nature of work, particularly with rising use of automation and artificial intelligence. Following a review of the evidence, this analysis is predicated on a broad continuation of the current nature of work and its relationship to the population.
- 2.6.5 In considering the future scale of employment growth required to deliver a balanced labour market at the HGGT, this analysis has shown there will need to be 19,000 – 21,500 additional jobs over the current plan period 2011-33, with a further minimum of 8,500 – 9,000 post 2033.
- 2.6.6 This will require transformational growth, with the population rising from around 80,000 in 2011 to 120,000 by 2033 and above 135,000 when the full complement of housing is delivered. In employment terms the HGGT will increase from some 40,000 jobs in 2011 to more than 60,000 jobs by 2033 and around 70,000 jobs when all 23,000 additional dwellings are occupied.
- 2.6.7 To align to the employment land evidence base prepared to inform the Harlow, East Hertfordshire and Epping Forest District Local Plans a shortened analysis period of 2016-33 has been considered. After considering actual growth over the period 2011-16, and considering the results in context minimum requirements of 15,000 additional jobs 2016-33 with a further 8,500 post 2033 were identified.
- 2.6.8 The review of policy and strategy, as well as stakeholder consultation has identified a number of clear opportunities which create the potential to achieve this step change in jobs growth at the HGGT. However, it is recognised that opportunity alone is insufficient and success is not guaranteed. There is therefore a need for clear vision and strong leadership to deliver this economic transformation. The relocation of PHE to Harlow is a key opportunity and the benefits of this need to be maximised.

3 Sector Mix of Growth

- 3.0.1 The preceding chapter considered the overall scale of employment growth that will be required in order to meet the overarching ambitions for HGGT. This chapter considers the potential sectoral profile of this employment change on the basis of the available information.
- 3.0.2 The caveats of section 2.1 fully apply to this chapter i.e. there are substantial uncertainties related to forecasting and the quantitative analysis should be treated as indicative and broad brush.
- 3.0.3 To aid this analysis, it is helpful to broadly characterise the economy into two components.
- The first could be termed the core economy or foundational economy. In particular this comprises jobs that are related primarily to the place in which they are located or perhaps its hinterland, essentially jobs that make a place function effectively. This includes jobs in many sectors such as retail, motor trades, food and drink, education, health, construction and related maintenance trades, leisure and public administration. These are largely, but not exclusively service jobs. As a result of the growth planned at the HGGT there will be increased activity in this part of the economy. Much of the critical infrastructure required for the HGGT including education, health and leisure has been identified within the HGGT Infrastructure Delivery Plan (April 2019).
 - The second could be termed the tradeable economy. This comprises jobs in activities creating products or services that are traded outside the local area. For example, manufacturing activities, regional or national service businesses or government departments and functions. These activities are not reliant on demand from the local population, but from customers (either businesses or consumers) further afield in the UK or internationally. These activities could potentially be located elsewhere, although there may be good reasons to be located in a given place such as access to raw materials, access to skills, knowledge or suppliers, or an existing workforce etc. These activities bring wealth into a given location from outside. The growth of HGGT will not of itself drive growth in the tradeable economy, but these activities will be essential in creating a vibrant economy at the HGGT.
- 3.0.4 These two parts of the economy are not mutually exclusive. There are likely to be organisations in the tradeable economy that sell to local customers, particularly if there are supply chains and interrelated activities. However, the overarching concept is useful when considering future growth.

3.1 West Essex and East Hertfordshire Assessment of Employment Needs

Context

- 3.1.1 The West Essex and East Hertfordshire Assessment of Employment Needs report, published in October 2017, has been adopted as a foundational starting point for this analysis, primarily because it has underpinned the employment growth and employment strategies within the Local Plans of Harlow, Epping Forest District and East Hertfordshire District Councils. The analysis

within the report considered econometric forecasts from the East of England Forecasting Model (EEFM)¹⁴ in detail, and tested alternative economic scenarios based on the available evidence.

- 3.1.2 Of particular relevance for this analysis of the HGGT, the 2017 analysis outlined a preferred scenario which sought to balance labour supply and labour demand at the FEMA¹⁵ (functional economic market area) level over the plan period 2011-2033. However, it did not consider issues relating to the balance of labour supply and demand at HGGT.
- 3.1.3 Also of relevance, in seeking to bring balance to labour supply and demand, the 2017 analysis applied a number of substantial boosts to the baseline forecast level of growth for the FEMA. These boosts related to the known investment of Public Health England (PHE), planned growth at Stansted Airport, the potential for additional growth linked to the Enterprise Zone at Harlow; and the higher proposed levels of housing across the FEMA than inherent within the baseline forecast, leading to additional growth in a range of services sectors. The first three uplifts all related to the tradeable economy, with the fourth uplift relating to the core or foundational economy.
- 3.1.4 These two points are highly relevant to this study because to boost employment levels (by 2033) across the FEMA beyond those in the 2017 study would (a) create a potential imbalance in labour supply and demand at the FEMA level¹⁶, and (b) boost above what has already been considered as a substantially above-baseline level of growth in a wider study.
- 3.1.5 Therefore, if the overall level of growth set out in the 2017 analysis is considered a fixed point for the purposes of scenario testing, the focus becomes about the distribution of employment growth across the FEMA, and whether the apportionment in the 2017 study is compatible with the required levels of growth identified for the HGGT.

Harlow Employment Growth

- 3.1.6 The 2017 analysis considered the district level apportionment of employment growth. This was deemed most appropriate at the time, given the need to provide an evidential basis for Local Plans. The HGGT adds some complexity to this, given the role of parts of East Hertfordshire and Epping Forest District.
- 3.1.7 Over the period 2011-33, growth at Harlow was estimated at approximately 13,500 jobs in the 2017 study. The growth during the period 2016-33 was estimated at approximately 8,500 jobs. This falls below the estimated minimum requirement of 15,000 additional jobs 2016-33 set out in chapter 2 of this report. A further 6,500 jobs would therefore be required as a minimum to meet the needs of the HGGT by 2033.

East Hertfordshire and Epping Forest District Employment Growth

- 3.1.8 Over the current Local Plan period to 2033 16% of proposed dwellings across East Hertfordshire and 31% of proposed dwellings across Epping Forest District comprise part of the HGGT. Alongside the provision of housing it is reasonable to assume an element of employment growth, for example construction, education, health, retail, food and drink as well as wider employment uses will accompany this housing. On the basis that the FEMA wide position has been agreed (as

¹⁴ The EEFM forecasts considered within the 2017 analysis remain the most up to date release.

¹⁵ The FEMA was defined as the local authority areas of East Hertfordshire, Epping Forest, Harlow and Uttlesford.

¹⁶ On the basis that this is adding additional jobs to the FEMA total rather than reallocating within the FEMA.

discussed above), adjusting in line with proposed housing development is a useful tool for scenario testing.

- 3.1.9 In testing this scenario, it is assumed that employment growth related to this new housing growth would be concentrated in the period from 2020 onwards¹⁷. As a result of condensing the associated employment growth within this shorter period the required adjustment factors change i.e. to deliver 16% of East Hertfordshire employment growth for the period 2011-33 over the condensed period 2020-33, requires 24% of East Hertfordshire employment growth 2020-33. For Epping Forest District, the adjustment factor increases from 31% to 48%.
- 3.1.10 Making such an adjustment does not undermine the 2017 analysis. It is a means to scenario test the potential location of employment within East Hertfordshire and Epping Forest districts.
- 3.1.11 The result of this adjustment is an apportionment of approximately 5,000 jobs from East Hertfordshire and Epping Forest District within the HGGT.
- 3.1.12 This remains a minimum of 1,500 jobs below the balancing level of employment for the HGGT previously identified. This could incorporate the element of growth (2,100 jobs) that was left unallocated within the 2017 analysis¹⁸. This more focused research has identified the need to provide additional uplifts to employment at HGGT beyond those made at the time of the 2017 research.

3.2 Further Potential Adjustments

- 3.2.1 HJA has modelled the potential employment impacts arising from the planned community infrastructure for the HGGT as set out in the Infrastructure Delivery Plan (IDP)¹⁹. This includes education, health, emergency services, community facilities and leisure. Headline analysis estimates approximately 3,000 jobs directly related to new housing in these sectors up to 2041. These are elements of the core or foundational economy.
- 3.2.2 The 'bottom up' IDP based assessment of housing related jobs growth has been compared with the HGGT sector projections, comprising Harlow and the apportionment of some East Hertfordshire and Epping Forest District growth. One clear potential discrepancy emerges, within the education sector²⁰. The sector projections include approximately 750 additional jobs within the education sector to 2033. However, the IDP based analysis estimates approximately 1,500 – 1,800. On this basis a minimum²¹ of 750 additional jobs in this sector can reasonably be expected by 2033.
- 3.2.3 The 2017 Employment Needs analysis included a 2,500 uplift related to the wider economic potential of Harlow on the basis of the policy commitment to see it grow backed up by clear

¹⁷ The modelling of this scenario also excludes sectors with forecast employment decline. This is on the basis that employment decline can only take place where employment already exists.

¹⁸ Assessment of Economic Needs, 2017 pages 17, 24 and 32.

¹⁹ The IDP considers the implications of only 17,685 dwellings. This results from the exclusion of dwelling completions up to 2017 and commitments (i.e. dwellings with permissions). The IDP does not discuss these exclusions, however, it is presumed that the relevant infrastructure to deliver these commitments is inherently considered as part of the permissions. The IDP therefore focuses on the infrastructure required to meet the needs of dwellings which are not yet permitted. For the purposes of this economic analysis, any jobs arising from infrastructure related to committed but as yet undelivered housing are still to be realised. To estimate the employment associated with these commitments the IDP related element is inflated by 23% (based on 4,100 commitments as a share of the 17,685 dwellings tested in the IDP).

²⁰ None of the other sectors suggested a need for adjustment.

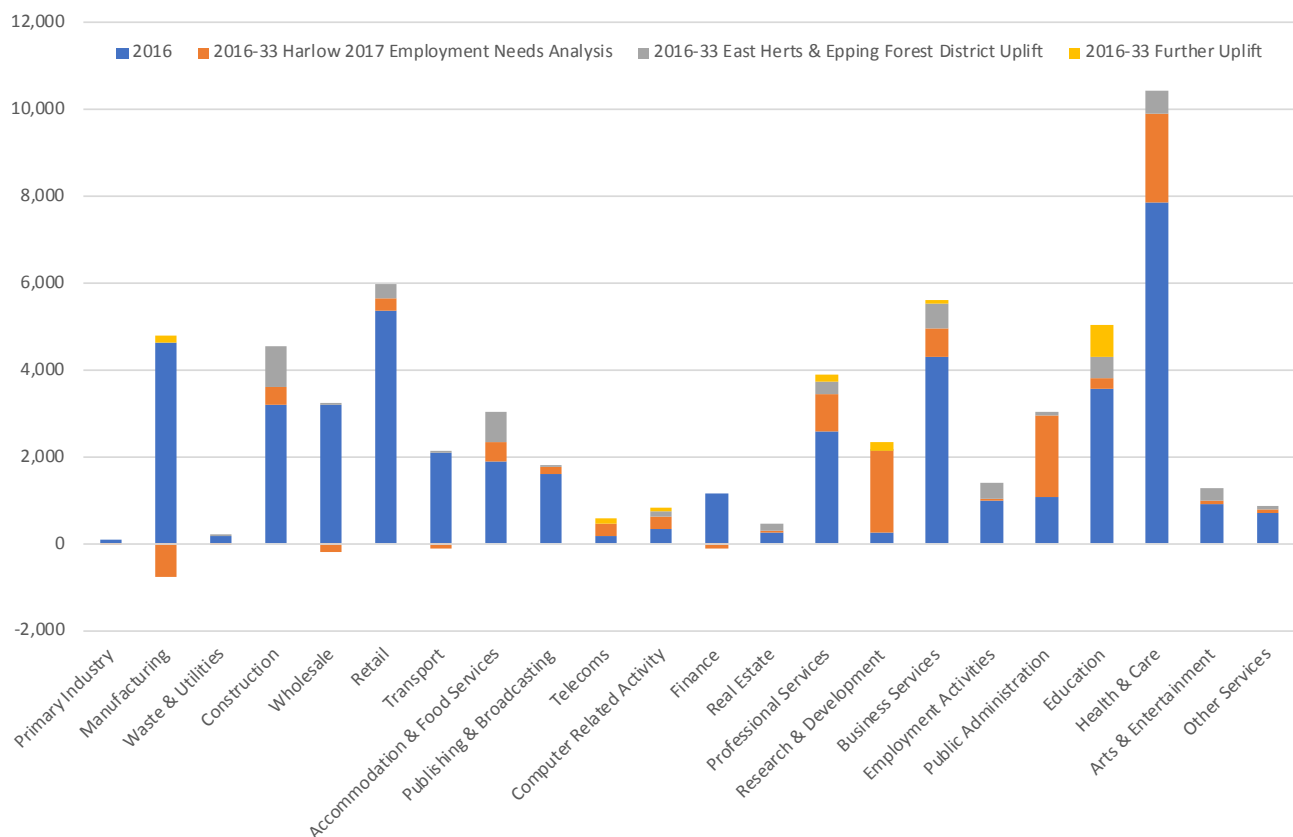
²¹ In keeping with the remainder of the analysis, the minimum level in the range has been adopted as the core assumption.

actions such as the Enterprise Zone. The scenario modelling for the uplift was focused on the key policy priority sectors: pharmaceuticals manufacture, electronics manufacture, telecoms, computer related activity, professional services, research and development and business services. These are activities within the tradeable economy. In order to bring about labour supply and demand balance at HGGT the previously proposed scale of uplift is likely to be insufficient. To deliver balance a minimum of 750 additional jobs in these target sectors would be required over and above the 2,500 previously modelled²².

3.2.4 The construction sector was identified as a potential opportunity given the range of new major infrastructure that is planned to support the HGGT including: M11 Junction 7a, the proposed replacement Princess Alexandra Hospital, new crossings over the River Stort and the sustainable transport corridors as well as a very significant uplift in housebuilding. Following a review of the sector projections it was noted that the construction sector was already forecast for significant growth of 43% (i.e. 1,400 jobs) over the period 2016-33. On this basis no further uplift was applied.

3.2.5 Figure 3.1 illustrates the employment change by sector for the HGGT. This shows the spread of employment at 2016, the change modelled within the 2017 Employment Needs analysis for Harlow, the effects of apportioning an element of East Hertfordshire and Epping Forest District growth to the HGGT, and the additional uplifts to education and target sectors.

Figure 3.1 2016-33 HGGT Modelled Employment Change by Sector



Source: HJA Modelling

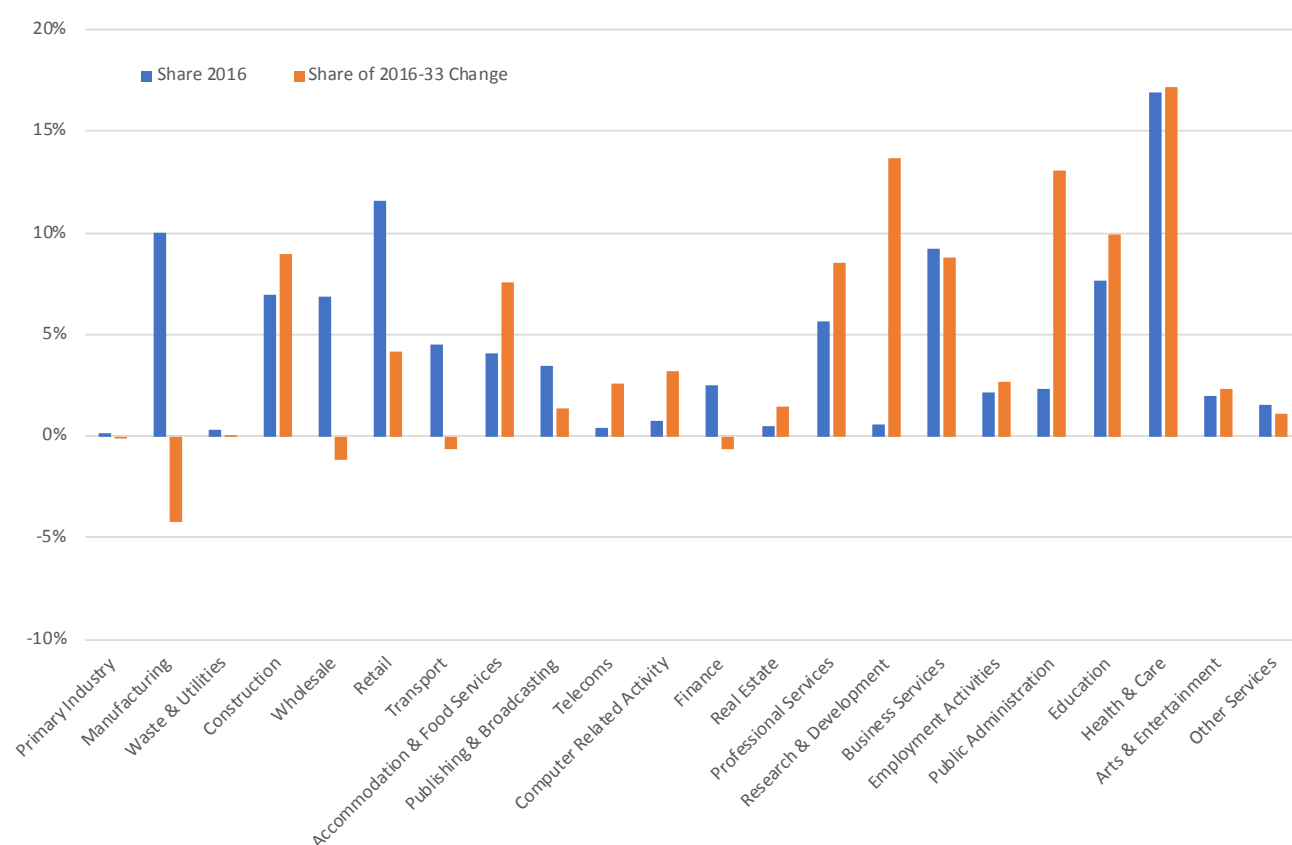
²² The further boost of 1,500 jobs to HGGT in the education sector and Harlow target sectors does constitute a potential adjustment to that set out in the 2017 Employment Needs analysis. However, the 2017 analysis included an outstanding shortfall of approximately 2,100 jobs (see Figure 3.7, page24 of the [2017 report](#)). The current analysis set out within this report is suggesting the majority (if not all) of this shortfall should ideally be provided at the HGGT.

3.2.6 Figure 3.2 compares the share of employment by sector in 2016 with the estimated share of employment change over the period 2016-33. This shows the relatively strong estimated relative growth in:

- Research & Development
- Public Administration
- Accommodation & Food Services
- Professional Services
- Education

3.2.7 The very strong relative growth in R&D and Public Administration is a direct result of the PHE relocation which includes jobs spread across these two sectors.

Figure 3.2 Comparing 2016 Employment Shares with Indicative 2016-33 Employment Growth Shares



Source: HJA Modelling

3.2.8 Table 3.1 provides further detail of these sectoral changes resulting from the modelling. As noted previously, the detailed figures should be treated with appropriate caution, and the broad orders of magnitude and directions of travel used for reference.

3.2.9 The largest growth sectors are expected to be:

- Health & Care
- Research & Development

- Public Administration²³
- Education
- Business Services
- Professional Services
- Construction
- Accommodation and Food Services

3.2.10 Not all of these sectors will require B Use Class employment sites and premises. This is discussed in more detail in the following chapter.

Table 3.1 2016-33 HGGT Modelled Employment Change by Sector

	2016	Harlow 2017 Employment Needs Analysis	East Herts & Epping Forest District Uplift	Further Uplift	2016-33	2033
Primary Industry	100	0	0	0	0	100
Manufacturing	4,600	-800	0	200	-600	4,000
Waste & Utilities	200	0	0	0	0	200
Construction	3,200	400	1,000	0	1,300	4,600
Wholesale	3,200	-200	0	0	-200	3,000
Retail	5,400	300	300	0	600	6,000
Transport	2,100	-100	0	0	-100	2,000
Accommodation & Food Services	1,900	500	700	0	1,100	3,000
Publishing & Broadcasting	1,600	200	0	0	200	1,800
Telecoms	200	300	0	100	400	600
Computer Related Activity	300	300	100	100	500	800
Finance	1,100	-100	0	0	-100	1,000
Real Estate	200	0	200	0	200	500
Professional Services	2,600	900	300	200	1,300	3,900
Research & Development	300	1,900	0	200	2,100	2,300
Business Services	4,300	700	600	100	1,300	5,600
Employment Activities	1,000	0	400	0	400	1,400
Public Administration	1,100	1,900	100	0	2,000	3,000
Education	3,500	300	500	700	1,500	5,000
Health & Care	7,800	2,000	500	0	2,600	10,400
Arts & Entertainment	900	100	300	0	400	1,300
Other Services	700	100	100	0	200	900
Total	46,400	8,500	5,000	1,500	15,000	61,400

Source: HJA Modelling. *Figures may not sum due to rounding.*

3.3 Post 2033 Employment Growth

3.3.1 Chapter 2 identified a requirement for a minimum of 8,500 additional jobs in the post 2033 period to meet the needs arising from the further planned housing growth.

3.3.2 The starting point in considering the sectoral mix for this period is the extrapolation of long-term trends²⁴ established in the period to 2033. To reach the 8,500 threshold on the basis of extrapolating long-term trends would require an extension of the analysis period to 2044. As

²³ Along with Research & Development this includes the uplift for PHE relocation.

²⁴ Using the 2028-2033 trend.

noted previously, the latest housing trajectory (dated 25th July 2019) supplied to HJA for review extends the delivery of the full quota of dwellings at Gilston beyond 2050, with approximately 5,000 to be delivered from 2040 onwards.

- 3.3.3 The primary purpose for considering the post 2033 period is to enable consideration of the potential employment sites and premises requirements to which it gives rise. For this reason the longer term extrapolation to 2044 is used as a guide to the sectoral mix of employment change post 2033. This continues the trends of the pre 2033 period, with boosts to the key target sectors which are the focus of policy and strategy.
- 3.3.4 Table 3.2 provides the indicative sectoral breakdown for the post 2033 period. Health & Care and Education are the most significant growing sectors.

Table 3.2 Post 2033 HGGT Indicative Modelled Employment Change by Sector

	2033	2033- Completion	Completion
Primary Industry	100	0	100
Manufacturing	4,000	-300	3,700
Waste & Utilities	200	0	200
Construction	4,600	900	5,500
Wholesale	3,000	-200	2,900
Retail	6,000	500	6,500
Transport	2,000	-100	1,900
Accommodation & Food Services	3,000	700	3,700
Publishing & Broadcasting	1,800	100	1,900
Telecoms	600	300	800
Computer Related Activity	800	300	1,200
Finance	1,000	-100	1,000
Real Estate	500	200	600
Professional Services	3,900	800	4,700
Research & Development	2,300	500	2,800
Business Services	5,600	900	6,500
Employment Activities	1,400	300	1,700
Public Administration	3,000	100	3,100
Education	5,000	1,300	6,300
Health & Care	10,400	1,800	12,300
Arts & Entertainment	1,300	300	1,500
Other Services	900	100	1,000
Total	61,400	8,600	70,000

Source: HJA Modelling. *Figures may not sum due to rounding.*

3.4 Summary

- 3.4.1 The West Essex and East Hertfordshire Assessment of Employment Needs (October 2017) has been used as a starting point for more detailed sectoral analysis. To align to this document, which was prepared to inform the Harlow, East Hertfordshire and Epping Forest District Local Plans, a shortened analysis period of 2016-33 has been used. After taking account of actual growth over the period 2011-16, and considering the results in context of historic employment performance, minimum requirements of 15,000 additional jobs 2016-33, and a further 8,500 post 2033 were identified.

- 3.4.2 The Harlow District element of the 2017 Assessment of Employment Needs formed the first building block of sectoral analysis. This estimated approximately 8,500 additional jobs over the period 2016-33. This falls well below the 15,000 required jobs for this period.
- 3.4.3 Apportioning part of the identified employment growth of East Hertfordshire and Epping Forest Districts, reflecting the apportionment of housing growth within these areas to the HGGT, could add a further 5,000 jobs.
- 3.4.4 Two further potential uplifts were identified to deliver broad labour market balance at the HGGT. Firstly, an uplift to employment in the education sector, based on a bottom up review of future educational requirements set out in the HGGT Infrastructure Delivery Plan (2019). Secondly, a further boost to key target sectors over and above that included in the 2017 Assessment of Employment Needs. Making such uplifts retains consistency with the 2017 analysis, which noted a further 2,100 jobs required to balance the FEMA wide labour market but without clarity on where these could or should be located. This HGGT focused analysis suggests the vast majority of these should be targeted at the HGGT in order to support achievement of the balanced community ambitions.
- 3.4.5 The largest growth sectors are expected to be:
- Health & Care
 - Research & Development
 - Public Administration²⁵
 - Education
 - Business Services
 - Professional Services
 - Construction
 - Accommodation and Food Services
- 3.4.6 Post 2033 the education and health and care sectors are expected to continue to be significant employment growth drivers.
- 3.4.7 This analysis shows that a significant level of employment growth at HGGT will arise within the core or foundational economy i.e. that part of the economy that makes a place function effectively. This includes health and care, education, construction and food services.
- 3.4.8 However, increasing the size of the tradeable economy will be essential in creating a vibrant economy and bringing wealth to the area, as well as good quality employment to meet the needs of the growing workforce. Significant growth will come from the relocation of PHE (which is distributed across the R&D and public administration sectors). Further jobs growth in the tradeable economy will need to be secured, through maximising the benefits of the PHE relocation, the Business Innovation Centre at Harlow Science Park, and committed efforts to realise the opportunities presented by being within the UK Innovation Corridor including potential overspill from Cambridge and London.

²⁵ Along with Research & Development this includes the uplift for PHE relocation.

4 Employment Sites and Premises Requirements

- 4.0.1 This chapter considers the employment (B Use Class) sites and premises requirements which relate to the employment scenario set out in the preceding chapter.
- 4.0.2 This analysis is consistent with the methodology deployed in the 2017 West Essex and East Hertfordshire Assessment of Employment Needs. This enables comparison on a like-for-like basis and consideration of any differences. Appendix 5 to this report sets out a summary of the methodological process for ease of reference.

4.1 Quantitative Requirements to 2033

Employment by Use Class

- 4.1.1 Employment by sector is translated to Use Class using the matrix set out at Appendix 5. The results of this process show the range of settings for additional employment across the HGGT 2016-33 are set out in Table 4.1 below. This shows that a third of net employment change is anticipated within the B Use Classes. 29% of net jobs are anticipated to require no land use or be linked to homeworking, with the remainder split across A, C and D Use Classes with a very small amount within Sui Generis.

Table 4.1 Change in Employment by Use Class 2016-33

Use Class	Share of Employment Change
A	9%
B	33%
C	10%
D	18%
Sui Generis	1%
None & Homeworking	29%

B Use Class Sites & Premises Requirements

- 4.1.2 The core Harlow analysis from the 2017 Employment Needs analysis does not change. This included both net additional and replacement requirements for the town. There was also consideration of the potential to re-use existing employment sites to meet requirements.
- 4.1.3 The main differences therefore relate to:
- The apportionment of some of the net additional growth requirements for East Hertfordshire and Epping Forest districts; and
 - The additional employment uplifts for the education sector and target growth sectors.

4.1.4 The analysis estimates a requirement for an additional

- 11,100 sqm of B1a office uses (1 – 3ha)²⁶;
- 9,200 sqm of B1b R&D uses (2.5ha); and
- 11,900 sqm of B1c/B2/B8 industrial and storage uses (3ha).

4.1.5 The total minimum additional requirement is estimated at 7 – 9ha²⁷. This is in addition to the 18-20ha of land identified for Harlow within the 2017 Employment Needs analysis. The total requirement within the current plan period is therefore estimated at 25 – 29ha.

4.1.6 In floorspace terms the gross completions requirements are estimated at approximately 55,000sqm of offices and 205,000sqm of industrial and warehousing over the period 2016-33²⁸.

4.2 Post 2033 Quantitative Requirements

4.2.1 Beyond 2033 there will be both net additional employment land requirements, but also additional replacement requirements to support the churn and development of the HGGT economy at 2033.

Net Additional Requirements

4.2.2 The analysis estimates net additional employment growth requirements post 2033 will drive a requirement for an additional:

- 18,200 sqm of B1a office uses (2 – 5ha);
- 24,800 sqm of B1b R&D uses (7ha); and
- -14,100 sqm of B1c/B2/B8 industrial and storage uses (-3.9ha).

4.2.3 The different typologies of these uses mean they should not be 'netted off' to provide a single total. Therefore, a minimum net additional requirement of 9-12ha is estimated.

4.2.4 The negative requirement for industrial and storage uses is driven by forecast reductions in employment. The methodology employed for estimating net changes in employment, particularly for manufacturing activities. Whether this leads to a net reduction in floorspace is uncertain. Evidence of changing employment densities is inconclusive.

4.2.5 For logistics, storage and distribution activities there is the potential for continued growth requirements beyond 2033. However, such requirements are not best considered at the local level. Further consideration of warehouse, storage and distribution requirements beyond 2033 is needed, looking at a wider area. Such uses are critical economic infrastructure and need to be planned for at a larger than local level.

²⁶ Land areas for office requirements are stated as a range to reflect the different potential development densities. In out of town/business park type locations offices are generally developed at approximately 40% site coverage. This corresponds with the higher land area in the range. Where offices are developed in town centres densities can be much higher with multi storey offices and no parking, therefore achieving densities above 100%. For the purposes of this analysis 100% is adopted as an indicative figure and represents the lower land area in the range.

²⁷ Approximately 3 – 4.5ha of this requirement relates to the apportionment of East Hertfordshire and Epping Forest district employment to the HGGT, including the vast majority of the office requirement. The remaining 4 – 4.5ha relates to additional uplifts.

²⁸ Based on combining the Harlow requirement from the 2017 Employment Needs analysis and the additional requirements associated with the further development as part of the HGGT. This floorspace estimate was calculated before adjustment for re-use of existing employment sites.

- 4.2.6 For the purposes of this analysis the negative industrial and storage requirement has been set to zero.

Replacement Requirement

- 4.2.7 The method of calculating replacement demand utilised within the 2017 Employment Needs analysis is set out in Appendix 5 to this report. In this instance there is no definite end date. For the purposes of this analysis a 10-year requirement has been included.
- 4.2.8 The 10-year replacement requirements are estimated at:
- 10,900sqm of office floorspace (1-3ha)
 - 49,800sqm of industrial and warehouse floorspace (14ha)

Total Requirement

- 4.2.9 In considering the total land requirement it is appropriate to take into account the potential re-use of existing employment sites through re-development to meet the overall requirement. The 2017 Employment Needs analysis incorporated a very high re-use percentage for Harlow (70%) on the basis of its portfolio of sites and designation of parts of the Templefields estate within the Enterprise Zone. More typically a figure of approximately 40% is adopted, as was used for East Hertfordshire and Epping Forest districts. With less certainty of the potential for re-use of sites post 2033, the more typical 40% re-use assumption is included.
- 4.2.10 Table 4.2 sets out the analysis for the post 2033 period in a similar format to the tables within the 2017 Employment Needs analysis. This indicates an overall requirement for 3.5-9ha of office land and 8ha of industrial and warehouse land. Gross completions for both office and industrial and warehousing are anticipated to be in the region of 50,000sqm.

Table 4.2 Post 2033 Estimated Quantitative Employment Floorspace and Land Requirement

	Office (incl B1a/b)	Industrial & Warehousing
Replacement Provision (A)	10,900	49,800
Net Additional Requirement (B)	42,900	-
Gross Requirement (C=A+B)	53,800	49,800
Delivered on Existing Employment Sites [40%] (D)	21,500	19,900
Net Requirement (E=C-D)	32,300	29,900
Flexibility Allowance [10%] (F)	3,200	3,000
Total Requirement (G=E+F)	35,500	32,900
Total Land Requirement	3.5 – 9 ha	8 ha

Source: HJA (Figures may not sum due to rounding)

- 4.2.11 This analysis for the period post 2033 is indicative. This is beyond the current plan period and the full housing requirement for HGGT beyond 2033 has not been considered. Therefore more detailed analysis will be required at the appropriate time to inform future Local Plan preparation or review. However, this longer term requirement is a relevant back drop to planning and decision making.

4.3 Overall Requirement for HGGT

- 4.3.1 When considering the overall quantitative requirement for the HGGT from 2016 is estimated at 36 – 46ha. This covers replacement requirements to c2043 and the net additional requirements arising from 23,000 additional dwellings. The component elements are summarised in Table 4.3.

Table 4.3 Estimated HGGT Quantitative Employment Land Requirement 2016 - Completion

	Office	Industrial & Warehousing
Harlow 2017 Employment Needs Analysis	2 – 4ha	16ha
HGGT Uplifts to 2033	3.5 – 5.5ha	3ha
<i>Total Requirement to 2033</i>	<i>5.5 – 9.5ha</i>	<i>19ha</i>
Post 2033 Indicative Additional Requirement	3.5 – 9ha	8ha
Total HGGT Requirement (23,000 additional dwellings)	9 – 18.5ha	27ha

Source: HJA (Figures may not sum due to rounding)

4.4 Qualitative Requirements and Market Comment

4.4.1 Appendix 4 provides discussion of indicative trends within the key market segments of the commercial market relating to offices, manufacturing and distribution. Some of the most pertinent points for the HGGT are set out below alongside relevant commercial market comment provided through the consultation programme.

4.4.2 Overall there is some evidence of changing working practices and related changes in workspaces. However, the overall scale of potential change in the next 20 years is uncertain. The rate of change in the market may not be as fast generally as it is perceived in some areas.

Office

4.4.3 Harlow is not currently perceived as a major office location. However, town centre regeneration provides the opportunity to reposition the Harlow offer aligned to its economic development strategy and the underpinning aims for the HGGT and its role in the UK Innovation Corridor.

4.4.4 Nationally there has been a shift of office requirements towards urban core locations, this enables improved access by public transport and access to amenities for workers. Out of town locations are having to adapt in order to offer similar benefits. Harlow at present does not have a competitive town centre offer for offices.

4.4.5 Being able to attract and retain workers is now critically important, location is therefore more important than the property offer, or its cost. It was reported by local agents that for employers with even moderate sized workforces paying high wages property costs are de minimis. It is not therefore possible to compete on property cost, the focus must be on workforce amenity.

4.4.6 Flexibility of workspace and tenure is increasing. This includes space being treated as a service rather than a commodity. This increasing flexibility means office space is also being found in non-traditional locations such as hotels and retail centres. Cafes are now frequently quasi workplaces. There is therefore less clear 'zoning' of office areas. Notwithstanding, whilst there is increasing flexibility, and home-working may be more prevalent, there is still value stored on interaction and collaboration which is seeing continued take up of office spaces. It may just be that these workspaces are far more flexibly designed, and featuring more meeting spaces, breakout spaces and amenities as opposed to traditional work areas.

4.4.7 There is growing evidence of challenges presented to office markets from Permitted Development Rights (PDRs). This is reducing available office capacity, and in locations where office development is commercially challenging there are real concerns. PDR has been cited as a particular challenge in Harlow. The 2017 Assessment of Employment Needs considered the need

to provide replacement office stock as a result of losses to other uses. Article 4 Directives are now in place which should help to stem unwanted conversions. However, if there are continued large scale losses there will need to be consideration of whether additional provision is required through the monitoring and management process.

- 4.4.8 Discussion with commercial agents active in the Harlow area highlighted that in recent times the main large requirements in areas such as Harlow (but also similar locations in the wider area) have been relocations by established occupiers, rather than new large investments. PHE is viewed as a highly unusual example. The majority of consultees expected smaller flexible office requirements to be the primary driver. To attract multiple larger office requirements would take a significant change in market perception and offer.

Industrial

- 4.4.9 Harlow is currently perceived as a predominantly industrial location in terms of the commercial property market. This market segment is proving very successful with low void rates.
- 4.4.10 Generally the continued rise in automation and use of AI is impacting manufacturing space. In particular this is driving requirements for modern stock. In areas where stock renewal has been slow, with a preference for refurbishment, there is a potential need for significant replacement activity. This has been recognised in Harlow e.g. the designation of part of Templefields within the Enterprise Zone.
- 4.4.11 The general trend nationally is towards smaller unit sizes and towards urban sites. This aligns to consultees who highlighted the need for smaller units and grow on space (for both office and industrial market segments). This aligns with the findings of the 2016 Grow-On Space Feasibility Study prepared by SQW and BBP Regeneration on behalf of Essex County Council.

Storage, Distribution and Logistics

- 4.4.12 The market is split into two core segments, large regional distribution hubs, often requiring very large sites; and first mile/last mile local centres which require much smaller sites.
- 4.4.13 There are trends towards densification, including multi storey development to maximise value from rising land costs.
- 4.4.14 There is also a continuing increase in the need for data storage.
- 4.4.15 Consultations highlighted concerns around the volume of land at Harlow that is being lost to large distribution requirements, and which has an opportunity cost. It is recognised that such development has the potential to constrain the supply of land for the type of economic uses being targeted at HGGT. It was evident that there is a need for a strategic consideration of where large scale footloose logistics uses can be accommodated within the wider area over the long term. This may require LEP wide or Innovation Corridor wide analysis to ensure this critical infrastructure can be accommodated without detrimental effect to wider economic ambition.

4.5 Summary

- 4.5.1 The assessment of future employment sites and premises requirements has been undertaken to be consistent with the methodology utilised in the 2017 Assessment of Employment Needs. Over the period 2016-33 a requirement for an additional 7-9ha of employment land has been identified, over and above the requirements as set out for Harlow in the 2017 study which has informed the Harlow Local Plan allocations. This is required to accommodate the higher levels of

employment growth identified in order to deliver a balanced labour market across HGGT. This comprises 1 – 3ha for B1a office uses, 2.5ha of B1b R&D uses and 3ha for B1c/B2/B8 industrial and warehouse uses. This creates a total quantitative requirement for the HGGT over the period 2016-33 (aligned to the respective Local Plans) of 25 – 29ha.

- 4.5.2 The period beyond 2033 has not yet been considered in other evidence, given that it extends beyond the Local Plan periods. Long term future requirements at the HGGT will comprise both net additional requirements and the need to facilitate further modernisation and replacement of existing stocks. Analysis based on the net additional requirements arising from a minimum of 7,000 dwellings post 2033 plus replacement requirements over a 10-year period indicates a longer-term quantitative requirement for a minimum of a further 3.5 – 9ha of land for office uses and 8ha for industrial and warehouse uses. However, this will require further analysis and research as part of the appropriate processes for Local Plan preparation and review in due course.
- 4.5.3 In qualitative terms there are changing trends in the commercial employment property markets. There are likely to be further changes over the period to 2033 and beyond, as working practices change. This will require appropriate flexibility and a ‘plan, monitor, manage’ approach.
- 4.5.4 Within the office market the primary changes are being driven by ensuring access to amenities for workers. This is driving office requirements to town and city centres with good public transport access and nearby leisure, retail and services. This has potential implications for future town centre redevelopment at HGGT. There is also a move to more flexible workspaces and tenures, with office space being viewed as a service rather than a commodity. This flexibility includes offices in non-traditional settings, integrated with other uses such as hotels, cafes and retail centres. Whilst homeworking may be more prevalent, there is a continued desire to enable collaboration and interaction. Discussion with local agents has indicated that Harlow is not currently a primary office location and there will need to be a substantial change in perception for this to change. Most large requirements have arisen from relocations within the town. Future requirements are therefore expected to be predominantly for smaller flexible workspaces.
- 4.5.5 Within the industrial market the evidence suggests continued requirements for new stock to enable modern working practices and technology. The trend is also towards smaller unit sizes. The primary focus for HGGT is expected to be small units and grow on space. The current industrial market in Harlow is viewed as very strong with low void rates and evidence of new developments proving successful.
- 4.5.6 Within the storage, distribution and logistics markets there is a separation between very large regional distribution centres and more localised final mile centres. There is also evidence of a move towards more intensive use of space including multi storey development to reduce land costs. The primary concern for HGGT is footloose logistics uses swallowing up all available supply which constrains growth in target sectors.

5 High Level Employment Sites Strategy

- 5.0.1 This chapter provides a high level analysis of the current employment sites relevant to the HGGT and some overarching strategic guidance on (a) whether these are likely to be sufficient to meet the identified needs of the HGGT; (b) the potential roles that each can play; and (c) what additional potential supply might be needed in the future.

5.1 Currently Identified Supply

- 5.1.1 Table 5.1 summarises the current employment supply which can play a role in meeting the requirements of the HGGT. This considers those sites which can contribute from 2016 onwards, aligned to the analysis of future requirements. These sites have been identified from the respective Local Plans. Sites in Epping Forest and East Hertfordshire that are not relevant to the HGGT are shown in grey italics for reference.
- 5.1.2 In aggregate a total of 27 ha of employment land has been identified within the three Local Plans which is relevant to the HGGT. In addition, policy ED1 of the Harlow Local Plan notes that opportunities for office floorspace in Harlow Town centre will be identified through the Harlow Town Centre Area Action Plan. The allocation at Dorrington Farm also includes the redevelopment of the existing 1ha employment area at that location to deliver higher density development.

Table 5.1 Allocated Employment Sites

Site name	Policy ref.	Use allocation	Size
Harlow			
Harlow Business Park, The Pinnacles	ED1-1	B1	4.6 ha
London Road	ED1-2	B1	14.2 ha
East Road, Templefields	ED1-3	B1/B2/B8	2.2 ha
TOTAL			21.0 ha
Epping Forest			
<i>Langston Road Industrial Estate</i>	<i>LOU.E2</i>	<i>B2</i>	<i>1.0 ha</i>
<i>North Weald Airfield</i>	<i>NWB.E4</i>	<i>B1/B2/B8</i>	<i>10.0 ha</i>
Dorrington Farm	RUR.E19	B1	1.0 ha
<i>Galley Hill Road Industrial Estate</i>	<i>WAL.E6</i>	<i>B2/B8</i>	<i>1.0 ha</i>
<i>Land North of A121</i>	<i>WAL.E8</i>	<i>B1/B2/B8</i>	<i>10.0 ha</i>
TOTAL			23.0 ha
Total HGGT Relevant			1.0 ha
East Hertfordshire			
<i>North of Buntingford Business Park</i>	<i>BUNT3</i>	<i>B1/B2/B8</i>	<i>3.0 ha</i>
<i>Bishop's Stortford North</i>	<i>BISH3</i>	<i>B1/B2/B8</i>	<i>4.0 ha</i>
<i>Bishop's Stortford South</i>	<i>BISH5</i>	<i>B1/B2/B8</i>	<i>4.0–5.0 ha</i>
<i>North and East of Ware</i>	<i>WARE2</i>	<i>B1/B2/B8</i>	<i>3.0 ha</i>
Gilston Area	GA1	B1/B2/B8	5.0 ha
TOTAL			19.0–20.0 ha
Total HGGT Relevant			5.0 ha
TOTAL HGGT SUPPLY			27.0 ha

5.2 Comparing Supply and Demand

- 5.2.1 The assessment of requirements over the 2016-33 period estimated a need for a minimum of 25-29ha. This compares to identified supply within the three Local Plans of 27ha plus further opportunities in Harlow Town Centre and the redevelopment of an additional 1ha at Dorrington Farm. In purely quantitative terms this suggests that there is sufficient supply to meet requirements to 2033. However, this is reliant on the vast majority of land coming forward and little to no additional capacity to meet requirements beyond 2033 identified at present.
- 5.2.2 In terms of Use Class, supply is dominated by sites allocated for B1 uses. These sites are not necessarily solely office focused and will include B1b Research and Development and B1c Light Industrial, so there isn't perfect read across with the assessment of future requirements. However, only 7.2ha is allocated with potential for B2 and B8 uses. This compares with an identified industrial and warehousing requirement of around 20ha. On this basis, a substantial proportion of the B1 allocated sites will be required to deliver light industrial, R&D and technology uses rather than office development. Those sites that do have B2 and B8 allocations will most likely be required to make a significant contribution to those uses. That includes the proposed employment allocation at Gilston. This issue of mix will need to be carefully monitored.
- 5.2.3 What is evident from this analysis, and is unsurprising given the focus of Local Plans and their evidence base on the period to 2033, is that employment land supply has not yet been identified to meet longer term (post 2033) requirements. This will be subject to appropriate research and policy making as part of future Local Plan review and preparation when a longer time frame is considered. However, this should also be given appropriate consideration within planning and decision making around the HGGT, particularly for sites anticipated to play a long-term role in the delivery of the HGGT.

5.3 Re Use of Previously Used Employment Sites

- 5.3.1 The 2017 Employment Needs analysis included an assumption that 70% of the Harlow gross requirement for new employment floorspace could be achieved through the redevelopment of existing/previously used employment sites²⁹. In quantitative terms this equates to 33,000sqm of B1a office floorspace and 137,000sqm of industrial and warehousing uses. This assumption was justified through both historic evidence of achieving this level of site reuse, and identified sites with opportunities for redevelopment (see 2017 Employment Needs study, Appendix 3, Figure A3.7). This identified 36ha of land with the potential to deliver 170,000sqm of employment floorspace. The majority of these sites are identified as protected employment sites within the Harlow Local Plan (Policy ED2)³⁰. These sites will play a critical role in delivering modern industrial and warehousing stock to meet the needs of HGGT.
- 5.3.2 Analysis of the redevelopment of these sites has identified significant progress in terms of permitted schemes and the start of construction. These redevelopment schemes are delivering B Use Class employment floorspace and have not been lost to other uses. In broad terms around

²⁹ The 2017 analysis therefore deducted this level of requirement from the total volume of new supply that would need to be identified. Given a significant driver of industrial requirement was to deliver modern replacement stock this approach does not undermine achievement of growth ambitions.

³⁰ The one exception is the site listed in the 2017 analysis as East Place. This is listed under Policy ED1 of the Harlow Local Plan and therefore would be subject to double counting if included in both the schedule of new supply under ED1 and reuse of existing sites under ED2. This site was identified to deliver 10,000sqm of floorspace through re-use. This was the smallest of the identified sites.

75% of the redevelopment sites by land area are delivering industrial and warehousing uses, with around 25% delivering B1a/b uses (comprising Grade A office space at Kao Park and the PHE scheme on part of the former GSK site). This mix is broadly aligned to the anticipated replacement requirements within the 2017 study.

- 5.3.3 This is reassuring, in that the assumption in the 2017 analysis is being validated in reality. It also suggests there is no shortfall in terms of re-using previously developed employment sites that needs to be met through additional supply. This redevelopment is also providing substantial short-term supply of B Use Class floorspace to support the growth of HGGT.

5.4 Potential Additional Supply

- 5.4.1 The above analysis suggests a broad quantitative sufficiency of identified supply to meet requirements within the current plan period. However, there is a potential lack of industrial and warehouse supply, given the predominance of B1 allocations. This will not be resolved through identification of town centre sites. If existing B1 allocations are unable to meet requirements through B1c light industrial uses there may be a need to provide additional industrial capacity through future Local Plan reviews. This will need appropriate monitoring and management.
- 5.4.2 The progress of new industrial and logistics developments on redevelopment sites provides evidence of strong current demand and supply in these sectors. Whilst planning permissions are in place on many of the redevelopment sites, these are not yet fully constructed or occupied. This suggests supply will meet arising requirements for some time yet. The redevelopment of part of the Templefields area, designated within the Enterprise Zone, will also need to play an important role in meeting future requirements for industrial development.
- 5.4.3 A further unsurprising gap identified by this analysis is the post 2033 period, which has not yet been considered in terms of Local Plans. Identifying further supply may reasonably be considered a matter for Local Plan reviews or the next generation of Local Plans. Notwithstanding, appropriate consideration should be given to any sites anticipated to play a long-term role in the delivery of HGGT.

5.5 High Level Sites Strategy

- 5.5.1 On the basis of the evidence set out previously in this report, and dialogue with stakeholders, this section considers a headline strategy for allocated employment sites and the wider economic development of the HGGT.
- 5.5.2 The sites strategy has been devised to support and deliver the wider strategic principles of the HGGT, in particular facilitating the economic revitalisation of Harlow and maximising the potential of its key development sites and regeneration opportunities, including the Enterprise Zone. These larger sites will be important in accommodating the bulk of employment development.
- 5.5.3 The strategy recognises the centrality of the sustainable travel aims. In order to align to the HGGT Transport Strategy the following principles have influenced the high-level sites strategy:
- Reduce the need to travel – integrating workspace within new and existing communities where appropriate.
 - Walking and cycling – providing workspace within short journey distances utilising safe routes.

- Public transport – locating employment close to interchanges and sustainable transport corridors.
- Private vehicles – seeking to avoid locations that do not enable options 1-3 in the hierarchy, whilst recognising the importance of transport access for movement of goods.

5.5.4 The strategy for employment allocations at the new Garden Communities has been developed to ensure they are able to be 'economically vibrant in their own right' as well as providing a range of local services and workspace to enable sustainable travel aims. This reflects the important placemaking role of providing employment premises within the new Garden Communities, as well as contributing to the wider needs of HGGT.

5.5.5 To enable the ambitions around sustainable travel and reducing the need for journeys it will be important to provide local access to services within Garden Communities. This will include services requiring workshop premises (e.g. repair and servicing activities) and start-up and grow on space for SMEs (both office and industrial).

5.5.6 Integrated mixed-use centres which feature employment uses provide the opportunity to deliver against the key principles for the HGGT. Such centres should include facilities such as workhubs or serviced offices as well as light industrial uses. These should be in close proximity to local amenities and with good public transport access. This can serve local micro businesses and SMEs as well as homeworkers. These are unlikely to be large scale and should not compete with Harlow town centre. However, they can play a role in both placemaking and facilitating business start-up and grow on.

5.5.7 Maintaining flexibility is also a core tenet, and progress should be monitored to ensure adaptability to ongoing economic and commercial market change and the emergence of new opportunities.

Harlow Business Park, The Pinnacles

5.5.8 This allocation comprises 4.6ha for B1 uses. The site lies adjacent to existing business park development with largely modern office and light industrial uses. Further development in keeping with its surrounding development appears appropriate, particularly creating opportunities for SMEs in terms of both start up and grow on space. Notwithstanding, larger scale employment locations at Harlow should be used to accommodate larger occupiers and users which may not be appropriate within new Garden Communities.

Harlow Science Park, London Road

5.5.9 This allocation comprises 14.2ha for B1 uses. The science park has a clear target market and is a key priority development area for HGGT. This designation should be protected as a premium employment site for appropriate Science Park uses to support the delivery of the overarching economic ambition for the area.

5.5.10 A number of schemes have already come forward including a new Business Innovation Centre. It is understood that there is limited potential for further expansion beyond the existing allocation. It may therefore be appropriate to consider now where further science and high technology related activities will be accommodated as and when the Science Park is filled and particularly to meet longer term needs post 2033.

5.5.11 Competitor sites (i.e. focused at the science park market) should not be brought on stream at an early stage, so as not to compete with the current offer.

East Road, Templefields

- 5.5.12 This allocation comprises 2.2ha for B1, B2 and B8 uses. A new development of industrial, warehouse and ancillary trade counter units is already permitted/under construction. It is understood that only one unit remains available. This site is therefore effectively fully taken up.
- 5.5.13 Elsewhere in Templefields, the redevelopment of the area identified within the Enterprise Zone to deliver approximately 8ha or 32,000sqm of replacement industrial floorspace has a role to play in providing further modern stock. This site has an important role to play in meeting the industrial related requirements of HGGT.

Dorrington Farm, Latton Priory

- 5.5.14 This allocation comprises 1ha for B1 uses in addition to the existing 1ha of employment land at the site, which is anticipated to be subject to comprehensive redevelopment as part of delivering the new Garden Community. This allocation will contribute to the economic vitality of the Latton Priory Garden Community to the south of Harlow as well as supporting the wider needs of the HGGT. It is anticipated that relatively high density of employment development can be achieved³¹. A minimum of 15,000sqm of B Use Class floorspace should therefore be delivered, including a mix of B1 uses comprising both office and light industrial/workshop space. Further analysis to support this quantum is set out in Appendix 6 to this report.

Gilston Area

- 5.5.15 This allocation comprises 5ha for B1, B2 and B8 uses. The analysis in this report supports the need for a significant proportion of this allocation to be delivered within the current plan period. It is anticipated that relatively high density of employment development can be achieved, due to the low provision of car parking to be provided and through integrating uses as a result of positive masterplanning. A minimum of 20,000sqm of B Use Class floorspace should therefore be delivered by 2033 with the ambition for a total of 34,000sqm at completion. Further analysis to support this quantum is set out in Appendix 6 to this report.
- 5.5.16 The analysis in this report has identified the importance of the Gilston Villages allocation contributing to appropriate industrial uses to meet the needs of the HGGT. Masterplanning should explore sympathetic integration within the fabric of the villages in keeping with the HGGT Transport Strategy³². Consultation has identified opportunities linked with proximity to key transport infrastructure including the A414 and Harlow Town Station. Such areas should be a focus for the majority of employment provision (including B2/B8), with the remainder provided within other village centres.

Town Centre and District Centres

- 5.5.17 Harlow town centre has been identified in the Harlow Local Plan as having potential for office development. This will be examined through development of an Area Action Plan. Based on trends in the office market, integration of office development within the town centre should be a key ambition in order to deliver vibrancy and provide an offer aligned to the needs of modern occupiers.
- 5.5.18 As noted above for Gilston and Latton Priory, but also relevant to Water Lane and East of Harlow Garden Communities, there is a role for employment space, potentially including workshops and serviced offices or workhubs as part of integrated mixed-use centres. These could helpfully be

³¹ Epping Forest District Local Plan Examination Hearings Homework Note 16 with further detail at Appendix 6 to this report.

³² A significant logistics type development across the entire allocation at Gilston is not anticipated.

located in close proximity to wider services (retail and leisure) as well as public transport hubs and interchanges.

5.6 Accommodating Land Hungry Uses

- 5.6.1 This research, including the stakeholder consultation and review of recent development proposals has identified the current strength of market interest for logistics uses. Icon Harlow on the GSK South Phase 1 site is permitted to deliver more than 500,000 sqft (approximately 50,000 sqm) of B8 warehouse and logistics uses. There is concern that if this pattern continues, footloose logistics development will crowd out higher value industrial uses and hamper efforts to achieve the economic ambitions for the HGGT, particularly given the proximity of HGGT to both the M11 and M25 providing strong attraction for such users.
- 5.6.2 The allocation of new employment sites at Harlow for B1 uses is therefore helpful in protecting these sites. However, there is a need to strategically plan long term for large scale footloose logistics uses across a wide geography given their role as critical economic infrastructure for the modern economy. Without alternative appropriate long term locations for such uses pressure will remain on sites in and around the HGGT which is a clear risk to the ambitions for transformation.

5.7 Summary

- 5.7.1 The assessment of requirements over the 2016-33 period estimated a need for a minimum of 25-29ha. This compares to identified supply within the three Local Plans of 27ha plus further opportunities in Harlow Town Centre and the redevelopment of an additional 1ha at Dorrington Farm. In purely quantitative terms this suggests that there is sufficient supply to meet minimum requirements to 2033. However, this is reliant on the vast majority of land coming forward and little or no additional capacity to meet requirements beyond 2033 identified at present.
- 5.7.2 Much of the allocated supply is designated for B1 uses. It is likely that this will need to include a range of B1b/c R&D and light industrial activities to align to the anticipated mix of requirements. It will also be important that the vast majority of identified allocations come forward within the plan period. This includes a significant proportion of the 5ha at Gilston.
- 5.7.3 There have been high levels of activity on previously used employment sites, bringing forward new employment development. This was a critical element of the 2017 Assessment of Employment Needs. Emerging development is broadly aligned to the anticipated mix of re-use activity within the earlier research. In order to meet the full requirement, the redevelopment of Templefields will be important, this site has been subject to less activity to date.
- 5.7.4 The high-level sites strategy has been developed on the basis of the evidence gathered and is aligned to the principles of the HGGT Transport Strategy.
- 5.7.5 The Harlow Business Park, Harlow Science Park and East Road allocations within the Harlow Local Plan should be progressed as anticipated. Harlow Science Park should continue to be protected as a premium site aligned to the economic ambitions around the target sectors. Early thought should be given to where further Science Park related development might be located in the long term given limitations on expansion to the current site. Harlow Business Park should be developed in keeping with its surroundings with potential for a mix of B1a, b and c uses. East Road has a permitted/constructed scheme which is almost fully taken up. The larger employment

sites at Harlow should be used to accommodate larger occupiers and users which may not be appropriate within the new Garden Communities.

- 5.7.6 Within the new Garden Communities there are two employment allocations. The 1ha (+1ha) allocation at Dorrington Farm within the Latton Priory Garden Community should provide a minimum of 15,000sqm of B Use Class floorspace for a mix of local services including workshops and grow on spaces.
- 5.7.7 A significant proportion of the 5ha allocation at Gilston for B1, B2 and B8 uses will need to be delivered within the current plan period. A minimum of 20,000sqm of B Use Class floorspace should therefore be delivered by 2033, with the ambition for a total of 34,000sqm at completion. Consultation has identified opportunities linked with proximity to key transport infrastructure such as the A414 and Harlow Town rail station. This should be a focus for the majority of employment provision, with the remainder provided within other village centres. This will include industrial premises, workshops and grow on space for SMEs (both office and industrial).
- 5.7.8 The new Garden Communities should include integrated mixed-use centres which feature employment uses, providing the opportunity to deliver against the key principles for the HGGT. Such centres should include facilities such as workhubs or serviced offices as well as light industrial uses. These should be in close proximity to local amenities and with good public transport access. This can serve local micro businesses and SMEs as well as homeworkers. These are unlikely to be large scale and should not compete with Harlow town centre. However, they can play a role in both placemaking and facilitating business start-up and grow on.
- 5.7.9 Harlow Town Centre has been identified in the Harlow Local Plan as having potential for office development. This will be examined through development of an Area Action Plan. Based on trends in the office market, integration of office development within the town centre should be a key ambition in order to deliver vibrancy and provide an offer aligned to the needs of modern occupiers.
- 5.7.10 There is concern that footloose logistics development could crowd out higher value industrial uses and hamper efforts to achieve the economic ambitions for the HGGT, particularly given the proximity of HGGT to both the M11 and M25 providing strong attraction for such users. The allocation of new employment sites at Harlow for B1 uses is therefore helpful in protecting these sites. However, there is a need to strategically plan long term for large scale footloose logistics uses across a wide geography given their role as critical economic infrastructure for the modern economy. Without alternative appropriate long term locations for such uses pressure will remain on sites in and around the HGGT which is a clear risk to the ambitions for transformation. This should be explored with stakeholders with a wider geographic focus such as the LEPs and UK Innovation Corridor.

6 Wider Issues

- 6.0.1 This chapter highlights a small number of wider issues for consideration which have emerged from this research. These are not directly related to employment sites and premises but have a clear relationship to achieving the level and type of employment growth that is identified in earlier chapters of this report.

6.1 Economic Leadership and Aspiration

- 6.1.1 The analysis in this report has identified the need for a step change in the rate of employment growth in the local area. The research has also noted clear opportunities and drivers that have the potential to enable a step-change in employment growth to take place. However, consultees were clear that there remains a significant task to turn these opportunities into reality, not least because it will require a repositioning of Harlow and changes in perception of the town.
- 6.1.2 There was a nervousness expressed by some consultees as to whether the scale of aspiration, action and leadership currently in place is sufficient to fully capitalise on the opportunities, and whether the scale of the transformation that is required has been fully grasped. However, through new funding routes including the Future High Streets Fund and Town Deal, the latter of which has led to the establishment of a Town Growth Board, there is already a strengthening of the leadership offering. This requirement for a step change in growth is also consistent with the Harlow Economic Development Strategy and underpinning ambitions of the HGGT.
- 6.1.3 To deliver a 20+ year programme of continuous and transformational economic growth will require committed leadership and vision. One example could be an economic masterplan with strong governance arrangements around implementation. This will also need to be backed up by appropriate delivery mechanisms that can ensure significant projects come to fruition. To ensure a balanced community the economic focus needs to go hand in hand with the residential growth, and not play merely a supporting role. If the economic development focus is merely in the background there is a clear risk that growth will be predominantly residential led, with an increasing dormitory role and the potential for disconnection.

6.2 Importance of Housing and Town Centre

- 6.2.1 The importance of both improving the housing mix and delivering significant town centre regeneration were repeatedly identified as critical to enabling economic transformation. Both these issues have been recognised in the documentation to date, and to a large extent are central aims of the HGGT concept. However, as a result of repeated mention of these issues in the consultation programme it is appropriate to stress again their importance.
- 6.2.2 It is also recognised that there is a 'chicken and egg' dilemma in terms of delivering the town centre regeneration without the scale and mix of population; and in terms of attracting the residents without a high-quality town centre. Challenges around fragmented ownership were also recognised. It was suggested there is a need for a very pro-active public sector lead approach to town centre delivery, which could also integrate with an economic masterplan or similar.

- 6.2.3 The chicken and egg analogy also applies in terms of town centre regeneration and delivering high quality employment. Recent research by Centre for Cities³³ has stressed the fundamental requirement for high-skilled, high paying jobs in order to provide the consumer market to fuel strong high streets. In summary this research emphasises the need to strengthen the demand side, rather than addressing the supply side alone.
- 6.2.4 With workforce a fundamental location decision-making criterion it is vital for the HGGT to offer high quality amenities and facilities in terms of housing, education, health, leisure and retail. This will enable employers to attract and retain their workforce.

6.3 Skills

- 6.3.1 It is a repeated ambition of the HGGT that the existing residents of Harlow are able to participate in the economic growth of the area. The analysis in this report has identified that employment growth is likely to be across a broad range of sectors. The foundational or core economy will deliver an array of employment opportunities at a mix of levels. The tradeable economy, focused on priority sectors will also need to perform strongly and will require a range of skills.
- 6.3.2 This analysis has not considered the skills needs arising from employment growth. However, this needs to be a central strand of an economic masterplan. The importance of workforce as a growth driver was a consistent topic in consultation discussions. The increasing role of digital skills across many, if not all, sectors was also frequently cited. For example, healthcare is expected to undergo significant transformation in the coming years which will drive a significant change in the skills required by the sector. The work of key partners to ensure appropriate skills provision will therefore be critical to the achievement of ambition.

6.4 Capitalising on Public Health England

- 6.4.1 The relocation of Public Health England to Harlow is a major boost to the economic transformation of the area. The potential to drive further growth as a result of this is as yet unproven and unquantified but has been recognised as an opportunity. The focus of PHE staff will be on ensuring a successful relocation. The activity related to maximising the local benefits of this relocation to HGGT and the wider area will likely need leadership and coordination from outside PHE, albeit in partnership with relevant PHE staff.
- 6.4.2 PHE is not a new entity and therefore will have existing supplier relationships and partnerships. Therefore, understanding the potential for wider effects should be a first step e.g. through considering the wider effects on the current locations of PHE operations. As well as supply chain relationships there may be spin-out potential, which could link to the new Business Innovation Centre. Over time, the establishment of a critical mass of highly skilled workers at PHE has the potential to create significant spin-out activity and PHE could become an anchor of a public health related cluster.

³³ <https://www.centreforcities.org/publication/whats-in-store-british-high-streets/> [last accessed 31/10/19]

Appendix 1: Baseline Data Analysis

Methodology

- i. The allocated residential development sites within the Harlow Gilston Garden Town (HGGT) boundary do not directly correlate with any spatial units used to gather socio-economic statistics.
- ii. As such, it was necessary to first define a 'best fit' study area that could give a representative picture of the socio-economic baseline conditions in the locations directly impacted by the development of HGGT. This area extended beyond the existing Harlow local authority boundary to incorporate parts of both East Hertfordshire and Epping Forest districts.
- iii. Upon analysing the contribution of the non-Harlow parts of the 'best fit' study area in both East Hertfordshire and Epping Forest districts, it became apparent that these areas contributed to less than 1% of the 'best fit' study area's resident and workplace populations (according to Census 2011 data).
- iv. As such, given that Harlow accounts for over 99% of the 'best fit' study area's resident and workplace populations, Harlow District has been chosen as the most appropriate spatial unit to represent the socio-economic baseline conditions in the HGGT impact area. This will also enable a much more detailed baseline analysis given the availability of socio-economic data that utilises the district-level spatial unit.
- v. Information on the economic baseline conditions within the study area has been collected through a detailed desktop review of existing studies and datasets. These are summarised in Table A4.1 below.

Table A4.1 Data Sources

Annual Population Survey	2018	ONS
Annual Survey of Hours and Earnings	2018	ONS
Business Demography	2017	ONS
Business Register and Employment Survey	2018	ONS
Census of Population	2011	ONS
Jobs Density	2018	ONS
Local authority population projections	2014-based	Statistics England
Mid year population estimates	2018	ONS
Regional Gross Value Added	2018	ONS
Regional Gross Value Added by Local Authority	2017	ONS
UK Business Counts	2018	ONS

Population

- vi. The Office for National Statistics (ONS) Mid-Year Population Estimates report a resident population of 86,594 persons in Harlow in 2018 (latest available).
- vii. The population of Harlow has increased by 8.4% over the ten-year period since 2008 (Mid-Year Population Estimates, ONS).
- viii. The Mid-Year Population Estimates report a working age population (aged 16–64) of 53,901 in Harlow in 2018, which is 62% of the resident population.
- ix. The working age population of Harlow has increased by 4.6% over the ten year period since 2008, but the share of the resident population has decreased by more than 2% (Mid-Year Population Estimates, ONS).

Industry

- x. There are 2,875 businesses in Harlow in 2018 (UK Business Counts, ONS).
- xi. The Harlow economy is dominated by micro businesses. This is not too dissimilar to the business base of England as a whole. However, Harlow does have a higher proportion of SME and large businesses in comparison to the England average.

Table A4.2 – Business base by business size, 2018

Business size	Harlow	England
Micro (0–9 employees)	88%	89%
SME (10–249 employees)	12%	10%
Large (250+ employees)	0.7%	0.4%

Source: UK Business Counts, ONS (Note – figures may not sum due to rounding)

- xii. The number of micro and small-medium size enterprises (SME) in Harlow increased between 2010 and 2018 (UK Business Counts, ONS). It is difficult to make an accurate assessment of the change in the number of large businesses in the Harlow as ONS figures are rounded to the nearest five.

Table A4.3 – Change in size band distribution of businesses 2010–2018, Harlow

Business size	2010	2018
Micro (0–9 employees)	1,780	2,520
SME (10–249 employees)	260	335
Large (250+ employees)	15	20

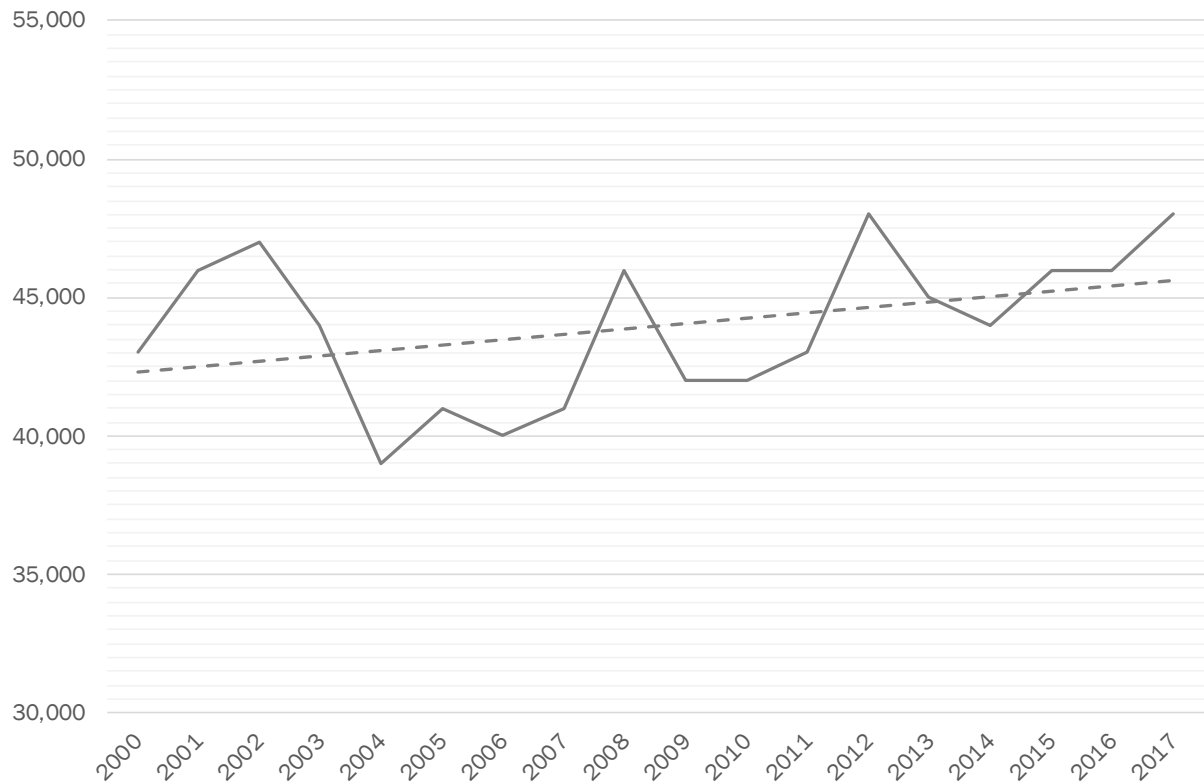
Source: UK Business Counts, ONS

- xiii. Overall, Harlow's business base is very active when compared to the picture across England. The number of enterprises in Harlow increased by 40% between 2010–2018, compared to an increase of 29% in England as a whole (Business Demography, ONS).

Employment and Economic Activity

- xiv. The most comprehensive measure of jobs in an area is the ONS Jobs Density measure. This reports 48,000 jobs in the Harlow in 2017 (latest available).

Figure A1.1 – Harlow Total Jobs, 2000–2017



Source: Jobs Density, ONS

- xv. The number of jobs in Harlow is at the highest level it has ever been. However, the level is highly volatile year on year. The linear trend from 2000–2017 shows a clear increase over the period.
- xvi. The increase in absolute terms equates to an almost 12% increase in total jobs in Harlow between 2000–2017. This compares unfavourably to an increase of 20% across the whole of England.
- xvii. The economic activity rate (residents aged 16–64) in Harlow is 81.8%. This is higher than the England average (78.9%) (ONS Annual Population Survey, Apr 2018 – Mar 2019).
- xviii. The employment rate (residents aged 16–64) in Harlow is measured at 76.4% compared to 75.6% in England.
- xix. Self-employment is high in Harlow, at 13.6% compared to 10.9% in England.
- xx. Unemployment is high in Harlow (6.6%) compared to England (4.2%) (all figures ONS Annual Population Survey, Apr 2018 – Mar 2019).
- xxi. Overall the Annual Population Survey indicates a high level of reported labour market participation in terms of a high economic activity rate. This high degree of participation enables the employment rate to also be higher in Harlow, despite higher reported levels of unemployment.
- xxii. Table A4.4 shows the share of Harlow residents employed in occupation categories 1-3 (higher order occupations) is lower than the England average, mainly as a result of significantly less workers in 'Professional occupations' (Annual Population Survey, ONS). The share employed in

occupation categories 4-6 (middle order occupations) is also lower than the England average. The share employed in occupation categories 7-9 (lower order occupations) is much higher than the England average.

Table A4.4 – Resident employment by SOC, Harlow (2019)

Occupation	Total employment	Share of employment (Harlow)	Share of employment (England)
1: Managers, directors and senior officials	4,300	10.5%	11.2%
2: Professional occupations	6,100	14.8%	21.0%
3: Associate prof & tech occupations	7,400	18.1%	15.0%
4: Administrative and secretarial occupations	3,600	8.9%	10.0%
5: Skilled trades occupations	3,800	9.3%	9.9%
6: Caring, leisure and other service occupations	3,100	7.5%	8.9%
7: Sales and customer service occupations	2,700	6.6%	7.3%
8: Process, plant and machine operatives	6,100	14.9%	6.2%
9: Elementary occupations	3,900	9.4%	10.2%

Source: HJA analysis based on Annual Population Survey, ONS (figures may not sum due to rounding)

- xxiii. The proportion of Harlow population aged 16–64 with NVQ4+ as a highest level of qualification is reported at 36.1% compared to 39.0% in England (ONS Annual Population Survey, Jan–Dec 2018). This trend is evident at every level of qualification, with the result being 11.6% of Harlow residents having no qualifications, compared to 7.6% in England as a whole.
- xxiv. This data on occupations and skills indicates a relatively low concentration of Harlow residents with high-skill levels working in high-order occupations.

Sector Profile

- xxv. Location Quotients (LQ) show the concentration of sectors in an area, relative to the UK economy. An LQ of 1 indicates the sector has an equal concentration to GB, an LQ>1 shows a relative concentration of activity in that sector. An LQ<1 shows an under-representation of that sector.
- xxvi. Table A4.5 reports the number of businesses and level of employment of each sector in Harlow, along with the equivalent LQ for each metric.
- xxvii. In terms of business numbers and concentration, Harlow has a relatively strong business base in Transportation and storage (LQ = 2.03), Construction (1.60), Manufacturing (1.32), Human health and social work activities (1.32) and Education (1.30).
- xxviii. In terms of employment numbers and concentration, Harlow has a relatively strong representation in Wholesale and retail trade (LQ = 1.46), Administrative and support service activities (1.37), Human health and social work activities (1.31), and Professional, scientific and technical activities (1.15) as well as some concentration in manufacturing (1.07). These sectors with concentrations are generally the larger employment sectors in Harlow.

Table A4.5 – Total business LQ by sector, Harlow (2017)

Sector	Total bus.	LQ	Total emp.	LQ
A : Agriculture, forestry and fishing	5	0.03	30	0.05
B : Mining and quarrying	0	0.00	0	0.00
C : Manufacturing	195	1.32	3,500	1.07
D : Energy	0	0.00	20	0.11
E : Water supply	15	1.85	125	0.45
F : Construction	560	1.60	1,750	0.87
G : Wholesale and retail trade	430	1.05	9,000	1.46
H : Transportation and storage	245	2.03	1,500	0.78
I : Accommodation and food services	115	0.70	1,750	0.58
J : Information and communication	200	0.82	900	0.52
K : Financial and insurance activities	35	0.57	600	0.43
L : Real estate	70	0.68	400	0.55
M : Professional, scientific and technical activities	380	0.71	4,000	1.15
N : Administrative and support service activities	265	1.04	5,000	1.37
O : Public administration and defence	0	0.00	800	0.47
P : Education	70	1.30	3,000	0.85
Q : Human health and social work activities	175	1.32	7,000	1.31
R : Arts, entertainment and recreation	50	0.71	800	0.77
S : Other service activities	110	0.95	400	0.48
Total	2,930		41,000	

Source: HJA analysis based on UK Business Counts and BRES, both ONS (Note – figures may not sum due to rounding)

Commuting

- xxix. Resident based travel to work patterns suggest Harlow is part of a functional economic area covering Harlow, Epping Forest, East Hertfordshire, Uttlesford, and Broxbourne, with strong out-commuting links to London also evident. Census 2011 data on Origin Destination indicates that 59% of Harlow residents that are in employment have a workplace located within Harlow. This data also indicates that 14% of Harlow residents that are in employment have a workplace located in London.
- xxx. Workplace based travel to work patterns indicate that 60% of workers who work in Harlow are also residents of Harlow.
- xxxi. Of the approximately 40,500 Harlow residents in employment, 7% work mainly at or from home and 9% have no fixed place of work (Census 2011, ONS).

- xxxii. In Harlow, 52% of jobs with a fixed workplace outside the home (i.e. excluding those categorised as working from home or 'no fixed place' of work) are filled by residents of Harlow, and 48% are taken by in-commuters (Census 2011, ONS).

Income

- xxxiii. The Annual Survey of Hours and Earnings reports a slight disparity between resident and workplace earnings in Harlow. The median annual salary of a Harlow resident in full-time employment is £28,360, compared to £29,869 for England (ONS, 2017 – latest available). Conversely, workplace based measures report the median annual salary of someone working full-time in Harlow is £29,996, slightly above the figure for England (£29,083). This indicates resident earnings are slightly below workplace earnings, this suggests better paid roles in Harlow have a tendency to be filled by in-commuters.

Jobs per home/dwelling

- xxxiv. Data from the 2011 Census has been used to assess the ratio of both jobs and workers to dwellings and households. Given the fact that the levels of in and out commuting are broadly in balance, the discrepancy between the statistics for workers and jobs is primarily underpinned by a small amount of double jobbing. There were approximately 6% more jobs than workers at 2011. Table A4.6 below displays the results of this analysis.

Table A4.6 – Jobs and Workers per Dwelling and Household

	Workers	Jobs
Per Dwelling	1.13	1.21
Per Household	1.17	1.24

Source: HJA analysis based on Census 2011 and Jobs Density 2011, both ONS

Summary

- xxxv. This analysis has considered the baseline economic conditions in Harlow district.
- xxxvi. Harlow has a mixed economy. There is evidence of a relatively strong concentration of businesses in Transportation and storage, Construction, Manufacturing, and Human health and social work activities. In terms of employment, there is a relatively strong concentration in Wholesale and retail trade, Administrative and support service activities, Human health and social work activities, and Professional, scientific and technical activities.
- xxxvii. There is a relatively low prevalence of high-skill residents working in high-order occupations. Employment and economic activity rates in Harlow are slightly above the England average.

Appendix 2: Review of Policy, Strategy and Research

HGGT Vision Document

- i. The HGGT Vision Document was published in November 2018.
- ii. With proposals developed in line with Garden Town principles there is a range of objectives relevant to the economy and employment:
 - Adaptable: Local industry that can respond to economic shifts and the emergence of new sectors;
 - Sustainable: A place where people are inspired to work locally and encouraged to travel actively;
 - Innovative: Spearheading the nation's response to the UK Industrial Strategy³⁴
- iii. Four specific principles related to Economy and Regeneration are set out within the Vision document. These are:
 - At the heart of the LSCC UK Innovation Corridor
 - Having the right workspaces, homes and community facilities
 - A diverse employment base and skilled labour supply
 - A vibrant and resilient Town Centre for all the Garden Town

Harlow and Gilston Garden Town Transport Strategy

- iv. The Draft for Consultation was published in 2019.
- v. The strategy has been devised to help deliver the vision and principles.
- vi. There are three objectives:
 - Achieve a target where 60% of all journeys within the new Garden Town Communities and 50% of all journeys across Harlow, will be undertaken by sustainable modes.
 - Mobility options will be based on a hierarchy of importance:
 - Reduce the need to travel
 - Walking and cycling
 - Public transport
 - Private vehicles
 - Support and encourage a culture of active and sustainable travel ensuring all journeys will be efficient and safe
- vii. Particularly relevant to the Employment Commission under Objective 3 are:
 - Careful planning of the built and natural environment...it starts with policy and planning, and place-making and home design, and providing local centres that can reduce journey lengths and provide a degree of self-sufficiency for every day activities...For instance, digital technology is reducing the need for travel through increasing the option for people to work

³⁴ The HGGT lies within the UK Innovation Corridor

from home. Local co-working spaces can further reduce travel by recognising that people may still prefer to retain a work environment but might not necessarily need to be at their place of work every day.

- Existing and new HGGT communities will be supported by sustainable movement corridors providing high quality networks for walking, cycling and public transport. These will be linked to key places of employment, the bus station and rail network, enabling seamless and multi-modal sustainable connections with destinations within HGGT and beyond.

viii. Within the Actions set out the following are particularly pertinent:

- Action 1 – Reducing the need to travel. Including: facilitating remote and flexible working technologies and practices to enable a better work life balance for residents; facilitating shorter (and more active) journeys by improving sustainable interconnectivity; encouraging vibrant town and neighbourhood centres offering a wide range of local services and amenities; and providing opportunities to live and work within the same community to reduce travel distances.
- Action 3 – Supporting and encouraging a culture of active and sustainable travel. Including: Identifying and enhancing principal sustainable movement corridors, both within and beyond HGGT, which connect housing with key destinations for work, education, healthcare, leisure and recreation.
- Action 5 – Supporting walking and cycling. Including: ensuring homes and destinations provide suitable facilities, so that access to secure cycle parking, e-bike charging, associated storage and other facilities to support users of active travel modes are at least as convenient, if not better, than access to private motor vehicles.
- Action 6 – Public transport. Including: ensuring that services connect homes with key destinations, making use of the Sustainable Transport Corridors, offering frequent, high quality, seamless, rapid services with limited stops.

Local Plans

Harlow Local Development Plan: Pre-Submission Publication, May 2018

- ix. The Local Plan sets out a long-term vision for Harlow, and contains policies that ensure future development is sustainable by meeting the needs of residents, businesses and visitors, while providing the required infrastructure and protecting environmental assets.
- x. Chapter 8 of the Local Plan contains the Economic Development and Prosperity Strategy. The Strategy and its policies are targeted at delivering the following objectives:
- Meet the employment needs of the district by diversifying and investing in the district's employment base
 - Secure economic revitalisation and reinforce Harlow's reputation as a key centre for Research and Development
 - Improve educational opportunities and the skills base of local residents
- xi. The Strategy highlights a number of high-skill 'growth' sectors that will underpin jobs growth in Harlow – Life sciences and MedTech, Advanced manufacturing, and ICT and digital. Developing the visitor economy is also seen as an economic priority.

- xii. The strategy identifies suitable land for the delivery of new employment floorspace that supports employment growth in these sectors via the delivery of committed floorspace at the Enterprise Zone, Public Health England and its Science Campus.
- xiii. The Strategy re-affirms the importance of ensuring Harlow's ability to deliver space for quality businesses and employment in light of the Government's decision to support Garden Town status for the area.
- xiv. The Strategy also highlights the London Stansted Cambridge Consortium (LSCC) support for Harlow Enterprise Zone as an important opportunity site for growth sectors in the corridor, identifying the area as being a strategically important destination for jobs, particularly high-skilled jobs.
- xv. Policy ED1 allocates 20ha of employment land to meet the needs of the plan period. Policy ED2 sets out protections for existing employment sites.

Epping Forest District Local Plan, December 2017

- xvi. The Local Plan will shape how the District develops until 2033, attracting and guiding investment in the District from the private sector, the Council, and other public bodies.
- xvii. The Local Plan does not explicitly state the economic aims and objectives that underpin its policies relating to the economy. However, it is possible to discern a number of key approaches that form the basis of policy direction:
 - The Council's approach is to protect and enhance existing employment sites (including through intensification), together with the allocation of new sites. Evidence suggests the need for over 10,000 jobs to be generated over the course of the Plan period. To achieve this, it will be necessary to protect and enhance existing employment sites, in addition to identifying at least 16-19 hectares of land for B class uses. This includes a 1ha allocation for B1 uses at Latton Priory within the HGGT.
 - Growth in town centre uses will be focussed on the largest town centres at Epping and Loughton High Road, and the Council will seek to promote growth in centres across the District in order to maintain their vitality and viability over the Plan period.
 - An objective of this Local Plan is to support the diversification of the agricultural economy, including the expansion of the glasshouse horticulture industry.
 - There is potential to develop the tourism sector locally, drawing on the 'green and unique' character of the District. There is commitment to support the sector through improving access to a wide range of existing attractions in the District.
- xviii. The District has key strengths in the construction, professional services, business services, health and care sectors and job growth is forecast in these sectors over the Local Plan period. Also important to the District's economy is the long established horticultural and glasshouse industry. Developing the visitor economy is also seen as an economic priority.
- xix. Retaining a constant market share of retail expenditure is a specific target, which creates a need for up to 59,700sq.m. of retail floorspace. When 'pipeline' development is removed there is a net need of 39,700sq.m retail floorspace. From this it has been assumed that approximately 40% will be provided in Harlow, recognising the contribution the town makes to service the needs of Epping Forest District.

East Hertfordshire District Plan, October 2018

- xx. The District Plan sets out the Council's planning framework for the district. The Plan is a long-term document which provides certainty to communities and businesses as to where development will be provided and, likewise, where precluding restrictions may apply. It also allows infrastructure providers to plan effectively for the future.
- xxi. The economic objectives listed in chapter 15 are summarised below:
- Support businesses as 'customers' of council services as well as listening to the needs of the business community.
 - Encourage wealth creation in the district and ensure businesses can access a wide range of locally sourced services.
 - Maximise investment into the rural economy and ensure it remains competitive.
 - Ensure town centres meet the needs and wants of residents and visitors.
 - Raise the profile of local attractions and support businesses in their supply chain.
 - Work with key partners to ensure East Hertfordshire can support growth in the right places at the right times.
- xxii. With specific regard to HGGT, chapter 11 of the Plan outlines its impact on employment strategy. HGGT will provide local employment opportunities, including small scale office employment. This will be in the form of either a business park of 5ha, or distributed across the village centres. Residents will also be able to access more substantial employment opportunities within Harlow, including the Enterprise Zone. The proximity of the site to Harlow Town station will also enable sustainable access to employment opportunities further afield, including Stansted Airport, Cambridge, Bishop's Stortford and London.

Harlow Economic Development Strategy, April 2017

- xxiii. The EDS sets out Harlow's economic development strategy for the 5 years from April 2017.
- xxiv. Focusing on the three themes of businesses and jobs, place, and people, the document sets out the following economic priorities and objectives:

Business and jobs

- Securing more investment and jobs from key industries such as Life Sciences, MedTech, ICT, and Digital and Aerospace.
- More jobs and investment by businesses that are part of the supply chain of key industries.
- Continued growth in the business base.
- A healthy business start-up and survival rate.
- Young people and adults gaining entrepreneurial skills and experience to help with future career success and entrepreneurship.

Place

- Make Harlow an outstanding location and environment for businesses, particularly those where Harlow has existing strengths - including ICT, Advanced Manufacturing and Life Sciences industries.
- Attract and retain more jobs in Harlow.
- Establish a world-class Public Health Campus.

- Ensure a sufficient, high quality, viable employment land supply to meet future demand and provide a credible offer to prospective inward investors.
- New managed workspace and a mix of premises sizes and styles that cater for existing and future demand.
- Create a vibrant, inclusive Town Centre that attracts and retains existing and new residents and workers and where expenditure and footfall increases.

People

- Harlow Council, education and training institutions, individuals and local industries will have an informed view of future skills needs that provides a basis for education and training planning and provision.
- Businesses can access the workforce they need.
- Local residents are better placed to meet businesses' workforce requirements, particularly in skilled jobs.
- Increased education and skills attainment that helps Harlow residents to access better employment opportunities and meet local employers' needs.
- A rise in earnings of Harlow residents, closing the gap when compared with workplace earnings.

Findings and Recommendations of the London Stansted Cambridge Corridor Growth Commission, July 2016

- xxv. The Growth Commission was established to provide independent analysis and advice to boost the global economic potential of the London Stansted Cambridge Corridor. In this report, The LSCC Growth Commission sets out a vision for transformational change to become the next global tech and life sciences region.
- xxvi. The report sets out five priorities areas that underpin the delivery of the vision:

New powers and financial vehicles for infrastructure, housing and place-making

- Study the feasibility of new investment vehicles, examining how private and institutional finance could fund infrastructure, transport, housing and employment sites.
- Explore the case for a Corridor Transport Authority to take control of all major strategic routes and public transport assets, and to develop and implement an integrated transport plan

Place-making for tech and life sciences

- Improve understanding of what tech and life science businesses and employees need and want, and the attributes of global 'best in class' workplaces and communities.
- Produce shared place-marketing materials and information, particularly to attract inward investment.
- Explore the potential for a new 'brand' for the area's tech and life sciences clusters.
- Advocate for and raise the profile of growth areas and sites, ensuring that regeneration and new developments meet the location requirements of technology – and knowledge – based industries and their workers

Building talent and ensuring everyone can benefit

- Develop better links between employers, educational institutions and young people across common skills and capabilities – particularly for STEM and IT skills and careers

- Provide information and guidance materials for careers information and job entry that reflect the needs of tech, engineering and life sciences industries across the Corridor.
- Encourage the sharing of ideas and best practice within the Corridor and from international leaders in the field.

London Stansted Airport as a dynamic source of growth and development

- Produce a joint public-private economic development strategy for London Stansted Airport and its surrounding area, with the aim of developing the Airport zone as a growth node in the Corridor.

Deepening the partnership with London

- Develop a deeper shared understanding of the challenges and potential responses by building on existing relationships and the successful track record of joint working.
- Establish a joint initiative to undertake economic and policy research to inform future strategic choices across all major areas of shared policy, including transport, infrastructure, health, business competitiveness, international connectivity, housing, education and skills.

- xxvii. ICT and digital and Life Sciences are seen as the key sectors.
- xxviii. The LSCC is an area where growth has substantially outperformed national averages. This includes GVA, jobs and population. Productivity is recorded as considerably above the UK average. High rates of innovation and knowledge-based industry and employment are also reported.
- xxix. However, this is driven primarily by Cambridge and London, with the area between experiencing slower growth rates. Harlow is one of the areas identified as having lower attainment and vacant employment sites awaiting development.
- xxx. Supporting the Corridor's main regeneration and development opportunities and sites is seen as a key part of achieving the vision. Harlow is seen as having an important role in supporting the Corridor's tech and life sciences clusters. Support for current developments and future plans is encouraged in order to provide the right types of development that enhance the Corridor's offer to knowledge-based industries and residents.

Harlow and Gilston Garden Town and the UK Industrial Strategy, August 2018

- xxxi. SQW was asked by Hertfordshire LEP to appraise the fit between the draft Harlow and Gilston Garden Town Spatial Vision and the Industrial Strategy White Paper, focusing particularly on the four Grand Challenges.
- xxxii. The Garden Town's Draft Spatial Vision is structured into four main "Themes":
- Placemaking and Homes
 - Landscape and Green Infrastructure
 - Sustainable Movement
 - Economy and Regeneration.

- xxxiii. The appraisal finds that although the draft Vision document maps onto all four of the Grand Challenges to some extent, there are opportunities for the Garden Town to address the Grand Challenges more fully.

AI and Data-Driven Economy

- xxxiv. There is an opportunity for the Garden Town to boost productivity in the health tech, life sciences, advanced manufacturing, and ICT sectors through artificial intelligence and data analytic technologies by providing appropriately tailored business support through the planned innovation centre.

Ageing Society

- xxxv. The draft Vision document suggests there will be some investment in upskilling the current population. This is an opportunity to support and encourage people to remain at work for longer by refreshing their skills consistent with the pace of technological change. The Garden Town could encourage industries to adapt their workplaces to the requirements of an ageing workforce through the provision of new office workspace that is suitable for older workers.

Clean Growth

- xxxvi. It will be important to generate high quality local jobs to avoid the Garden Town simply being a dormitory settlement with substantial flows of commuters and an environmental footprint that is at odds with the commitment to clean growth.

The Future of Mobility

- xxxvii. The draft Vision states that there will be “adaptable car parking that could change to accommodate future autonomous vehicles” – this could be pushed further to cover all transport infrastructure. For example, road networks could be made adaptable to the use of self-driving cars. This could possibly make the Garden Town an appropriate testbed location for the use of autonomous vehicles.

Essex and Hertfordshire Digital Innovation Zone, March 2019

- xxxviii. This strategy was jointly commissioned by 11 organisations from business, health, education, local councils and the voluntary and community sector.

- xxxix. The strategy sets out seven ‘foundations’ that will help achieve the vision for the DIZ, each of which is underpinned by a series of strategic and operational recommendations:

- Establish the Essex-Herts DIZ brand
- Create digital leadership to champion HealthTech and AgriTech innovation
- Engage and invigorate the public sector
- Harness the power of social innovation to increase digital inclusion and citizen participation
- Futureproof the local economy by upskilling for the future of jobs
- Leverage local assets to attract investment in digital infrastructure
- Harness place-making in new developments and existing centres

- xl. One of the key roles of the DIZ is to examine programmes and projects that have been successfully tested or applied in larger urban conurbations and assess their benefit to a geography such as the DIZ area – a mixture of small urban market towns and rural surroundings. The partners also look at innovative solutions to some major public service challenges, such as pressures on health services and the lack of rural connectivity.

Hertfordshire Local Transport Plan 4 (2018)

- xli. This plan sets out how transport can help deliver a positive future vision of Hertfordshire. As well as providing for safe and efficient travel, transport has a major input into wider policies such as economic growth, meeting housing needs, improving public health and reducing environmental damage.
- xlvi. The Plan covers the period up to 2031. However, it also considers how future planning decisions and emerging technology might affect the way that transport needs to be provided in the longer term.
- xlii. With travel demand increasing in future years, continued reliance on high levels of car use will lead to worsening congestion and journey time reliability, both of which are constraints on economic growth.
- xliii. This plan accelerates the transition from a previous transport strategy that was largely car based to a more balanced approach which caters for all forms of transport and seeks to encourage a switch from the private car to sustainable transport.
- xliv. Addressing the challenge of increased future travel demand will require significantly stronger support for walking, cycling, passenger transport, and traffic demand management measures where appropriate.

A414 Corridor Strategy (Draft, 2018)

- xlv. Hertfordshire County Council has developed this draft A414 Corridor Strategy to confirm the key current and future growth and transport challenges and identify the proposed set of intervention packages
- xlvii. The A414 corridor is a strategic east-west, multi-modal transport corridor extending from Harlow in the east to Hemel Hempstead in the west. The corridor is extremely important in facilitating movements of people by different modes of transport across Hertfordshire.
- xlviii. Today, the corridor experiences traffic congestion along sections of the A414 and at key junctions between and within towns. There are also notably very few opportunities for continuous travel by public transport which increases dependency on the car to make journeys along the corridor. There are also limited opportunities for walking and cycling, with poor and discontinuous routes in many areas.
- xlix. The draft A414 Corridor Strategy has drawn from existing adopted plans and strategies to develop a list of interventions which seek to address the growth and transport challenges in the corridor which also align with the priorities described in Hertfordshire County Council's Local Transport Plan 4. Thirty packages are proposed, each containing two or more interventions. Interventions are wide ranging and can include improvements to footways, new cycle routes, new bus services, better access to rail stations and highway improvements including alterations to junctions.
- I. The draft A414 Corridor Strategy has drawn from existing adopted plans and strategies to develop a list of interventions which seek to address the growth and transport challenges in the corridor which also align with the priorities described in Hertfordshire County Council's Local Transport Plan 4 (2018).

- li. The potential impact of the A414 on the economy and employment can be summarised by the predicted outcomes set out in section 9 of the Strategy:
- Significantly reduced journey times by public transport between key urban areas along the corridor
 - Key employment areas better connected by public transport
 - Managed traffic delays at key junctions and on sections of the A414
 - Reduced rat-running on less appropriate roads such as country lanes and residential streets to avoid congestion elsewhere

Loss of Employment Space in Hertfordshire (LSH, 2019)

- lii. This study has addressed the topic of understanding how the loss of commercial floorspace in Hertfordshire may be impacting the economy. It assesses the nature and extent of such floorspace loss, examines what the implications are for the Hertfordshire economy, and considers what some of the solutions might be.
- liii. The property market analysis has demonstrated that there is healthy underlying demand in both the office and industrial sectors across Hertfordshire. The sectors that Hertfordshire performs well in – the life sciences, agri-tech, advanced engineering and manufacturing, sustainable construction and the creative industries – are leading this occupier demand, as well as pent-up demand in the SME market in particular.
- liv. However, there is a severe lack of available supply to meet these demands. This has been one of the reasons for the relatively suppressed take-up rates compared to demand requirements. New stock is coming forward, but it is insufficient to meet demand levels. Development opportunities do exist, but difficulties with land ownership and assembly are holding back some of these potential schemes.
- lv. In contrast to an active but highly constrained occupier market, Hertfordshire has seen a major haemorrhaging of commercial floorspace. Almost a quarter of the office stock has been lost over the last decade, and for some local authorities it has effectively halved. Whilst efficiencies in workspace use are happening across the economy, the scale of the divergence between office loss and employment growth in Hertfordshire is putting major pressure on businesses.
- lvi. The industrial sector has not seen a net loss to the same extent as the office sector. However, the nature of this market requires larger scale developments to meet future needs, so losses of industrial floorspace without suitable replacement space will create problems for the successful operation of the market.
- lvii. In part, the trends that have been identified reflects the natural operation of the market, whereby obsolete, inefficient or poorly located floorspace is re-used for other purposes, and is resulting in more efficient business operations through more intensive space use. However, the scale of commercial floorspace loss witnessed across Hertfordshire goes beyond this, and is creating very real problems for existing, expanding and new businesses, and for those looking to move into the area, notably international investors.
- lviii. In that context, the impact of PDR on the office sector has been particularly significant. It has been responsible for the vast majority of the increased rate of loss of office floorspace since 2013-14. This is having a very significant impact on existing and potential occupiers. Whilst PDR

has helped to remove excess or inappropriate floorspace in some areas and to contribute to housing needs to a small degree, the scale of loss, and the inability to avoid the loss of good quality and in-demand floorspace, is creating serious imbalances between supply and demand in the market. There are various examples of good quality, well located and in-demand office floorspace being lost to residential uses through PDR conversions across Hertfordshire. This includes cases of existing good covenant tenants being given notice to leave in order to convert the premises to residential use via permitted development.

lix. There are a number of key implications for the economy of Hertfordshire of this loss of employment floorspace. These include:

- Constraining growth
- Forcing relocations
- Reinforcing home-working
- Limiting productivity and performance
- Deteriorating image
- Inhibiting place-making/place-shaping
- Restricting achievement of SEP objectives

lx. There are a number of actions that would help in balancing the often competing land-use demands between residential and commercial use, and which would help ensure there is an appropriate amount, form, quality and distribution of employment floorspace to serve the needs of the Hertfordshire economy. These include the following:

- Planning and place-making
 - Reinforcing joint-planning
 - Ensuring Local Plan delivery
 - Balanced housing and commercial space delivery
 - Halting the use of PDR
- Investment and funding
 - Promoting public sector development
 - Developing joint-venture initiatives
 - Provide greater tax break incentives
 - LEP marketing and funding
- Infrastructure
 - Coordinated master-planning
 - Improving transport links

lxi. The research indicates that without appropriate support for and protection of commercial floorspace in Hertfordshire, over the next decade there will be further net floorspace loss which may result in the office stock in the County being at least 50% smaller than it was in 2008 and the industrial stock up to 20% smaller. This will critically impact the economic objectives and ambitions of the County.

LEP Strategies

South East LEP (SELEP) Strategic Economic Plan, March 2014

- lxii. The SEP outlines the opportunities and challenges across the SE LEP area. It provides the economic context and outlines the desired approach to creating the conditions for growth
- lxiii. The key economic ambitions are:
- enable the creation of 200,000 sustainable private sector jobs over the decade to 2021, an increase of 11.4% since 2011;
 - complete 100,000 new homes by 2021, which will entail, over the seven years, increasing the annual rate of completions by over 50% by comparison with recent years; and
 - lever investment totalling £10 billion, to accelerate growth, jobs and homebuilding.
- lxiv. The SEP indicates that many parts of the SE LEP economy are over-reliant on public sector employment. The area is also more reliant on wholesale, retail and accommodation, and construction jobs. Generally, these sectors do not provide high value employment. A lower proportion of employment is in high value, or 'knowledge economy' sectors.
- lxv. The priority sectors with high growth potential have been identified as advanced manufacturing, life sciences and medical-technologies, transport and logistics, low carbon environmental goods and services, the visitor economy, and creative, cultural and media industry.
- lxvi. Harlow Enterprise Zone is noted as offering the potential for significant economic growth in the key growth sectors of Life Science, Advanced Manufacturing and ICT. The enterprise zone sites offer opportunities to attract major inward investment and deliver an estimated 5,000+ jobs over the next 25 years. Key to achieving the successful development of the Harlow Enterprise Zone is the provision of high quality, modern business space that meets the needs of businesses in the key growth sectors and improvements to site access and infrastructure.

(Hertfordshire LEP) Perfectly Placed for Business: The refreshed Strategic Economic Plan: 2017–2030, published July 2017

- lxvii. The SEP sets out a "route map" for Hertfordshire which has been refreshed to chart both what the LEP and its partners are seeking to achieve, and the priority interventions that are needed to make this happen.
- lxviii. Four priorities are set out in order achieve the wider aspirations of the SEP:
- Maintaining global excellence in science and technology
 - Harnessing Hertfordshire LEP's relationships with London (and elsewhere)
 - Re-invigorating our places for the 21st Century
 - Foundations for growth
- lxix. The SEP highlights a number of key sectors that make the LEP area one of the highest ranking LEPs in terms of R&D expenditure per FTE, and product or process innovation: Life sciences, advanced engineering and manufacturing, agri-science and agri-tech, sustainable construction, and creative industries.

- lxx. Incremental steps need to be taken to nurture the ecosystems that surround all five sectors described above, both individually and in combination. The surrounding strategies need responsive elements, recognising particularly the uncertainties linked to Brexit.
- lxxi. The SEP emphasises that the development of the new Garden Town at Harlow and Gilston will need to take place with the principle of becoming a vibrant, lively, urban hub underpinned by new models of both living and working, in which “third spaces” (between home and work) play an ever- growing role. Moreover, the Garden Town needs a clear economic purpose and vision, reflecting its particular character, opportunities and growth potential. Defining a clear economic strategy for the Garden Town will be a crucial component of its overall sustainability.

Hertfordshire Local Industrial Strategy

- lxxii. Work has been underway to develop Hertfordshire’s Local Industrial Strategy. The Local Industrial Strategy (LIS) is, effectively, a further “refinement” of the SEP, not a departure from it. There is strong continuity in relation to many of the key themes
- lxxiii. Improving productivity performance and achieving more inclusive growth are the overarching challenges for the LIS.
- lxxiv. Data and digitization will redefine much economic activity in the future, transforming mobility, healthcare and the nature of both sectors and jobs.
- lxxv. Town centres will need to redefine themselves: rather than high street retailing, the emphasis will be far more cultural and experiential, recognising (and perhaps nurturing) the social aspects of economic life.
- lxxvi. The population will age with multiple consequences – including the design of houses, the nature of jobs and the need to make provision for multiple career changes in a (much longer) working life.
- lxxvii. Particularly in urban areas, transport will become a service and reliance on private cars (certainly those fuelled by petrol or diesel) will decline.

Appendix 3: Stakeholder Consultation

i. The following were consulted as part of this research:

- East Hertfordshire District Council
 - Andrew Figgis
 - Kevin Steptoe
- Essex County Council
 - Daphne White
 - Dawn Redpath
- Hertfordshire LEP
 - Adam Wood
- Hertfordshire County Council
 - Lewis Claridge
- South East LEP
 - Adam Bryan
- Invest in Essex
 - David Rooke
- Harlow Enterprise Zone
 - John Keddle
 - Andrew Bramidge
- Harlow Council
 - Julie Houston
 - Sam Terrell
 - Vicky Forgione
 - Mark Philpott
- Epping Forest District Council
 - Vicki Willis
 - John Houston
- Princess Alexandra Hospital
 - Michael Meredith
- UK Innovation Corridor
 - John McGill
- Derrick Wade Waters
 - Simon Beeton

Appendix 4: Future Trends in Work, Working Practices and Commercial Property Requirements

- i. The following analysis provides a summary of latest research on changing property market trends within the core employment property sectors.

The Impact of Automation

- ii. There is now little doubt that automation and artificial intelligence (AI) will lead to a dramatic change in the labour market. Those jobs which consist of repetitive, routine tasks are most likely to be automated, with people working in more cognitive roles that involve creativity, interpretation and problem-solving, and listening and communicating.
- iii. Predictions of the impact of automation on the labour force vary. One study suggests that, based on an assessment of the tasks completed across 700 occupations, up to 47% of jobs could be automated in the future (Osborne and Frey, 2018). The World Economic Forum has estimated that 75 million jobs could be displaced by machines up to 2022 (Leopold et al, 2018).
- iv. However, job destruction is predicted to be outweighed by job creation, with an increase in demand for roles working with technology such as Data Analysis, Software and Applications Developers, Ecommerce, and Social Media Specialists. Demand is also forecast to rise for those working in Customer Services, Sales and Marketing, and Training and Development. Beyond this, the World Economic Forum also suggests there will be demand for new specialist roles such as AI and Machine Learning Experts, Robotics Engineers, and Blockchain Specialists (Leopold et al, 2018).

Office Space

- v. Office space in the UK market can be categorised as urban core³⁵, peripheral³⁶, and out-of-town³⁷. Current and future trends in these categories are discussed below, followed by concluding comments.

Urban Core

- vi. Developments in recent years have seen a market shift towards urban core office space. Jones Lang LaSalle (JLL, 2013) suggests six drivers of this trend: demographics; immigration and globalisation; working practices; sustainability; policy; and transport improvements. A discussion of these drivers is presented below.

Demographics

- vii. With movement of labour now more prevalent than ever, businesses are paying closer attention to the wellbeing of their staff in order to retain their most talented employees. Given the shift in lifestyle preferences towards a desire for proximity to services, amenities, and leisure facilities, urban living has become more attractive (especially to young people). Similarly, international talent is most likely to be concentrated in urban areas. Many businesses have taken the opportunity to relocate to city-centres in order to compete for the top talent in their sector (NLP, 2015).

³⁵ Central office market areas with high levels of employment density.

³⁶ Edge of town and suburban employment centres, offices interspersed with residential areas.

³⁷ Large out-of-town business parks and science parks located on the edge of urban settlements.

- viii. Some areas have experienced a market trend towards take up within the Telecommunications, Media, and Technology (TMT) sector. This sector is focused highly on agile working such as hot desking and attracting staff, which generally tend to be younger staff. These companies tend to focus on urban core areas because of the amenities offered by those area and also periphery locations.

Working practices

- ix. Reduced desk space requirements have facilitated a move towards urban core office space, brought about by technological advancements (improved broadband connectivity and smaller personal computers), and a rise in hot-desking and remote working as established and accepted norms in professional sectors (NLP, 2015). Up to 14% of the UK's working population work from home, with this proportion growing at a rate of 1.2% p.a. (ONS, 2014). The rise in self-employed workers in professional sectors is seen to have contributed to a reduction in overall office space requirements. It is unclear if a rise in homeworking has led to an increase in demand for flexible workspace, but JLL has found a correlation between the change in self-employment and the amount of flexible office stock across Europe and the US (Ramsey, 2018).
- x. Average office density increased from 15 sq m per employee to 10 sq m between 2005-2015 (LSH, 2015), with densities of up to 8 sq m nowadays becoming commonplace in many offices (Dady, 2016). Indeed, the public sector is becoming more efficient in its office accommodation with the Government targeting 8 sq m in order to reduce its estate costs and become more efficient. Along with reducing workspace requirements, this can be attributed to the trend towards city-centre relocation, alongside the fact that office-based job growth has outpaced growth in office floorspace over the same period (NLP, 2015), both of which have made higher office densities a necessity. It is expected that this recent increase in densities will plateau, as densities can only increase so far (Bedford et al, 2013). BCO research data suggests that this levelling-out is already beginning to happen. If this is true, this would reduce the need to future-proof developments against further increases in densities. The BCO also reported anecdotal evidence to suggest that in some instances, densities will continue to rise. This could be made possible by improving design standards as a response to a push towards reducing construction costs and environmental concerns.
- xi. Space as a service is rising in popularity, with many businesses suggesting they will move towards utilizing at least some co-working space in the future (Leopold et al, 2018). Co-working spaces will continue to evolve and start to specialise into niche areas based around industries or, occupier characteristics.
- xii. Flexible office space is also likely to continue its expansion into non-traditional locations such as hotels, pubs, and retail outlets (Fanoun, 2019).

Sustainability

- xiii. The move towards more sustainable living means that the walking, cycling, and public transportation opportunities provided by urban core locations plays a role in office developments. Continual improvements in city-centre public transport infrastructure, such as tram lines, train lines, and bus routes are making city-centres more accessible. This, combined with a decline in car ownership, has contributed to the shift towards urban core office markets (NLP, 2015).

Policy

- xiv. Policy initiatives such as Enterprise Zones, City Deals, and Town Centres First have contributed to the shift towards urban core office space.

- xv. The policies need to work alongside other property fundamentals, a policy on its own will not help an area. Occupiers understand and believe in the fundamentals and the policies will help them to decide, but they are not the main deciding factor.
- xvi. Permitted Development Rights (PDRs) allow the change of office space to residential use without the need for full planning permission. PDRs have the potential to lead to a deficit in office space and increase pressure on office markets. The availability of commercial property has been declining at its fastest rate since 1998 since the introduction of PDRs (RICS, 2014). However, in some locations, the policy is allowing the removal of poor quality office space, which is increasing rental values and making new development more viable.
- xvii. PDRs are often seen as a negative trend by Councils and Occupiers/landlords, but the mechanism can help larger office markets improve their office stock. In the case of tertiary space that is often unfit for purpose, this can be beneficial. A reduction in available space due to PDR conversions means office rents rise as a result of a lack of competition. This in turn means that it can become more commercially rewarding to build offices rather than residential units, which improves the overall office stock on offer. Also, increasing rents can mean some landlords who might consider converting from office to residential can instead refurbish their premises, which again improves on the office market offering.
- xviii. Smaller office markets are slightly different as the majority of existing office stock does not normally fit the modern office occupier therefore is not in demand (or is in smaller demand). The issue for such markets is that they do not have the replacement stock available; the risk is these markets may not be seen as being a commercially viable option, and therefore become a less attractive option for inward investment.
- xix. Policies influenced by agglomeration theory are also encouraging a shift towards urban core office space. This theory suggests that businesses benefit from being co-located with similar firms, not only because of the concentration of labour which results, but also due to the sharing of ideas, best practice, and associated supply chain advantages (JLL, 2013).

Potential problems

- xx. Developable land is harder to come by in city-centres due to the interrelated effects of constrained planning regulation, high development costs, and higher physical constraint due to existing infrastructure and buildings (JLL, 2013). There is also a risk that concentration in urban core areas will create a rent bubble.
- xxi. Most city centre markets also have an issue with school sites. This discourages other developments and fragments the market. High profile sites need to be developed to give confidence to the market – this is key.

Periphery

- xxii. Good access to the urban core provided via improving public transport links makes periphery locations a promising alternative to urban core areas. The strengthening of urban core areas as business centres, and the inevitable rising rents in those areas, will ensure a market for periphery office spaces. With better land availability, the increasing popularity of mixed-use developments makes periphery office space a viable option. This land availability also provides increased opportunities for ‘future proofing’ developments, ensuring flexibility to change capacity in order to meet the needs of a changing economy, and capitalise on city-centre spill-over (JLL, 2014). There is predicted to be an improved performance from peripheral office markets over the

next five years, with higher yields encouraging investment at a comparative discount compared to urban core areas.

- xxiii. These areas mainly attract small occupiers that are especially successful in TMT markets. Such premises can offer cost effective space together with flexible leases suiting tenants, which are terms not offered in new urban core areas.

Out-of-town

- xxiv. Despite the trend towards urban core relocation, occupier demand for out-of-town office space has remained steady, and there is no evidence of a decline in demand for business park space. They offer the large, flexible floorplates that more central locations can't always provide, and space to expand, which is also more problematic in urban centres. Their connectivity to motorways and airports are also attractive, particularly for sales firms (JLL, 2014).
- xxv. However, due to a lack of proximity to urban areas, out-of-town markets are finding it increasingly challenging to attract occupiers by providing the working environment that a changing workforce is looking for. As an investment opportunity, new out-of-town office developments on greenfield land are seen as too expensive. High upfront infrastructure costs and tighter car parking restrictions mean that new out-of-town office developments are on the wane (Dady, 2016). The Town Centres First policy has also made obtaining planning consent for out-of-town schemes more difficult.
- xxvi. The general trend for out-of-town office space is moving towards recycling and retrofitting existing business parks, moving away from campus-style buildings to increased densities, multi-letting, and vibrant public spaces in an attempt to mirror urban conditions.

Possible Impacts on the Office Property Market

- xxvii. Despite the reduction in average office space per employee, and the increase in flexible working, business behaviour still reflects the importance of office space in encouraging interaction, networking and collaboration (NLP, 2015). Prevailing market conditions generally support the UK's office market, due to the importance of the services sector to economic growth and its contribution to job creation (LSH, 2016).
- xxviii. Furthermore, even though office densification is on the increase, this doesn't necessarily lead to smaller overall floorplates. Smaller workspaces are in many cases offset by meeting spaces and on-site provision of cafés, gyms, crèches and other facilities.
- xxix. Sectoral growth will also play an important role in the provision of office space. Employment growth in the UK is primarily driven by the knowledge economy, with differing office space needs from sector to sector. Media and technology companies tend to value combinations of dedicated workspaces and collaborative areas, whereas many businesses in professional services sectors prefer a more traditional, formal workspaces with large floorplates (NLP, 2015).
- xxx. Flexibility of covenant will be important for emerging businesses, whilst established firms can commit to the long-term covenants desired by investors.
- xxxi. Demand for office space in the UK is not in decline, but there is an ongoing shift in the areas that businesses are choosing to locate themselves, and the way they choose to use that space.

Industrial & Manufacturing

"The general trend is towards smaller, manageable, clean, well-organised, highly flexible factories that contain updated but traditional technologies that can be quickly ramped up to meet volume and changing market requirements. Customer focus and personalisation of product is recognised as being of increasing importance and it is clear that in the longer term there will be a need for centralised mass production facilities and localised facilities to personalise the product."

The factory of the future, Office for Science

General Outlook for the UK Manufacturing Sector

- xxxii. Over the last 30 years, the manufacturing sector in the UK has been in relative decline. During this period, output in the manufacturing sector has grown more slowly than output in the services sector. The number of people employed in manufacturing has also fallen steadily as productivity per employee has increased (PwC, 2009). Britain's negative balance of trade (more goods imported than exported) has had a negative impact on the sector and is unsustainable if UK manufacturing is to succeed in the future. However, it is not all 'doom and gloom' - UK manufacturing output was reportedly at its highest in 10 years in January 2018 (BBC, 2018).
- xxxiii. With the population of the UK as a proportion of global population falling, and emerging economies claiming an increasingly proportionate share of global markets, Britain's relative economic influence will continue to adjust accordingly.
- xxxiv. This adjustment process will be aided by the repatriation of production from low cost locations as the UK becomes a more cost-competitive location for manufacturing. This will encourage further investment in onshore manufacturing capital.
- xxxv. The UK's cost-competitiveness will also be impacted by the conflicting demands presented by the global supply chain. The Brexit vote, which led to the Sterling devaluing by c. 20%, will continue to impact the UK's competitiveness. An example of how closely reliant some parts of the sector are is that 80% of all cars made in the UK are exported to EU countries (KPMG, 2017).
- xxxvi. On the one hand, some businesses desire a global supply chain to support their international operations. Meanwhile, there is an emerging move towards clustered local supply chains which support the sharing of resources (including knowledge). This latter trend, combined with higher labour costs and rising transport costs, will encourage the onshore sourcing of components and resources. This move towards more localised supply chains will make it increasingly possible for the UK to compete on the grounds of cost, quality, delivery speed, and customisation, which are becoming increasingly important (Foresight, 2013).
- xxxvii. In order to thrive in these new market conditions, the British manufacturing sector must capitalise on its areas of competitive advantage and continue to establish itself as a 'niche player' (PwC, 2009). The strongest manufacturing industries in the UK are aerospace, automotives, and pharmaceuticals (Ridgway et al, 2013).
- xxxviii. Although it is predicted that manufacturing employment in the UK is set to decline by around 170,000 from 2013 to 2020, there will be 800,000 jobs to fill in the same period as people leave manufacturing through retirement and career changes (Ridgway et al, 2013). Furthermore, the historic fall in employment has been offset by productivity gains in UK manufacturing.

Technological Advancements

- xxxix. Technological advancements continue to disrupt and influence the way the manufacturing industry operates. Increased connectivity is making it possible to reduce costs and boost productivity through the development of 'smart factories'. Similar to the office property market, connectivity is making remote operations more possible in manufacturing (Pinsent Masons, 2015). The resultant decentralisation of manufacturing premises is discussed in the next section.
- xl. One such connective technology which has been adopted throughout the sector in recent years is Radio Frequency Identification (RFID); an advancement of the more conventional barcode technology. RFID is a tag or label which enables tracking of the items that they are attached to and most critically, without the need for line of sight. This has eliminated the need for scanning each item by hand, which reduces time and increases scanning accuracy but it can also be used for a multitude of other applications.
- xli. Automation has already taken place in many areas of manufacturing, with robotic arms conducting repetitive tasks no longer a novel sight. The step change for the manufacturing industry will not come, therefore, from automation, but AI and the Internet of Things. AI will be used to run the manufacturing process autonomously, optimising systems and responding to issues in real time (Daecher et al, 2019). Data will also be collected and analysed on machine performance, and can highlight issues before a failure occurs.
- xl.ii. Although it is challenging to predict how new technology will shape future property requirements, an increase in the need for data storage to meet the functional requirements of connected products means a continued increase in the data storage property market will be necessary.
- xl.iii. One specific product set which could have a significant impact on the UK manufacturing sector is that of connected and autonomous vehicles. The further rollout of this technology could create an additional 320,000 jobs in the UK (Ridgway et al, 2013), with an inevitable impact on the manufacturing and industrial property market.
- xl.iv. The prevalence of 3D printing could also impact manufacturing practice. The number of 3D printers sold will reach 2.3 million by 2018, with the global market for 3D printed products growing from £2bn to £70bn per year by 2020 (Pinsent Masons, 2015). As the types of products that are generated by this technology become ever more complex, so will the floorspace solutions required to facilitate these operations.

Possible Impacts on the Manufacturing and Industrial Property Market

- xl.v. The above sector trends and technological advancements have implications for the manufacturing and industrial property market. It is therefore critical that developers of industrial accommodation collaborate with occupiers to identify and embrace modern working practices, to ensure that the specification of new buildings align to modern operational requirements. In rural and less established industrial locations, there is a significant amount of industrial accommodation that is dated and out of sync with modern occupier requirements. Despite these drawbacks, owners of these buildings are typically choosing to refurbish (sometimes extensively), rather than demolish and re-build to a more modern specification. As such, it is anticipated that there is a significant proportion of current stock that will need replacing in the short to medium term as they come to the end of their economic and functional life.
- xl.vi. The trend towards localised operations will be facilitated by the technological advancements that are emerging. The factories of the future will be more varied and more distributed than those of

today. There is general consensus that the manufacturing and industrial property market will tend towards smaller local and urban sites, with mobile and domestic warehouses becoming more prevalent as well. This will allow for increasing supply chain integration, which will impact the manufacturing property market. Products dependent on process-driven innovation benefit from the co-location of different parts of their production systems, which may lead to clustered hubs. Although large sites are set to become less prevalent, there is scope for a 'hub and spoke' model, with large, centralised premises supplementing a proliferation of smaller, decentralised ones (Foresight, 2013).

- xlvi. The trend towards smaller premises will be further prompted by a drive towards sustainability, with the need to make efficient use of land becoming ever more important. Advancements in automation and robotics may reduce the footprint of sites (Foresight, 2013).
- lviii. The need for these smaller decentralised sites to be flexible and reconfigurable may require a re-categorisation of land use. Businesses are likely to desire less space for production and more space for offering access to customers, clients, suppliers, universities, and other bodies i.e. non-industrial uses. This trend will create a demand for premises that are attractive places in which to work.

6.5 Distribution & Logistics

- xlx. Recent research suggests there are some emerging trends in the distribution and logistics market that will influence the property market over the coming years. This section discusses those trends and their likely impacts.

Increased Online Retailing

- i. The UK is the global leader for online consumer spending, with around 16% of all retail sales made via the internet (ONS, 2018), which continues to increase year-on-year. It is expected that this figure will rise to 20-25% by 2020 (Colliers, 2015). This continued rise in retail demand has fuelled demand for large distribution centres, a trend which is set to continue as ecommerce increases its market share. Increasingly, companies that have a good approach to ecommerce are receiving better covenant strength in their lease arrangements, with investors keen to support property ventures in the online retailing market.
- ii. Online grocery shopping in particular is set to be the primary driver of an increased demand for logistics assets and infrastructure. Despite the UK's mature online retail market, online grocery shopping accounts for only 4.4% of total grocery spending (JLL, 2014). This is set to change as retailers increase their provision of online grocery shopping and adapt their distribution models in the face of rising demand. The traditional model of in-store picking is becoming unsustainable due to its increasing disruptiveness, with supermarkets utilising 'dark stores³⁸' instead. This growth will generate new requirements for logistics facilities.
- iii. As demand for space continues to grow as a result of e-commerce demands, multi-storey warehousing is likely to become more common (JLL, 2019). This will meet the demand for additional space in constrained locations (Savills 2019). This will go beyond stacking and will allow for the intensification of land use in areas where supply is constrained, for example in Peruvian Wharf in London (Gilham et al, 2019).

³⁸ Distribution warehouses closed to the public which focus on online orders only

Changing Supply Chain Models

- liii. The increase in online retail will change the supply chain models adopted in the distribution and logistics market. The market is changing from a 'business-to-business' model to a 'business-to-customer' one.
- liv. Businesses are focusing more on 'first-mile' and 'last-mile' logistics³⁹, as distribution is becoming more complex under this new 'business-to-customer' model.
- lv. Strategic Rail Freight Interchanges (SRFIs) are a response to changing 'first-mile' demands. SFRIs create direct employment opportunities, reduce the need for HGV transport⁴⁰, and play an important role in serving regional markets. They create increased on-site land requirements, and differing off-site infrastructure requirements (DfT, 2011).
- lvi. One trend which will change property requirements in the near future is the increased prevalence of 'click-and-collect' services. This model is a response to changing 'last-mile' logistical demands. It reduces distribution costs for retailers, and is often seen as more convenient for the customer as items can be collected at their discretion. Whether businesses choose collection in-store or at a dedicated location (e.g. Amazon Locker), this model will require more floorspace closer to the customer.
- lvii. Turley has argued that housing (as a proxy for population) and warehousing requirements should be considered in tandem to ensure the development of sustainable communities (Gilham et al, 2019). In 2017 there was approximately 69sq ft of warehouse per dwelling in England. Applying this ratio to the UK's annual target of 300,000 new homes per year suggests there is a need to provide an additional 21 million sq ft of warehouse space per annum.
- lviii. The role of warehousing in an area will have an influence on the amount of space needed, for example national distribution centres can occupy sites of up to 100 acres, with last mile fulfilment occupying as little as 3-5 acres. This means that there are actually significant variations in the ratio from region to region – the 'Golden Triangle' having the largest ratio of 100sq ft per dwelling, and the South West and London the lowest at around 40sq ft per dwelling. The South East has also much more warehousing delivered over the past five years than its expected ratio, this is likely due to displaced demand for 'last mile' delivery in London.
- lix. These ratios should not be seen as static, nor prescriptive, but should provide an indication of the level of warehousing growth that might be required to meet sustainable growth needs in areas of new housing development.
- lx. McKinsey's suggest that fully autonomous lorries will arrive towards the end of the next decade (Chottani et al, 2018). As delivery vehicles move towards autonomy, it will be necessary to ensure that warehouse facilities (such as car parks and doors) are optimised for interaction with these new vehicles.
- lxi. Another 'last-mile' distribution model being explored by retailers is the use of drones, or Unmanned Aerial Vehicles (UAVs). Current usage of this technology is still in its infancy, but there are reasons to believe it will become more prevalent. With fuel prices posing one of the biggest future threats to the logistics industry, UAVs may provide cost savings in the long term. UAV

³⁹ As a rule, the shipment of a good begins with the so-called 'first-mile' and ends with the 'last-mile'.

⁴⁰ And consequently reduce the impact of HGV logistics on an already congested road network.

distribution could also provide relief for urban traffic networks, reducing congestion whilst maintaining delivery times. However, in the near future it is unlikely that UAVs will be used for anything more than small package distribution (March, 2015).

Possible Impacts on the Distribution and Logistics Property Market

- lxii. The above shifts in supply chain models will have an impact on the land and property requirements of the distribution and logistics sector.
- lxiii. The changes in 'last-mile' logistics will almost certainly place increased demand for smaller, localised distribution centres either on the periphery of towns and cities, or located within urban areas, especially in and around London (Colliers, 2015). Demand for more traditional, large distribution centres with a regional focus will be maintained in order to support a network of smaller, local units. As access to land in and around UK cities and key logistic locations tightens, 'skyscraper sheds' may become more common. It is reported that Amazon has reviewed the specification for their new regional distribution centres and are now opting to build to three or four storeys, with some floors being fully automated. In metropolitan centres with premium land costs and availability, such developments will enable logistics firms to locate themselves closer to where the majority of online consumers reside, reducing the time, cost, and carbon footprint of their distribution networks.
- lxiv. If UAV distribution becomes popularised, this will further necessitate a move towards smaller, localised distribution centres which can service urban areas.
- lxv. For out-of-town office space that cannot be developed for residential use under Permitted Development Rights, subject to gaining planning permission there may be scope for such units to serve a more localised approach to distribution.
- lxvi. Distribution and logistics make up a large proportion of transport greenhouse gas emissions. Significant reductions in emissions will be required to meet the UK's climate change targets and carbon budgets (DfT, 2011). Despite this pressure on the industry, it looks set to experience growth over the coming years as a result of increasing ecommerce sales and the demand this will create for new supply chain models.

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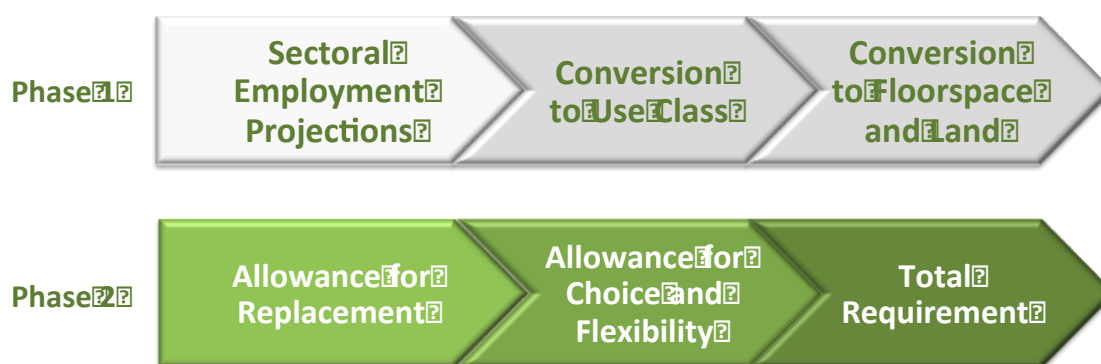
Appendix 5: Method for Calculating Employment Land Requirements

- i. This appendix provides further detail on the methodology used to derive forecast estimates of employment land. This is adapted from the content of the 2017 West Essex and East Hertfordshire Assessment of Employment Needs.

Overarching Approach

- ii. A summary of the overarching method and approach to assessing the employment sites and premises implications is set out below. Figure A5.1 provides a diagrammatic summary of the two phase process.

Figure A5.1 Approach to Assessing Sites and Premises Requirements



- iii. The first phase takes account of the net changes in the economy i.e. the growth and decline of particular sectors. The sectoral employment projections are converted to Use Class. This provides an indication of the spread of future employment change across the full range of planning Use Classes and none. From that point onward the focus is upon the B Use Class, with other evidence documents more suited to informing the detailed requirements for A, C and D Use Classes (e.g. retail and leisure studies and infrastructure development plans). The net employment changes in the B Use Class are then converted to property and land requirements using employment and development density assumptions.
- iv. The second phase then considers wider market factors, particularly the need to recognise the churn in the economy and the associated need to replace and upgrade property stocks. For example, whilst the manufacturing sector as a whole has experienced well-documented decline in its employment base, there has been a continued demand for newly constructed premises within which to operate. This demand can be driven by existing companies needing more/less space, a different location, or a different type of premises. It can also be driven by new companies in the market, which may not find the right type of property available in the right location. As a result, whilst overall a sector may be in decline (although this still applies to growing sectors too), there are changes beneath the surface that continue to drive demand for new premises. This can be a particular issue where existing stocks are ageing or where vacant sites are no longer in the locations that are suitable to modern occupiers. This element of the method also ensures provision is made for sites or premises that might be lost from employment use to other uses. Also within Phase 2, the assessment builds in an allowance for choice and flexibility. This element needs to take account of offering location choice as well as choice in terms of the type of property and setting.

- v. Within the detailed assumptions employed as part of the analysis, local evidence is used to ensure the approach is appropriate to the FEMA. The results of the assessment approach are also validated through a review of historic levels of development activity as recorded through the Councils' monitoring records.

Detailed Assumptions

SIC to Use Class Matrix

- vi. The allocation of employment by sector to Use Class is something of an imprecise science and requires some level of subjective assumption. HJA uses a three stage approach to develop a locally bespoke matrix to translate sectoral employment to Use Class.
- The first phase is a standardised matrix, which allocates employment in each 4 digit SIC sector of the economy to one or more Use Classes. For example, the manufacture of mattresses is allocated 100% to B2. Retail sale of furniture etc is allocated 100% to A1. General cleaning of buildings is allocated 10% to B1a (representing the management activities of such a company) and 90% to 'none' as cleaners will be involved in cleaning other buildings, not their own workplace. As a result those activities which are located in the workplace of others are not allocated to a Use Class. This includes activities such as mobile repair services, construction activities, sales agents, market trading, many transport and delivery jobs, driving instructors etc.
 - The second phase adjusts for local patterns of homeworking. This utilises data drawn from the 2011 Census of Population for the FEMA. This identifies the percentage of jobs in each sector that are fulfilled through homeworking. For example, 10% of manufacturing workers list homeworking. Therefore the master matrix is adjusted so that 90% of jobs are in B2 and 10% homeworking.
 - The third phase weights the matrix to the local area. That is, the East of England Forecasting Model (EEFM) provides data for 31 sectors, each of these comprises a number of fine grained 4-digit SIC sectors. The employment data for the more than 600 4-digit SIC sectors is fed into the stage two matrix, to generate a weighted matrix for the 31 EEFM sectors. Why is this important? Some of the sectors in the EEFM include a mix of different activities e.g. sales agents and wholesalers and car sales all fall within the same sector. These will draw upon different Use Classes. If one area has lots of car sales activities but very little wholesale this will require a different mix of uses than an area that has a lot of wholesalers and very few car showrooms. So this local weighting ensures the matrix is appropriate to the local area.
- vii. The final SIC to Use Class Matrix is set out at the end of this appendix.

Homeworking

- viii. It is important to consider the effects of homeworking. The 2011 Census of Population data shows us that homeworking accounts for some 12% of all workers. Data on homeworking by sector is relatively limited and crude because of the aggregation of broad sectors.
- ix. In some sectors, homeworking may be a reflection of home-based businesses, which might include some itinerant working, e.g. the construction sector. The level of detail in the data does not allow clear conclusions to be drawn.
- x. The SIC/Use Class matrix used for assessing employment by Use Class already makes allowance for employment that does not require land. This could include some who report being home-

based, or itinerant workers. It could also include those with home-based businesses in a wide range of sectors. It would not therefore be appropriate to apply the figures from the Census as standardised deductions by sector.

- xi. HJA has used the 2011 Census data as a starting point for the 'none and homeworking' category, with further allowance for other activities which are not home-based but which do not require sites and premises provision. The Census data is set out in Figure A5.2 with the final assumptions integrated into the SIC to Use Class matrix at Figure A5.7.

Figure A5.2 Homeworking in the FEMA 2011 Census of Population

	West Essex and East Herts
All categories: Industry	12%
A, B, D, E Agriculture, energy and water	28%
C Manufacturing	10%
F Construction	16%
G Wholesale and retail trade; repair of motor vehicles and motor cycles	8%
H Transport and storage	8%
I Accommodation and food service activities	11%
J Information and communication	21%
K Financial and insurance activities	7%
L Real estate activities	16%
M Professional, scientific and technical activities	20%
N Administrative and support service activities	15%
O Public administration and defence; compulsory social security	5%
P Education	8%
Q Human health and social work activities	8%
R, S, T, U Other	16%

Jobs to FTE Conversion

- xii. It is necessary to convert the change in employment measured in jobs to full time equivalents (FTEs). The process is required because employment density data is provided for FTEs. The following sets out the method used by HJA to make this conversion.
- xiii. The first stage includes identifying the mix of full-time and part-time jobs by sector relevant for the study area. HJA utilises the ONS Business Register and Employment Survey (BRES) which provides local data on a sectoral basis.
- xiv. The second stage translates the part-time element into FTEs. The third edition (2015) of the Home and Communities Agency's (HCA) Employment Density Guide recommends a ratio of 2:1 part-time staff to FTE. This is based on a study of (ASHE) data nationally. This ratio is also supported by an analysis of 2011 Census data for the FEMA, which indicates that the average part-time employee works around 17.5 hours per week, half of the full-time figure of 35 hours per week. Part-time jobs should therefore be weighted to an equivalent of 0.5 FTE and fed back into the model to contribute to the total FTE figure.
- xv. Using BRES data, it has been possible to determine a ratio of full-time to part-time jobs for each sector in the forecast model. An average was taken over the period 2009-15 to smooth any data anomalies. The results are set out in Figure A5.3.

- xvi. These FTE ratios were then fed back into the forecast model across all four Districts in the FEMA, producing a set of FTE jobs figures.

Figure A5.3 Calculating FTE Conversion Rates

	Average PT jobs	FTE equivalent
Agriculture	26%	0.86
Mining & quarrying	1%	0.99
Manufacturing - food manufacturing	13%	0.93
Manufacturing - general manufacturing	11%	0.94
Manufacturing - chemicals only	7%	0.96
Manufacturing - pharmaceuticals	9%	0.96
Manufacturing - metals manufacturing	9%	0.95
Manufacturing - transport equipment	6%	0.97
Manufacturing - electronics	9%	0.96
Utilities	3%	0.99
Waste & remediation	6%	0.97
Construction	14%	0.93
Wholesale	14%	0.93
Retail	54%	0.73
Land transport	23%	0.88
Water & air transport	11%	0.94
Accommodation & food services	59%	0.70
Publishing & broadcasting	22%	0.89
Telecoms	11%	0.94
Computer related activity	20%	0.89
Finance	22%	0.89
Real estate	33%	0.84
Professional services	26%	0.87
Research & development	13%	0.94
Business services	44%	0.78
Employment activities	25%	0.88
Public administration	25%	0.87
Education	55%	0.73
Health & care	43%	0.79
Arts & entertainment	59%	0.71
Other services	39%	0.80
TOTAL	34%	0.83

Floorspace per Worker Assumptions

- xvii. Best practice guidance⁴¹ on employment densities uses a mix of net internal area (NIA), gross internal area (GIA) and gross external area (GEA). To convert to GEA an uplift is provided, +20% to convert NIA to GEA and +5% to convert GIA to GEA.
- xviii. The table below (Figure A5.4) sets out further details on assumptions in respect of average floorspace per worker.

⁴¹ Homes and Communities Agency, Employment Density Guide 3rd Edition, November 2015.

Figure A5.4 Floorspace Per FTE

Use Class	Assumption
B1a Offices	The Employment Densities Guide (2015) provides estimates for a range of office functions ranging from 8 – 13 sq m per FTE (Net Internal Area). The higher end of this range relates to Corporate HQ and the lower end relates to call centres. Financial Services, Public Sector and Professional Services fall within the 10-12 sq m range. The Occupier Density Study (2013) indicates an average density of 10.9 sq m for the UK. On this basis, an assumption of 11 sq m per employee has been adopted, with a 20% uplift to provide Gross External Area (GEA). The utilised assumption is therefore 13.2 sq m per FTE .
B1b R&D	The most recent (2015) best practice guidance sets out a range of 40-60 sq m (NIA) for R&D B1b premises. The mid point of this range has been adopted, and uplifted by 20% to convert to GEA. A figure of 60 sq m per FTE has been used within the analysis.
B1c Light Industry	The most recent (2015) best practice guidance indicates a figure for B1(c) light industry at 47 sq m per FTE (NIA). Allowances are made to align to GEA (+20%) with a final assumption of 56.4 sq m per FTE (GEA) .
B2 General Industry	B2 General is estimated at 36 sq m per FTE (GIA). Allowances are made to align to GEA (+5%) with a final assumption of 37.8 sq m per FTE (GEA) .
B8 Storage & Distribution	Latest available estimates suggest a range of 70 – 95 sq m per FTE. 70 sq m per employee (GEA) for ‘final mile’ distribution centres and 95 sq m per employee (GEA) for national distribution centres. There is the potential for a mix of both and 80 sq m per FTE has been adopted for this analysis.

Changing Employment Densities

- xix. Research publications setting out employment densities have indicated a trend towards increasing density of occupation of office space (i.e. reduced space per worker) over the last 20 years. Guidance published in 2001 indicated general office density of 19 sq m per worker (GIA) which had reduced to 13.8 sq m per worker (GIA) within the 2010 2nd edition of the guidance and a range of 9.2 – 15.0 sq m per worker in the 2015 guidance. As a result of increasing density of occupation across the whole office stock it was possible for substantial increases in employment to be accommodated within existing stocks through the reconfiguration and modernisation of space.
- xx. However, the September 2013 Occupier Density Study published by the British Council for Offices suggests this trend might be levelling off, for various reasons. This is in keeping with the findings of the 2012 and 2015 guidance documents. For the purposes of the quantitative assessment in this report it is assumed that there is no further substantive increase in the density of office occupation so as not to artificially restrict the provision of office space. However, when interpreting the results it should be considered that if the recent historic trend did continue there may be scope for a lower requirement for new office development than set out within this analysis. Particularly if there is a high proportion of call centre type occupiers.

Development Density/Plot Ratios⁴²

- xxi. A site development density of 40%⁴³ is assumed for industrial premises development.
- xxii. For offices a range of 40% to 100% is used to address the differing nature of development at 'in-town' and 'out-of-town' locations. A figure of 40% is used for out-of-town and business park type development. A figure of 100% is used to capture the higher densities achievable in town. If high-rise development is accommodated this can lead to even higher densities being achieved. As a result the land requirement range for the office sector is wide and the floorspace figure may be a more suitable metric in some circumstances.

Replacement Allowances

- xxiii. An allowance for replacement has been included within the methodology to encapsulate the wider changes in the economy not picked up in the employment projections. Working practices change, new technologies are adopted, and the sites and premises used by firms need to adapt to these new ways of working. The buildings vacated by some businesses may not be suitable for re-occupation by new tenants. There will also be instances where existing buildings are so dilapidated that they require complete reconstruction and replacement. The introduction of Energy Performance Certification for industrial premises may speed the need for this replacement over the period to 2033. There are also losses to other uses either through sales and lettings or redevelopment. The introduction of Permitted Development Rights (PDRs) has already impacted on the losses of office stocks and is shortly to be introduced for industrial space. Overall, there are a range of factors that underpin the need for some existing employment stocks to be replaced.
- xxiv. Developing a methodology to estimate the scale of replacement activity is not straightforward. As a result, the team at Hardisty Jones Associates, drawing on its experience of working with clients over a number of years, has developed a methodology which is robust in terms of its underpinning logic and the evidence used to derive assumptions.
- xxv. Typically within the property sector, development appraisals on new buildings consider a 25-35 year time horizon. As a result, one may expect that after this period, a building would be ripe for replacement through dilapidation. However, data on the age of commercial employment buildings indicates a very different picture.
- xxvi. Data from 2004 (no more recent data has been published) for the FEMA (shown in the table below) indicates that a notable proportion of the existing⁴⁴ stocks were built pre 1940 and around 50% pre 1970. This implies that the useful lifespan of some stocks is considerable and beyond the 35 year development appraisal period.
- xxvii. If buildings were replaced every 30 years, one would expect around 3.3% of all commercial employment property stocks to be replaced each year. Due to the existence of a substantial stock of property aged pre 1970 this assumption is not supported by the evidence and is too strong.

⁴² Development density assumptions, sometimes referred to as plot ratios are informed by a range of evidence including ODPM (2004) Employment Land Reviews: Guidance Note; and Yorkshire Forward (2010) Planning for Employment Land: translating Jobs into Land;

⁴³ i.e. 4,000 sq m of gross development per hectare (10,000 sq m)

⁴⁴ This data is indicative given it is now 12 years out of date, but is used to indicate the point that much of the data has a longer economic life than may be imagined at time of construction.

Figure A5.5 Age of Commercial Stocks in West Essex and East Herts (2004)

	% built Pre 1940	% built 1940 - 1970	Total Pre 1970
Retail	24%	30%	54%
Office	27%	29%	56%
Factory	6%	60%	66%
Warehouse	6%	38%	44%
Total	13%	43%	49%

Source: Department for Communities and Local Government (CLG) archive. Total floorspace by LAD and age. 2004.

- xxviii. At the other extreme, if one assumes buildings last 200 years before being replaced, that equates to a 0.5% replacement rate each year. However, this appears to be too low, with numerous examples of buildings requiring replacement through dilapidation or loss to other activities well before they reach 200 years of age.
- xxix. The reality is therefore likely to lie somewhere in between these two extremes, in the region of 1-2%. 1% is adopted as a starting assumption, with the scope for districts to consider whether local need is greater through consultation with local commercial market stakeholders and through detailed review of supply. A figure of 1% equates to the replacement of the total supply of employment premises every 100 years, although in reality that could include some premises being replaced more often and some premises not being replaced at all. It has been noted to HJA in various locations that whilst Victorian premises were constructed to last for the long term, many more modern construction methods do not last as well.

Reuse of Land

- xxx. A proportion of future gross development requirements will be met through the re-use of former/existing employment sites. This can be through the immediate re-use of a site, with one building replaced by another, or with a time lag, in some cases sites are left vacant or cleared for some time before being brought forward for redevelopment. This redevelopment may include a mix of uses, some of which is within the B Use Class.
- xxxi. Monitoring data from the four districts within the FEMA, along with discussions with planning and economic development officers informed the assumptions used in the analysis. The historic period for which monitoring data is available varies from district to district. The quality and detail of the data also varies. HJA therefore sought to check all its interpretation of the data with the officers to ensure it accords with local understanding.
- xxxii. Figure A5.6 sets out results of recent historic development activity, which formed part of the evidence to develop assumptions on the re-use of employment sites.

Figure A5.6 Historic Monitoring Data

	Data Span	Average Annual Gross Completions (full data span)	Average Annual Gross Completions (2011 onwards)	B replacing B (full data span)		B replacing B (2011 onwards)	
				Sq m	%	Sq m	%
East Herts	2007-16	10,290	7,830	6,420	62%	3,720	47%

Epping Forest	2006-15	19,180	11,910	6,580	34%	4,770	40%
Harlow	2011-16	4,730	4,730	3,340	71%	3,340	71%
Uttlesford	2004-16	13,770	8,300	4,070	25%	5,850	42%

- xxxiii. In East Herts the long term trend has been for almost two thirds (62%) of gross B Use Class development to be achieved through the re-use of previously developed employment land. This equates to an average of 6,420 sq m per annum. This has fallen to 47% since 2011, at only 3,720 sq m per annum. A figure of 47% was adopted within the forecast analysis for the period 2016-33. Under the preferred scenario this equates to a floorspace figure of 3,950 sq m per annum. This is marginally above the short term average but comfortably below the longer term average.
- xxxiv. In Epping Forest District recent development patterns since 2011 indicate 40% of gross development has been achieved through the redevelopment of previously developed employment land. This is slightly higher than the long term average. Over the long term an average of 6,580 sq m per annum of gross development on previously developed employment land has been achieved. This has fallen to below 5,000 sq m in recent years, reflecting the lower overall levels of development activity which are consistent across the FEMA. A figure of 40% was adopted or the forecast analysis over the period 2016-33. In absolute terms this equates to 2,790 sq m per annum, well below historic rates of site re-use.
- xxxv. Data for Harlow is only available from 2011 onwards. 71% of gross development has been achieved through the reuse of previously developed employment land, an average of 3,340 sq m per annum. A figure of 70% is adopted within 2016-33 forecast analysis. This equates to 10,000 sq m per annum. In absolute terms this is much higher than historic rates of re-use. This is also consistent with higher overall requirements for floorspace reflecting the employment growth focus at the town. HJA has explored the potential capacity to accommodate this high rate of replacement with officers of the council. The re-use approach accords with committed policy including the relocation of PHE into the former GSK site and the redevelopment of Templefields and Kao Park as one of the core objectives of the Enterprise Zone. Figure A3.7 lists the redevelopment opportunities which are currently known in Harlow. This shows that at the time of writing there is a clear indication of where 170,000 sq m of gross development on previously used employment sites can be identified. It is likely that further opportunities will be identified through the forecast period.

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Figure A5.7 SIC to Use Class Matrix

	A1	A2	A3-5	B1a	B1b	B1c	B2	B8	C1	C2	C3	D1	D2	SG	None & Homeworking
Agriculture	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	100%
Mining & quarrying	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	100%
Manufacturing - food manufacturing	0%	0%	0%	0%	0%	0%	90%	0%	0%	0%	0%	0%	0%	0%	10%
Manufacturing - general manufacturing	0%	0%	0%	0%	0%	4%	83%	0%	0%	0%	0%	0%	0%	0%	14%
Manufacturing - chemicals only	0%	0%	0%	0%	0%	0%	90%	0%	0%	0%	0%	0%	0%	0%	10%
Manufacturing - pharmaceuticals	0%	0%	0%	0%	0%	0%	90%	0%	0%	0%	0%	0%	0%	0%	10%
Manufacturing - metals manufacturing	0%	0%	0%	0%	0%	0%	90%	0%	0%	0%	0%	0%	0%	0%	10%
Manufacturing - transport equipment	0%	0%	0%	0%	0%	0%	90%	0%	0%	0%	0%	0%	0%	0%	10%
Manufacturing - electronics	0%	0%	0%	0%	0%	0%	90%	0%	0%	0%	0%	0%	0%	0%	10%
Utilities	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	72%	28%
Waste & remediation	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	72%	28%
Construction	0%	0%	0%	5%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	95%
Wholesale	2%	0%	0%	1%	0%	0%	0%	66%	0%	0%	0%	0%	0%	21%	9%
Retail	86%	0%	0%	0%	0%	0%	0%	3%	0%	0%	0%	0%	0%	1%	10%
Land transport	0%	0%	0%	30%	0%	0%	0%	16%	0%	0%	0%	0%	0%	2%	52%
Water & air transport	0%	0%	0%	0%	0%	0%	0%	23%	0%	0%	0%	0%	0%	0%	77%
Accommodation & food services	9%	0%	55%	0%	0%	2%	0%	0%	14%	0%	0%	0%	0%	0%	20%
Publishing & broadcasting	0%	0%	0%	62%	17%	0%	0%	0%	0%	0%	0%	0%	0%	0%	21%
Telecoms	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	100%
Computer related activity	0%	0%	0%	75%	0%	0%	0%	4%	0%	0%	0%	0%	0%	0%	21%
Finance	0%	29%	0%	64%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	7%
Real estate	0%	22%	0%	62%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	16%
Professional services	0%	2%	0%	77%	1%	0%	0%	0%	0%	0%	0%	0%	0%	0%	20%
Research & development	0%	0%	0%	1%	79%	0%	0%	0%	0%	0%	0%	0%	0%	0%	20%
Business services	1%	0%	0%	28%	3%	1%	1%	1%	1%	1%	1%	1%	1%	9%	54%
Employment activities	14%	1%	6%	7%	0%	0%	10%	8%	1%	7%	0%	17%	0%	1%	27%
Public administration	0%	0%	0%	64%	0%	0%	0%	0%	0%	0%	0%	25%	0%	0%	11%
Education	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	91%	0%	0%	9%
Health & care	0%	0%	0%	10%	0%	0%	0%	0%	0%	50%	0%	32%	0%	0%	8%
Arts & entertainment	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	7%	47%	24%	22%
Other services	39%	0%	0%	13%	0%	0%	0%	0%	0%	0%	0%	7%	0%	10%	30%
TOTAL	11%	1%	4%	17%	2%	0%	8%	6%	1%	5%	0%	13%	1%	4%	27%

Appendix 6: Potential Employment Development Options for New Garden Communities

- i. This appendix provides additional supporting information to underpin the headline analysis of B Use Class employment development potential set out within the main report.

Plot Ratios and Development Density

- ii. The underlying principle of integrating employment development with other uses, as opposed to large stand alone industrial estates or business parks, is a key principle of the envisaged approach. Clustering B Use Classes at village/district centres within the Garden Communities is anticipated to be a key feature of this.
- iii. As a result of integrating uses as part of high quality masterplanning it is expected that relatively high development densities can be achieved. For the purposes of generating indicative estimates the following assumptions have been used:
 - B1a/b – plot ratio of 1.0
 - B1c/B2/B8 – plot ratios of 0.6 and 0.4
- iv. The basis for these assumptions is as follows:

B1a Plot Ratio

- v. The anticipated nature of B1a development at the new Garden Communities is for relatively small scale office uses integrated within village/district centres. These will be integrated closely with other uses and include activities such as workhubs. Due to location within mixed use centres the nature of development is not expected to be in stand alone office developments with its own dedicated car parking. A mix of one and two storey office activities are anticipated, potentially alongside, below or above other land uses. An average plot ratio of 1.35 is assumed as a basis for estimating realistic floorspace potential.
- vi. The Employment Land Reviews: Guidance Note (ODPM, 2004)⁴⁵ noted town centre office ratios of 0.75 – 2.00.
- vii. Detailed research of the Old Oak and Park Royal⁴⁶ industrial area in London considered plot ratios in detail. Office activities within this area were identified to be 1.26.
- viii. Detailed analysis of the London Employment Sites Database (CAG Consultants, 2017) found average plot ratios for B1 from 1.07 in outer London to 6.51 for central London. The average was 2.32.
- ix. Previous analysis of the London Employment Sites Database (Roger Tym & Partners, 2009) found average B1 plot ratios for outer London of 1.74, and a median value of 1.07.
- x. Whilst London may be viewed as atypical of HGGT and the nature of development at the new Garden Communities, examples are cited due to (a) the volume of detailed research that has been undertaken; and (b) the desire to achieve efficient land use and high density development.

⁴⁵ Whilst dated this remains the most up to date 'official' document at a national level providing evidence of plot ratios.

⁴⁶ Old Oak and Park Royal Development Corporation, Industrial Land Review, Local Plan Supporting Study, June 2018, Mayor of London

- xi. Looking in a different context at Poundbury in Dorset, this includes small stand alone office buildings close to village centres. Examples include Stowey House and Paceycombe House which achieve plot ratios of 0.5 – 0.63. Both schemes include dedicated parking. Anticipated proposals for greater integration of uses and sustainable travel at HGGT new Garden Communities offers the potential to achieve higher densities.
- xii. The evidence indicates the following:
 - Development densities at town centres are typically higher than peripheral development;
 - Development densities in excess of 1.0 can be achieved, and are typical in London;
 - A working assumption of 1.0 sits comfortably in the range set out in previous official guidance and well within the bounds of other indicators set out within existing research. It also recognises the nature of new centres as not competing with Harlow Town Centre, but seeking to achieve efficient land use through integrating uses.

B1c, B2, B8 Plot Ratio

- xiii. Industrial and workshop development will be required to achieve the principles of the new Garden Communities. However, this is not anticipated to be in the form of large industrial estates or business parks, but integrated within the fabric of communities as far as is possible. Through integration there is the potential to achieve higher densities, avoiding the need for dedicated site access roads and reducing parking requirements.
- xiv. The Employment Land Reviews: Guidance Note (ODPM, 2004) noted industrial and warehouse ratios of 0.35 – 0.6.
- xv. Detailed research of the Old Oak and Park Royal⁴⁷ industrial area in London considered plot ratios in detail. Industrial activities within this area averaged 0.65, with the average inclusive of some very low density activities such as open storage, utilities and bus depots. For light and general industry plot ratios of 0.69 – 0.78 were identified.
- xvi. Detailed analysis of the London Employment Sites Database (CAG Consultants, 2017) found average plot ratios for B2 of 0.56 and for B8 0.67 (the figure for outer London was slightly lower at 0.65). On the basis of this evidence an ambition for achieving a density of 0.65 was set out within the London Plan.
- xvii. Previous analysis of the London Employment Sites Database (Roger Tym & Partners, 2009) found mean average B2 plot ratios for outer London of 2.62 (from a very small sample), and a median value of 1.74. For B8 uses the mean value was 0.71 and median 0.59.
- xviii. Further recent research for the Mayor of London: Analysis of plot ratios in industrial development in London (2011-18) was published in October 2018. This found mean plot ratios of 0.86 for all London, falling slightly to 0.83 for outer London. Median values were 0.71 falling to 0.65. Looking at outer London data in more detail B1c schemes achieved a mean ratio of 0.85, B2: 0.78 and B8: 0.87. Mixed schemes achieved 0.77. When considering industrial schemes collocated with residential (13 schemes identified) the mean and median plot ratio was 2.0. Examples of mixed use development including residential, industrial and non-industrial uses

⁴⁷ Old Oak and Park Royal Development Corporation, Industrial Land Review, Local Plan Supporting Study, June 2018, Mayor of London

have also been considered. These indicate mean plot ratios of 2.7 and median 2.13, however, in outer London (on a smaller sample size) these ratios fall to 1.88 and 0.92.

- xix. Whilst London may be viewed as atypical of HGGT and the nature of development at the new Garden Communities, examples are cited due to (a) the volume of detailed research that has been undertaken; and (b) the desire to achieve efficient land use and high density development.
- xx. HJA has also looked more specifically at some development examples at Poundbury in Dorset, as a quite different form of development to London. Within the Poundbury development there are examples of B2 uses integrated within a residential area (House of Dorchester and the Loop Technology building), as well as small mixed B Use Class development at the edge of the residential settlement (Parkway Farm Business Park).
- The House of Dorchester premises have been subject to multiple planning applications. The 0.56ha site accommodates 4,247sqm of B2 (including ancillary B1 and B8) achieving a plot ratio of 0.76 (application 110/12/000021). An earlier application to extend the original premises which was not implemented sought a plot ratio of 0.72 – 0.76 (range depending on inconsistent figures quoted on application documentation).
 - The Loop Technology building comprise 2,014sqm of built floorspace on a site of 0.55ha, achieving a plot ratio of 0.37.
- xxi. These two relatively large industrial type premises demonstrate the potential to integrate such premises with residential uses, close to active centres. The densities range from approximately 0.4 – 0.8.
- Parkway Farm Business Park has been developed in multiple phases and includes a mix of B Uses with some D Class uses. Phase 1 achieved a plot ratio of 0.38, Phase 2 a density of 0.6 and a proposed Phase 3 a density of approximately 0.3. The latter phase includes substantial parking provision. Overall the plot ratio for the three phases is approximately 0.4 which is broadly typical of stand alone sites of this nature and includes all access roads and considerable parking.
- xxii. The evidence indicates the following:
- Development densities in central locations are typically higher than peripheral development;
 - Development densities in excess of 0.6 are typical in London;
 - Development within a much less urban context at Poundbury also evidences higher density can be achieved, particularly where integrated with residential development;
 - The Poundbury examples also demonstrate the potential to integrate B2 and B8 uses within the residential fabric of a new community, alongside other employment uses and close to village centres;
 - A working assumption of some development at a plot ratio of 0.4 and some at 0.6 falls comfortably within the bounds of what has been achieved in a range of settings, with much higher densities possible where required.

Indicative Floorspace Calculations for New Garden Communities

xxiii. Indicative floorspace estimates for the new Garden Communities have been derived as follows:

Gilston Villages

xxiv. The 5ha of identified employment land has been distributed on the basis that each village centre will provide some employment floorspace to provide local services and facilities underpins the starting position. An indicative 0.25ha (plot ratio 1.0) of office and 0.25ha (plot ratio 0.6) of light industrial is allocated to each centre. Across the 7 villages this equates to a total of 3.5ha. The remaining 1.5ha is identified to provide further industrial capacity at a plot ratio of 0.4.

xxv. The total floorspace derived using this method equates to 17,500sqm of B1a office, 10,500sqm of B1c distributed across the seven villages, with a further 6,000sqm of mixed industrial B1c/B2/B8 to be delivered in line with the identified high level sites strategy. In aggregate an estimate of 34,000sqm is anticipated, with an expectation of approximately 20,000sqm to be delivered by 2033.

Latton Priory

xxvi. The 1.9ha of identified employment land at Latton Priory/Dorrington Farm is identified on the basis of a 50:50 split of B1a:B1c to provide a mix of office and light industrial workshop space. A plot ratio of 1.0 for offices and 0.6 for light industrial is assumed, on the basis of the evidence set out earlier in this appendix.

xxvii. The total floorspace derived using this method is 9,500sqm of B1a office and 5,700sqm of B1c light industrial. A total of 15,200sqm of B Use Class premises to be delivered, anticipated to be concentrated around an integrated mixed use centre.

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East Herts Council Report

Council

Date of Meeting: 13 May 2020

Report by: Cllr Haysey, Leader of the Council and Cllr Goodeve,
Executive Member for Planning and Growth

Report title: Open Space, Sport and Recreation Supplementary
Planning Document- Final for Adoption

Ward(s) affected: All

Summary

- To outline the results of the public consultation on the draft Open Space, Sport and Recreation Supplementary Planning Document (SPD) and seek Members' agreement to adopt a revised document.

RECOMMENDATIONS FOR Council:

- (a) That the responses of the consultation be noted and the officer responses and proposed changes to the Open Space, Sport and Recreation Supplementary Planning Document (SPD) be supported;**
- (b) That the Open Space Sport and Recreation Supplementary Planning Document (SPD), as detailed at Appendix A to this report, be approved for adoption; and**
- (c) That in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 it has been determined that a Strategic Environmental Assessment of the emerging Open Space, Sport and Recreation Supplementary Planning Document (SPD) is not required as it is unlikely to have significant environmental effects.**
- (d) That the Head of planning and Building Control, in consultation with the Executive Member for Planning and**

Growth, be authorized to make any further minor changes to the document which may be necessary.

1.0 Proposal(s)

- 1.1 The Open Space, Sport and Recreation Supplementary Planning Document (SPD) provides guidance on how to comply with policies CFLR1 and DEL2 of the East Herts District Plan, 2018. It sets out the type and scale of open space, sport and recreation developer contributions that will be sought to support new development. It will be a material consideration in the determination of planning applications and will be used when securing S106 agreements and unilateral undertaking.
- 1.2 Following public consultation, the Council has amended the SPD to reflect the issues raised. The report was originally to have been considered by the Executive at its meeting on 21 April 2020. That meeting having been cancelled due to the coronavirus situation, the report was circulated by email to Executive Members and is now recommended to Council.

2.0 Background

- 2.1 Sport recreation, open space, leisure and other community facilities are key infrastructure that must be provided to support development in East Herts, with existing facilities protected and enhanced.
- 2.2 The provision and funding of this infrastructure needs to be planned and supported. The principles and standards identified in the SPD are based on the recent technical studies that informed the District Plan. Once adopted, this SPD will replace the current Open Space, Sport and Recreation guidance (2009).
- 2.3 Supplementary Planning Documents are documents which add further detail to the policies in the development plan. This SPD has been produced to expand particularly on District Plan policies CFLR1 Open Space, Sport and Recreation and Policy DEL2 Planning Obligations
- 2.4 Members will recall that public consultation on a draft version

of the SPD for a period of six weeks was agreed at Executive on 3rd September 2019. The consultation subsequently took place between 3 October and 5pm on 14 November 2019.

- 2.5 The SPD has been produced by Nortoft Partnerships Limited in collaboration with the council. A copy of the revised SPD is attached as **Appendix A**.

3.0 Reasons

- 3.1 The National Planning Policy Framework (NPPF) outlines the need to deliver sufficient infrastructure and facilities to support new development. It states that plans should detail the contributions expected from development¹ and local planning authorities are encouraged to consider if otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.
- 3.2 Planning obligations are sought via section 106 agreements but only when they meet the three tests set out in the Community Infrastructure Levy Regulations²: To make development acceptable in planning terms; where they are directly related to the development; and are fairly and reasonably related in scale and kind to the development
- 3.3 Changes to these regulations in September 2019 deleted pooling restrictions, so contributions can be pooled from multiple developments to fund strategic facilities.
- 3.4 The purpose of this SPD is to explain when the Council will seek planning obligations (contributions) to balance the impact of development on local open space, sport and recreation. It shows how calculations for the provision and cost of new and improved open space, sport and recreation provision are worked out, improving transparency and consistency in the planning obligation process. A systematic approach means the contribution of new development is more coherent, whilst still allowing the site specific consideration and flexibility that underpins the S106 process.

¹ Para 34, NPPF (2019)

² CIL Regulations, 2010 (as amended)

- 3.5 The contribution requirements are based on the quantity, quality and accessibility standards in the Open Space and Sports Facilities Assessment Technical Study (2017), which forms part of the evidence base to the District Plan. There are four parts to this assessment:
- Part 1: Background and Context
 - Part 2: Built Facilities Strategy
 - Part 3: Playing Pitch Strategy
 - Part 4: Open Spaces Assessment
- 3.6 These technical studies cover a range of different sports and open spaces and have been endorsed by Sport England and developed in consultation with national governing bodies and local providers. Action plans in the Built Facilities and Playing Pitch Strategies identify potential projects that require funding.
- 3.7 The standards in these background documents are used within the SPD to guide developers and officers on how to deliver effective and proportionate contributions towards open space, sport and recreation provision. However, these standards are not used in isolation. To comply with the CIL tests the standards are applied within the local context reflecting the assessed population needs of a specific development and consultation with stakeholders.
- 3.8 In accordance with the District Plan, land will either be required for provision on-site or if this is not appropriate, a financial contribution will be sought for new, improved or extended open space, sport and recreation.
- 3.9 Capital and maintenance costs in the draft SPD were sourced from industry standards. Long-term management regimes should be demonstrated by applicants, or arrangements made for a commuted maintenance sum of at least 20 years. To enable the standards and costs in the SPD to be calculated easily for a development scenario, contribution calculators will be available on the Council's website.

Consultation responses

- 3.10 The draft SPD was subject to public consultation in accordance with the Town and Country Planning (Local Planning (England) Regulations 2012. It was published for 6 weeks consultation instead of 4 weeks because the draft was published before the Council adopted the revised Statement of Community involvement on 23 October 2019.
- 3.11 A total of 108 responses were received from 19 respondents. Two of the responses stated that the respondents had no comments on the draft SPD. Ten comments expressed support for the document, including Sport England, which welcomed the production of the SPD. There were 44 objections to the SPD and 52 comments. One additional blank comment was submitted in error, but was deleted after discussion with the consultee.
- 3.12 The main issues raised in the responses are summarised below:
- A lack of clarity about the process for calculating contributions- A number of objections and comments raised concern that the SPD needed more explanation about how the guidance should be applied, more clarification about how to calculate provision and greater detail about the scope of the SPD. One respondent recommended using flow charts to explain the process more clearly.
 - Use of calculations is too prescriptive- Many of the objections and comments from developers are concerned that the SPD is too formulaic and fails to allow enough flexibility to reflect site specific considerations and the CIL regulations. A number of comments sought more flexibility in the use of lifecycle/maintenance costs, the standard population multiplier, the exclusion of SUDs in definition of open space and thresholds for on-site/ off-site provision. Some comments linked these requirements to viability concerns.
 - More information about facilities required- Several respondents wanted more detail about specific facilities or clubs within the SPD, so that there is up to date evidence about projects requiring funding.

- More detail of costs- Several respondents sought more clarity about facility and maintenance costs used and evidence that they are reasonable and fair. Several requested the use of more locally specific costs.
- Playing pitch model- Sport England request the latest playing pitch model is incorporated, to ensure 3G pitches are accurately calculated.

3.13 Officers have considered these responses in detail. Most of the comments can be addressed by how information is presented in the SPD. The SPD is based on robust evidence and the use of calculations and standards provide a sound framework for Section106 negotiations, allowing greater transparency and consistency. However, the Council recognises the need for flexibility and fully intends to apply the SPD in accordance with the CIL regulations, ensuring each application is considered in its own merit. This approach is not made sufficiently clear in the draft SPD. Likewise, the process for determining decisions about on-site and off-site provision needs more explanation.

3.14 As a result, a key change is that the document has been restructured to explain the process more logically with more detail added to increase clarity. Information has been reordered and a new section (3) has been added to summarise the three evidence base strategies and provide greater understanding about the context for the contributions within the SPD. Table 1 outlines the changes to the section structure in the revised SPD. Sections 4 and 5 specifically explain how to apply the SPD and how to assess contributions. Previously this information was distributed throughout the SPD and was difficult to understand. Additional information about the facility costs has been added to the appendices for clarity. Lifecycle costs are explained in more detail in sections 5.8 and 5.9.

Table 1: Changes to the structure of the SPD

Draft SPD sections	Final SPD sections
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Introduction	Introduction
Planning obligations	Context
Calculating contributions	Understanding the evidence base
Calculations for sport and leisure	Application of the SPD
Other calculation information	How to assess the contributions
-	Worked examples
<u>Appendices:</u> A- Allocations to CIL or S106 B- National and local planning policies C- Calculation worked examples	<u>Appendices:</u> A- Allocations to CIL or S106 B- National and local planning policies C- Open Spaces Maintenance costs D- Capital cost information

- 3.15 In addition, to address concern that the document is too prescriptive, more detail has been added about flexibility in sections 2 and 5 to emphasise that all the requirements in the SPD will be used by officers flexibly to ensure site specific circumstances, including viability considerations, are taken into account. This includes recognition that local costs and site population estimates can be used if considered acceptable by the Council.
- 3.16 To further explain how local context is considered, three decision flow charts have been included in section 5 for each type of provision (open space, built facilities and playing pitches) to more clearly explain the contribution process. The provision and cost calculations are the starting point for

negotiations, but need to be used in conjunction with the local evidence base to ensure the site specific context is taken into account.

- 3.17 Therefore whilst there have been a number of revisions to the final SPD the majority of these changes relate to the structure of the SPD, how information is presented and how the requirements are explained. These modifications address many of the concerns raised in the consultation. The SPD has not been amended to include a detailed list of facilities that could be recipients of S106 as this would be difficult to update frequently enough in the SPD. Clearer reference is made to the action plans in the Built Facilities Study and Playing Pitch Strategy. These provide a list of projects that require improving and expanding and will be updated to ensure potential projects are taken into consideration.
- 3.18 It is considered unnecessary to refer to viability issues repeatedly throughout the document. In line with national legislation and policy, viability will be taken into account in all planning obligation negotiations and this is set out in the SPD.
- 3.19 There are also a small number of modifications that change the scope of the requirements in the SPD:
- Changes to the thresholds for play provision. More detail provided about how to decide if on or off-site provision is required. Thresholds are amended slightly to ensure they are consistent with guidance elsewhere in the SPD.
 - Will not be applied to all new residential development but to schemes of 10 or more dwellings. On reflection the requirement for new residential development to undertake a planning obligation to secure open space and sports provision is unreasonable and unpractical. There is flexibility for lower thresholds to be used in villages to meet identified needs.
 - Uses the more recent version of Sport England's Playing Pitch Model.

- Capital cost information updated from 2018 to 2019 costs to ensure most information is up to date at the point of adoption. More clarification that alternative costs may be acceptable is agreed by the Council.
- Use of locally specific open space maintenance costs.

3.20 The issues raised as part of the consultation; the officer responses and the proposed amendments to the draft document are included as a schedule in the Consultation Statement, attached as **Appendix B**. For clarity, a proposed modification document has also been attached as **Appendix C** so that it is easier to see where the changes are within the SPD. Members are therefore invited to agree these officer responses and modifications and the adoption of the final document. A copy of the final Open Space, Sport and Recreation SPD is attached as **Appendix A**.

Strategic Environmental Assessment

- 3.21 Under the requirements of the European Union Directive 2001/42/EC and Environmental Assessment of Plans and Programmes Regulations (2004), certain types of plans that set the framework for the consent of future development projects, must be subject to an environmental assessment. It is therefore a requirement that the Council undertakes a Screening Assessment to determine whether the draft Open Space, Sport and Recreation SPD should be subject to a Strategic Environmental Assessment.
- 3.22 The Regulations require that the Council consults three statutory bodies in reaching this determination. Consultation has therefore been carried out with the Environment Agency, Natural England and Historic England. All three organisations have confirmed that they have no comment on the Council's draft Screening Statement.
- 3.23 Therefore, the final Screening Statement is attached at **Appendix D**. It concludes that the draft SPD is unlikely to have significant environmental, social or economic effects beyond those of the District Plan policies it supplements; does not

create new policies and only serves to provide useful guidance on how to effectively and consistently implement the District Plan policies and therefore does not require a Strategic Environmental Assessment.

4.0 Options

- 4.1 Option 1-Not adopting SPD - will mean the adhoc approach to securing open space, sport and recreation planning obligations will continue. The current process relies primarily on individual site by site negotiations, which lacks consistency and transparency. Officers may also continue to rely on the guidance in the 2008 Open Space SPD, which sets out costs and provision standards that are out of date.
- 4.2 Option 2- Adopting SPD – Will ensure that up to date costs and provision guidance is applied, in accordance with current policy and legislation. Whilst taking into account the site context, the SPD provides a systematic approach to S106 negotiations, setting clear expectations about what the Council expects from developers, whilst allowing flexibility when necessary. This encourages a more transparent and efficient negotiation process.

5.0 Risks

- 5.1 The adopted SPD will increase the efficiency of negotiations between the council and applicants

6.0 Implications/Consultations

- 6.1 The draft SPD was subject to a six week public consultation as detailed above.

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

The SPD is not introducing new legal requirements. The requirement for planning obligations is set out in legislation and the District Plan establishes the policy framework for requesting open space, sport and recreation contributions from new development. The SPD provides additional guidance on the process and scope of planning obligations for open space, sport and recreation provision.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

- 7.1 East Herts District Plan October 2018 – Chapter 19 – Community Facilities, Leisure and Recreation,
<https://www.eastherts.gov.uk/districtplan>
- 7.2 Open Space and Sports Facility Assessment (2017)

<https://www.eastherts.gov.uk/planning-building/east-herts-district-plan/evidence-base>

- 7.3 Appendix A: Open Space, Sport and Recreation Supplementary Planning Document.
- 7.4 Appendix B: Consultation Statement
- 7.5 Appendix C: Proposed Modification Document
- 7.6 Appendix D: Strategic Environmental Assessment Screening Report

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1 Introduction	3
1.1 Purpose of the SPD	3
1.2 The SPD's objective and scope	4
2 Planning obligations context	5
2.1 What are planning obligations?	5
2.2 Why are obligations important?	5
2.3 Policy Context	8
2.4 Is there a restriction on what the Council can ask for?	9
2.5 Cross local authority boundary opportunities	10
3 Understanding the Evidence Base	11
3.1 The Open Space, Sport and Sport Facilities Assessment (2017)	11
3.2 Sub areas and the strategies	11
3.3 Facilities Hierarchy	12
3.4 Part 2: Built Facilities Strategy	13
3.5 Part 3: Playing Pitch Strategy	14
3.6 Part 4: Open Spaces Assessment	16
4 Applying the SPD	18
4.1 What is the scope of this SPD?	18
4.2 What type of sport, recreation and open space facilities can be required?	18
4.3 When will we require open space, sport and recreation contributions?	19
4.4 Does this SPD affect masterplans and phasing for larger housing developments?	19
4.5 Does land need to be provided and if so how?	21
4.6 Can contributions be made to existing facilities?	22
4.7 Is there flexibility in requesting contributions?	23
4.8 Is there early advice available to the developers?	24
4.9 How are legal agreements made?	24
4.10 How is inflation dealt with?	25
4.11 Monitoring and enforcement	25



5 Calculating Contributions	27
5.1 Is there a list of what facilities are needed?	27
5.2 What demand will there be for facilities and open space from the residents of a new development: quantity; accessibility; quality?	27
5.3 What are the standards of provision?	29
5.4 What population figure should be used in assessment of demand?	34
5.5 What is the process for assessing demand?	34
5.6 How are the demand and potential contributions calculated?	35
5.7 How should decisions be made about what is required?	35
5.8 What costs are justified in relation to maintenance and life cycle?	43
5.9 How are maintenance and life cycle costs calculated?	43
5.10 What is meant by 'Appropriate Land' and how will the costs be calculated?	44
5.11 How are contributions costed for upgrades and extensions to existing sport and recreation facilities, playing pitches and open spaces?	45
5.12 How will contributions for built sports facilities be used?	45
5.13 How will contributions be calculated for playing fields?	46
5.14 What is considered to be open space?	47
5.15 What is the minimum size of a public open space?	48
5.16 What are the long term requirements for public open space?	48
5.17 What play provision is required?	49
6 Worked Examples	51
7 Appendix A- Allocations to CIL or to s106	66
8 Appendix B- National and Local Planning Policies	68
9 Appendix C- Open Space Maintenance Costs	76
10 Appendix D Capital Costs	78
10.1 Capital cost sources	78
10.2 Capital cost tables	79



1 Introduction

- 1.1 Sport, recreation, open space, leisure and other community facilities are key infrastructure that must be provided to support development in East Herts, with existing facilities protected and enhanced.
- 1.2 With a minimum of 18,458 new homes being built in the District by 2033, the provision and funding of this infrastructure needs to be planned and supported. This Supplementary Planning Document (SPD) sets out detailed guidance on the type and scale of open space, sport and recreation developer contributions that will be sought to support new development.
- 1.3 The SPD supplements policies in the District Plan. It will be a material consideration in the determination of planning applications and will be used when securing S106 agreements and unilateral undertakings.

1.1 Purpose of the SPD

The Purpose of the SPD is to:

- Deliver a wide range of high quality open space, sport and recreation across the district that is fit for purpose, with an appropriate balance between the provision of new facilities and the enhancement of existing ones, so as to improve the health and wellbeing of the district's population
- Retain and improve access for all to open space, sport and recreation facilities so as to support increased participation in sport and leisure, particularly amongst groups and individuals with greatest social disadvantage;
- Explain when the Council will seek planning obligations to balance the impact of development on local open space, sport and recreation;
- Show how the calculations for the provision and cost of new and improved open space, sport and recreation provision are worked out, improving transparency and consistency in the planning obligation process.

- 1.4 In addition this SPD will help:
 - Explain how the Council uses planning obligations to residents, applicants, developers and the wider community;
 - Reduce crime, anti-social behaviour and the fear of crime through increased participation in sport and recreation.
 - Consider the cumulative impact of housing development in the District and explain how this will be dealt with, in relation to sport and leisure, through the use of planning obligations.



1.2 The SPD's objective and scope

- 1.5** Taking its lead from the District Plan, the main objective of this Open Space, Sport and Recreation Supplementary Planning Document (SPD) is to:
“Support the improvement of the health and well-being of the whole community, through the provision of new or improved sports, leisure, community and other facilities linked to, and funded by, new housing and other developments”.
- 1.6** This SPD includes indoor and outdoor sports facilities (including playing fields), play, youth provision, open space (including allotments), and village/community halls.
- 1.7** This SPD provides information and guidance to developers regarding the relevant types of infrastructure and/or amount of contributions needed. This can support land negotiations, master planning and early viability assessments.
- 1.8** This document sets out local facilities' requirements and, where appropriate, the standards for the provision for open space, sport, recreation and community halls. It provides information on the level of contributions that will be sought from these from new residential developments and information on the planning policy justification.
- 1.9** The SPD is a material consideration in the determination of planning applications and has been prepared in accordance with the necessary regulations.



2 Planning obligations context

2.1 What are planning obligations?

- 2.1** Developer obligations are normally secured through planning obligation agreements under Section 106 of the Town and Country Planning Act 1990. The terms 'planning obligations', 'developer Contributions' and 'Section 106' (s106) are used interchangeably but generally refer to the same things. Agreements may be used to ensure that the impacts arising as a result of a new development can be addressed. They are also a valuable way of ensuring that a development complies with planning policies contained in the Local Plan and any Neighbourhood Plans.
- 2.2** Planning obligations may be set out in an agreement between the Council and the developer (and any other relevant parties) or in a unilateral undertaking offered by the developer. Either is an individual, scheme-specific legal document. These documents are used to ensure developments are acceptable in planning terms. Such agreements or undertakings can contain a number of planning covenants or obligations and can relate to both financial and non-financial Contributions.

2.2 Why are obligations important?

- 2.3** Planning obligations for open space, sport and recreation are important because they help ensure that new development provides adequate infrastructure, and this is particularly helpful on large sites where there are complex infrastructure needs. Obligations identified in the SPD reflect District Plan Objectives and support identified needs for new and improved community, leisure and recreation and open space facilities. The wider benefits also include: encouraging safe and vibrant mixed communities that provide for the needs of all East Herts residents including the young, the elderly and vulnerable; improving access to facilities so minimising the need to travel by car; improving the health and wellbeing of all East Herts' communities and reducing health inequalities; and reducing energy consumption and carbon dioxide where new or upgraded facilities can be more energy efficient. The provision of open space can also contribute towards addressing climate change, support biodiversity and ecosystems.
- 2.4** Other factors such as the District's overall aging population are also relevant as set out in the Part 1 Background and Context report which underpins each of the strategies (see Section 3). At a District level, there is expected to be a decrease in 15-30 year olds (already below the England average) and of 40 to 55 year olds, and an increase in 55-65 year olds and 70-75 year olds. These demographic factors suggest an increased relative importance and priority for gyms, studios, cycle and walking routes, community halls and joint health/sports centres. However at a more local level, new housing developments, particularly strategic sites, bring in young



families. The evidence for this is provided within the Part 1 Background and Context report, and justifies the provision of play and facilities for teenagers, such as skate parks, multi-use games areas and other facilities.

2.5

Public Health for Hertfordshire's publication 'Health Profile East Herts Health and Wellbeing Strategy 2019-2023' identifies that although a relatively affluent district by many measures, East Herts does have its health challenges, including:

- Deprivation – the health of people in East Herts is generally better than the England average, however this tends to mask pockets of deprivation. Five of the most deprived wards account for 16% of the population, representing around 23,000 individuals.
- Weight – in East Herts, around two thirds of adults are classed as overweight and/or obese. For children around one fifth of reception children and one quarter of year 6 children are classed as overweight and/or obese. Being overweight or obese is connected with a range of lifestyle conditions which can impact health significantly. Additionally certain medical interventions, if required, can be more difficult to carry out safely if someone is overweight or obese thus multiplying the negative impact on health. Balanced, healthy eating and regular physical activity can help maintain a good body composition.
- Physical inactivity – while there have been clear improvements in adult activity and exercise levels, 20.5% of the East Herts adult population are still classified as inactive. Physical activity is one of the most important protective factors in supporting a healthy lifestyle and preventing those who already have long term conditions from worsening health. Physical activity is well evidenced in contributing to overall health and wellbeing and therefore requires a strategic focus to help support individual, community and population increases in physical activity levels. Leisure facilities, open spaces and community partner projects can help to increase physical activity participation and encourage a range of health benefits. These are reflected in the council's Physical Activity Strategy.
- Isolation and loneliness – are becoming increasingly influential in the health outcomes to residents. National Quality of Life data published in 2018 indicates that the main challenges for older people when seeking to maintain or enhance their quality of life are lower satisfaction with their health and lower engagement with an art or cultural activity. Health challenges or bereavement can lead to or exacerbate social isolation. Equally for many younger people, challenges include unemployment, loneliness, not having someone to rely on and a lack of sense of belonging to their neighbourhood. Recent research notes that: "Feelings of loneliness are most strongly associated with poor mental health, but are also associated with long-term problems of



stress, anxiety and depression. The risk associated with social isolation and loneliness is comparable with well-established risk factors for mortality (e.g. physical activity, obesity, substance abuse)".

- Dementia – in Hertfordshire figures show that 4.4% of those people registered with a GP practice over 65 years old have dementia. In Hertfordshire Social Care's East and North Herts area, which includes the East Herts district, there are over 580, 000 people and 60 GP practices.
- Mental health and wellbeing - recognising the importance and value of this to our residents, staff and client organisations in enabling a healthy lifestyle.
- Smoking – East Herts adult smoking prevalence has fluctuated within a small range between 14.6% and 17.5% from 2012 to 2016, however in 2017 there was a noticeable reduction to 9.5%. This mirrored national and regional trends although the reduction in East Herts was more sizeable.
- Sustainable transport – Department of Transport 2016 East Herts figures show that among adults aged 16 and over, 15% cycle for work or leisure once a week and 76% walk. The Cole Green Way along with a number of circular routes around Hertford, Ware and Bishop's Stortford represent great opportunities for cycling. Public footpaths and bridleways provide plenty of opportunity for walking across the largely rural district. Although outside the scope of this document, the Council recognise that the cycle network could be improved in East Herts. The District Plan emphasises that new development creates opportunities for improving cycling provision. Policy TRA1 Sustainable Transport outlines that development should create new routes and could extend existing infrastructure.
- Public transport – while every ward is served with a bus service, there is great variation in frequency. Added to this the timetable frequencies do not necessarily suit working age commuting times with some return services finishing by 4pm.

2.6 Hertfordshire County Council Public Health has as an identified strategic priority: "Keeping Well - encouraging and supporting people to live healthy lives, getting them to take responsibility for their own health and helping them make positive choices about their weight, diet and mental health.

2.7 The local priorities for the District include: reducing excess weight in adults; reducing smoking; and helping the growing older population maintain their health. Sport and recreation have a key part to play in delivering these priorities.



- 2.8** It is clear the provision of high quality, accessible sports and leisure facilities, and opportunities to be physically active, have a significant role to play in addressing local health and well-being inequalities and this SPD can significantly assist in this delivery.

2.3 Policy Context

- 2.9** National and local planning policies that are relevant to and support the developer contribution guidance in this SPD are more fully set out in Appendix B.

National Policy

- 2.10** The National Planning Policy Framework (NPPF) says that Local Plans should set out the contributions expected from development. These policies should not undermine the deliverability of the plan.
- 2.11** Local planning authorities should consider whether other unacceptable development can be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 2.12** The Government introduced changes by reforming the approach to viability, which is set out in the revised National Planning Policy Framework and in associated national planning practice guidance. This new approach ensures that local plans clearly set out the contributions that developers are expected to make towards infrastructure; introduces a standard approach to establishing land value; and increases transparency and accountability through the publication of viability assessments and through improvements to the monitoring and reporting of Section 106 planning obligations. ⁽¹⁾
- 2.13** Planning Practice Guidance on Planning Obligations⁽²⁾ states that where a standardised approach may have informed the identification of needs and costs and the setting of plan policies, each planning obligation sought must still meet the statutory tests set out in Regulation 122 of the CIL regulations.

Local Policy

- 2.14** The District Plan, adopted October 2018, provides the context for this SPD. The vision sets out that by 2033 new and existing infrastructure will have been delivered to support the increased population of the district, improving health and well-being. Section 19 'Community Facilities, Leisure and Recreation' details the importance of delivering appropriate and accessible open space, sport and recreation to improve resident's quality of life and increase participation in sport, to help promote healthy and active communities.



2.15 Key District Plan policies include:

- CFLR1- Open Space, Sport and Recreation: Expects new residential development to provide open spaces, indoor and outdoor sport and recreation facilities. Provision should either be made on-site, or if appropriate in certain circumstances, through contributions towards off-site provision or the enhancement of facilities. Facilities should be provided in accordance with the Council's latest evidence and in consultation with Sport England and the Council's Leisure and Environment team.
- CFLR7- Community Facilities, Leisure and Recreation: The provision of adequate and appropriately located community facilities will be sought in conjunction with new development. Developers are expected to provide on-site provision, or where appropriate, a financial contribution towards either off-site provision, or the enhancement of existing off-site facilities.
- DEL1 Infrastructure and Service Delivery: provide necessary on-site and off-site infrastructure, suitably phased, at an acceptable specification and with management arrangements in place; and
- DEL2 Planning Obligations: CIL compliant planning obligations will be sought including: open space and recreation facilities; community, education and health facilities; and others.

2.16 Developer contributions may also be required by policies set out in Neighbourhood Plans and applicants should have regard to such policies when formulating development proposals.

2.4 Is there a restriction on what the Council can ask for?

2.17 The Council will be seeking contributions via S106 but only where they meet the three CIL tests set out in CIL Reg 122 and NPPF para 56:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development;
- Fairly and reasonably related in scale and kind to the development.

2.18 It will therefore be important to ensure that any obligations sought are based on a tailored approach to each development, using up-to-date strategies (and subsequent updates) as an evidence base (and/or other robust up-to-date planning policy) to justify the needs arising from the development, and how these are to be met. Flowcharts to aid the decision process are provided in Section 5.7.

2.19 The Council does not yet have Community Infrastructure Levy in place but will give consideration to introducing a CIL as part of the review of the District Plan, in order to support the provision of future infrastructure schemes (see Appendix A).



2.5 Cross local authority boundary opportunities

- 2.20** In some cases, the nearest current or potential new facility may be across the local authority boundary. In this case it is appropriate for the Council to consider cross-boundary co-operation, perhaps offering S106 funding to such a facility, or by finding another way to fairly share the infrastructure burden between them.
- 2.21** The strategic importance of larger facilities for the health and wellbeing of the population in the catchment area is clear. It is important that strategic sport, recreation and open space facilities, that serve populations in neighbouring authorities are identified by the relevant authorities, and are agreed to be co-operatively provided. Good locations will be accessible to the users, perhaps in town centres and other places with good public transport links. This approach is endorsed by the 'duty to co-operate' with neighbouring authorities. For example, a large leisure centre that will provide for residents in two districts may be funded through S106 (or CIL) by both authorities.



3 Understanding the Evidence Base

3.1 The Open Space, Sport and Sport Facilities Assessment (2017)

3.1 Developers' contributions requirements in the SPD are based on the Open Space and Sports Facilities Assessment Technical Study (2017), which forms part of the evidence base to the District Plan. There are four parts to this assessment:

- Open Spaces and Sports Facilities Assessment Technical Study
- Part 1: Background and Context
- Part 2: Built Facilities Strategy
- Part 3: Playing Pitch Strategy
- Part 4: Open Spaces Assessment

3.2 Part 1 provides the context which underpins each of the other three strategies by looking at the policy background and purpose of the study and at the evidence and strategies of neighbouring authorities and of this Council. The demographic forecasts are up to 2033 and these are used to assess the future requirements within Part 2, 3 and 4 of the study.

3.3 These Part 2 and Part 3 studies have been endorsed by Sport England and developed in consultation with national governing bodies and local providers.

3.4 The strategies are available to view on the Council's website.

3.2 Sub areas and the strategies

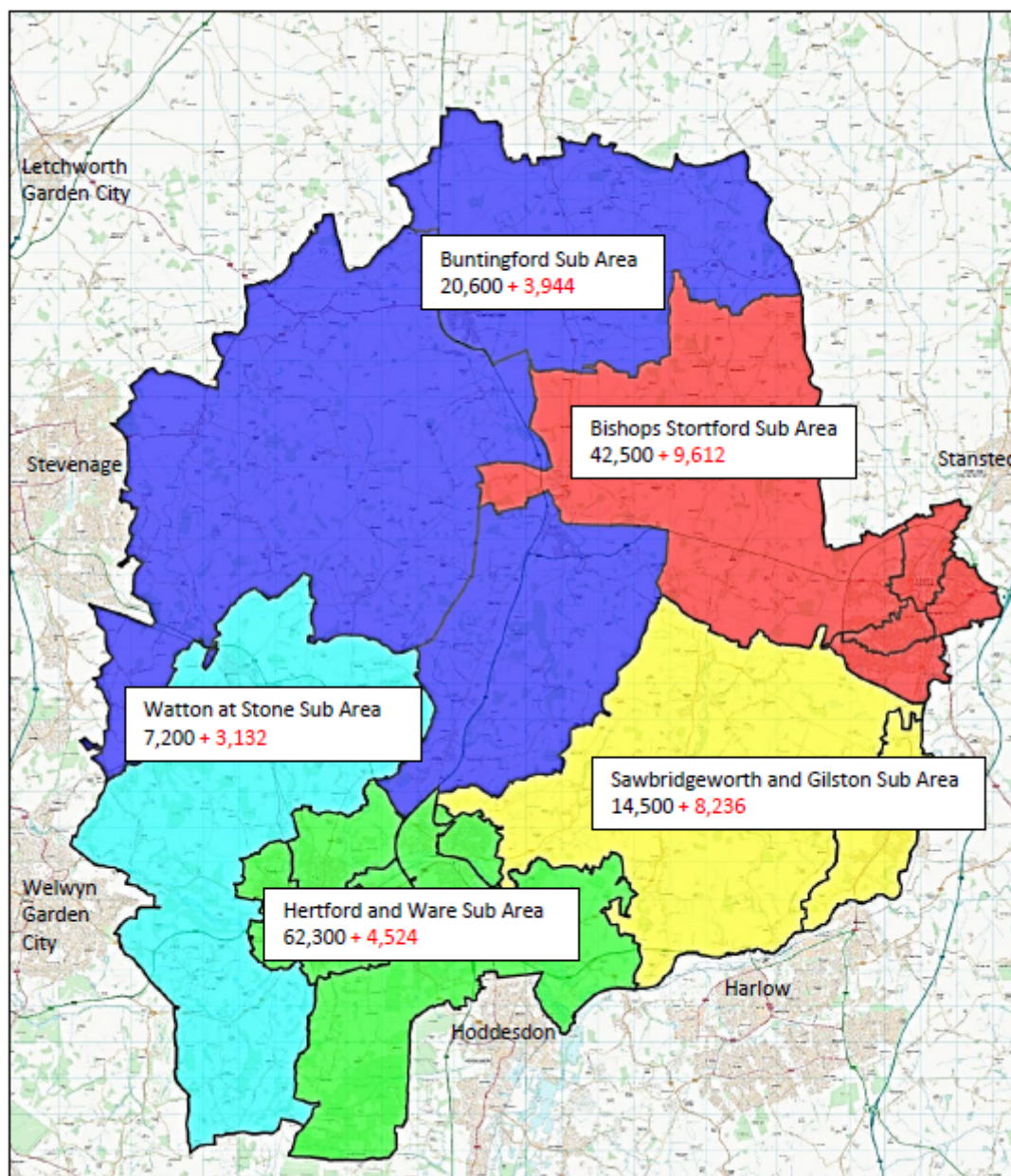
3.5 Strategy sub areas were designed to take account of the current main centres of population, housing growth and drive times across the district. They were used to inform the built facilities and playing pitch strategies to help identify where strategic facilities are located in relation to new housing and what the future facility needs are, both at the district wide (strategic) and sub area level. This means that contributions from housing for the strategic, satellite and local facilities can then be directed appropriately. The sub-areas are illustrated in Figure 1 and are:

- Bishop's Stortford
- Buntingford
- Hertford/Ware
- Sawbridgeworth/Gilston
- Watton at Stone

3.6 The red numbers on the map in Figure 1 relate to the forecast increase in population at the time the sports strategies were written in 2017.



Figure 1: Sub-areas and population in East Herts



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3.3 Facilities Hierarchy

- 3.7 New housing developments in each sub area will usually be required to contribute to the strategic, satellite and local facilities as follows:
- 3.8 Strategic facilities: are those that serve the whole District or two or more of the five sub areas (see Figure 1). Typically, these are larger facilities or a specialist facility (e.g. a hub facility for a specific sport) that serve the whole,



or a large part, of the District. The current key strategic facilities as identified in the strategies to be provided and/or funded via contributions (and other sources) include for example:

- Grange Paddocks Leisure Centre (Bishop's Stortford): replace and extend
- Wodson Park Trust
- Gilston Area leisure centre: new facility
- Hartham Leisure Centre (Hertford): extension
- Bishop's Stortford Lawn Tennis Club strategic centre improvements

3.9 Satellite facilities typically serve one sub-area and include, for example:

- Fanshawe pool and gym (Hertford & Ware Area)
- Leventhorpe pool and gym (Sawbridgeworth & Gilston Area)
- Freman College swimming pool and potential gym addition (Buntingford Area)
- Birchwood High School (Bishop's Stortford Area)
- Haileybury and Imperial Service College (Hertford & Ware Area)
- Drill Hall (Hertford & Ware Area)
- Bishop's Stortford Bowling Club
- Mercury Gymnastics Club
- Stortford Gymnastics Club

3.10 Local facilities mainly serve the locality around the development and include, for example:

- play, open space, tennis courts, MUGAs
- village playing field
- community centre/village hall.

3.4 Part 2: Built Facilities Strategy

3.11 This strategy considers both the current supply and demand for built sport and recreation facilities and the future needs for the period up to 2033 taking into account the planned population growth across the District.

Methodology

3.12 This strategy considers the following built facilities used by the community for sport and physical activity:

- Sports halls
- Swimming pools
- Health and fitness
- Athletics
- Indoor and outdoor bowls



- Indoor and outdoor tennis
- Squash
- Gymnastics
- Village and community halls
- Other sport and recreation activities

3.13 The assessment of each facility draws on the findings from the site audits, user information supplied by operators, conditions surveys where available, outputs from Sport England modelling tools, results of consultation and national governing body strategic requirements.

Findings

3.14 There is an extensive built facilities network in East Herts, run by a range of providers including East Herts Council, The Wodson Park Community Trust, schools, commercial operators, sports clubs and town and parish councils. Section 2 provides an overview of the facilities and section 3 to 12 details the current and future need for each built facility type. At the end of each section a text box summarises the priorities for the facility type – facilities which should be; protected; enhanced; or provided.

3.15 Section 13 focuses on delivering the strategy. This section discusses ways of maximising health and wellbeing outcomes, maximising cost-effectiveness and working across authority boundaries. Figure 48 sets out the Provision Guide for new housing developments which summarises the facility specific recommendations arising from the assessment. This table is replicated within Table 1 of this SPD.

3.16 Figure 50 of the strategy is the action plan. It identifies site specific proposals, with estimated costs, delivery timescales, the priority projects and likely partners. The latest version of the action plan is available on the Council's website.

3.5 Part 3: Playing Pitch Strategy

3.17 This strategy considers both the current supply and demand for playing pitches and the future needs for the period up to 2033 taking into account the planned population growth across the District.

Methodology

3.18 This strategy comprises an assessment of outdoor pitches:

- Football:
 - Grass pitches of different sizes catering for different age groups:
 - adult



- youth 11v11
- youth 9v9
- mini 7v7
- mini 5v5
- '3G' football turf pitches
- Cricket:
 - natural turf pitches (grass)
 - artificial turf cricket pitches
- Hockey artificial grass pitches
- Rugby grass pitches

3.19 The strategy looks at the current use and capacity of pitches and considers the impacts of additional demands arising from the forecast population and changes over time across the different sports, to determine the need for new pitches or improvements to the existing stock.

Findings

Football

3.20 All sub areas have a deficit in football pitches over the plan period (see PPS Fig 117), which can be mitigated by new provision, enhancing existing sites, and securing community access to school sites, where site planning, suitable ancillary facilities (such as car parking, access and changing) safeguarding and carrying capacity allow.

3.21 As well as smaller club sites some larger Strategic Football Hubs are needed, with ideally two new full size 3G-AGPs with football turf, grass pitches and clubhouse facilities. These hubs should be considered to support: Bishop's Stortford Community FC; Bengo Tigers and Hertford Town FC; Buntingford Cougars FC; Wodson Park Sports Trust/North & East Ware extension; and Gilston Garden Village.

Cricket

3.22 There is a deficit in all sub areas (PPS Fig 175) and a need to reinstate un-used pitches and secured community use of 16 school sites, as well as enhancing other sites. All developments in all sub areas need to make contributions to cricket, guided by the site specific action plan (PPS Figs 177-181).



Rugby

- 3.23** There is a deficit of rugby pitches across the District (PPS Fig 207) that needs to be addressed through new pitch provision, community access to education pitches and enhancements of current pitches. The site specific action plan is to be used to guide to spending contributions (see PPS Fig 208).

Hockey

- 3.24** There is deficit across the district and a need for two new hockey-AGP pitches, securing and improving education sites so as to allow community use, and enhancement of current sites. The site specific action plan (PPS Fig 232) is to be used to guide contributions spend.
- 3.25** The action plan within the relevant sport sections of the PPS identifies projects based on the needs evidenced by the strategy. The latest version of the consolidated action plan is available on the Council's website.
- 3.26** The PPS recommends that the Sport England Playing Pitch Calculator is used to assess the demand and potential cost contributions arising from any development.

3.6 Part 4: Open Spaces Assessment

- 3.27** This Open Spaces Assessment, referred to for consistency in this SPD as the Open Space Strategy, considers the current provision of open space across the District.

Methodology

- 3.28** This strategy comprises an assessment of the following types of open spaces across East Herts:
- Amenity Green Space
 - Parks and Gardens
 - Natural and Semi-Natural Green Space
 - Allotments
 - Cemeteries and Churchyards
 - Children and Young People
- 3.29** In total, 437 different sites were assessed. Each space was mapped and assessed against a number of qualitative factors as appropriate to the typology, such as whether it was well maintained, safe, and the condition of play equipment. Many open space sites are multi-functional, and this is recognised in the way in which they were assessed.



- 3.30** The assessment uses benchmark authorities and the Fields in Trust standards as a way of comparing quantity and accessibility standards with those in East Herts.

Findings

- 3.31** Figure 6 of the open space strategy maps all of the open spaces included in the strategy. It provides a valuable overview of the extent and purpose of the existing open space network.
- 3.32** Sections 3 to 9 of the strategy examines the current provision of each type of open space for each of the towns and group 1 villages. Typology specific maps are also provided within these sections. Recommendations are developed for each typology, including revised standards of provision. The recommendations included a combined quantity standard for parks and gardens and amenity green space, though with separate accessibility and quality standards.
- 3.33** Figure 55 of Section 10 of the strategy summarises the recommended standards for open space. These are contained within Table 1 of this SPD.
- 3.34** There is no project specific action plan for open spaces, but the detail within the strategy and the quality assessment database for sites held by East Herts Council, provides a good starting point for assessing the potential local needs of a development site.



4 Applying the SPD

4.1 What is the scope of this SPD?

- 4.1** This SPD covers the most likely requirements for open space, sport and recreation facilities as set out in the Council's latest evidence base . It should be noted that the planning obligations outlined in this SPD are not however exhaustive. There may be some limited occasions when unanticipated demands arise which are sport/recreation/open space related and which need to be taken into account on a specific site to make the proposed development acceptable. The exact type and range of planning obligations sought for an individual site will depend on the development proposed and its impacts on the local environment, local services and facilities, in accordance with the National Planning Policy Framework (NPPF 2019), the CIL Regulations (2010 as amended) and other relevant National and District policies.
- 4.2** The average contribution per dwelling will be about the same so as to be fair and reasonable.
- 4.3** As new policy requirements emerge and change, the SPD will be updated and revised to reflect these changes.

4.2 What type of sport, recreation and open space facilities can be required?

- 4.4** The Council will normally require the provision of on-site or off-site contributions to all the sport, recreation and open space facilities/typologies. The need for these is evidenced by the relevant strategies, and any subsequent updates of them (see Section 3).
- 4.5** Other relevant policies where facility needs, planning obligation requirements and/or master plan needs are set out include the District Plan, Infrastructure Delivery Plan (IDP) and Neighbourhood Plans.
- 4.6** To help ensure compliance with the CIL regulations, the action plans for the built facilities and playing pitch strategies will be reviewed and updated on a regular basis. These reviews will update the project investment lists and priorities, taking into account emerging issues and costs information for specific projects, confirmation of delivery, or the identification of alternative projects should these be required. These action plan updates will not revise the standards of provision summarised in this SPD nor generally the scope of the developers' contributions being sought.



4.7 The Council is committed to full review and updating of the strategies approximately every 5 years. These extended reviews may then result in amended requests for developers' contributions generally, including potentially different standards and different types of sports facilities. In this case, the SPD will be updated and be subject to further consultation.

4.8 It is expected that a developer's local consultation including with the relevant Parish or Town Council, local sports clubs and other local organisations and consultees, may identify an additional local need that it is not within a strategy but still can be justified and requested as a contribution.

4.3 When will we require open space, sport and recreation contributions?

4.9 The SPD will generally be applied to planning applications for new residential development that results in a net gain of 10 or more residential units. This is because a requirement for all sizes of development to undertake a planning obligation to secure open space and sports provision is unreasonable and impractical. It would require numerous applicants to enter legal agreements which, on balance, would be costly and delay the decision making process for small applications.

4.10 In villages, where a specific need has been identified, the threshold for contributions may be lowered. Specific need may be identified through Neighbourhood Plans or through local consultation, including with parish councils. This approach recognises that new development is likely to be less frequent and of a smaller scale in villages but could contribute towards local facilities and the vitality of the village in which the development is proposed to take place. For example, this could include a contribution towards the enhancement of play provision. Such contributions will be considered on a site specific basis and will need to comply with the CIL regulations.

4.11 The SPD will not be applied to extra-care, replacement dwellings, residential extensions and annexes, or renewal of a planning permission that has not expired at the time of submission of the application.

4.4 Does this SPD affect masterplans and phasing for larger housing developments?

District plan strategic sites policies

4.12 A large or strategic facility may be required on a specific development site or allocation, as set out in the District Plan (2018) e.g. provision of playing pitches at WARE2. This can ensure that suitable land is planned from the outset, and provided at no cost to the community. This is particularly important where, for example, there is a need for a large sports land-take for playing fields, or a leisure centre.



- 4.13** For new strategic facilities, the District's future planning policies will identify: where that facility is to be located; how sufficient land is to be secured, and (where known) the individual developments that need to contribute to it.

Provision where new demand generates need

- 4.14** Provision on-site will generally be required where the development itself generates the whole or the majority of demand for an open space typology, sports facility or playing field. The process for determining the expected provision on-site and the demand generated by the development is set out in Section 5.

Co-ordinating phased developments

- 4.15** Where housing sites are developed in phases or through multiple applications, and where the sports provision is required on-site for the wider development, this provision is required to be masterplanned, co-ordinated and delivered, on an allocation-wide basis, by the promoters, landowners and/or developers working together. This also applies to unallocated sites where an early phase may not deliver a full need for a facility, but two or more phases do. In these circumstances, a single site for sports facilities including playing pitches serving all the development, or all its phases, may be required. Ideally if this were known ahead of land purchase agreements, the land need can be factored into land calculations. However, this may not always be the case, so in all such circumstances it is recommended that early Pre-Application discussions are sought by the applicant, landowner and developers. This is in line with District Plan Policy DEL1(ii)b and supporting paragraphs, as well as IDP paragraphs 5.2 to 5.4 and housing site specific policies.
- 4.16** The proposals for open space provision on-site or off-site should similarly be co-ordinated and delivered on an allocation-wide basis by the landowners/developers working together to ensure that the provision fits within the overall Green Infrastructure Plan, in line with District Plan Policy NE4(II)(a) and (b).

Developments within a close geographical area

- 4.17** Where there are separate developments in a close geographical area, e.g. around a town, that taken together generate a need for a whole facility, contributions need to be made from them to that new facility provision or towards improving and/or extending an existing facility provision which can meet the anticipated demand.
- 4.18** Such a facility may need to be located on land on one of these housing development sites. Through early engagement with East Herts Council and the masterplanning of such sites, opportunities should be sought to secure delivery into the largest housing site, or on new unallocated sites, or on



sites with an existing leisure provision and available space. Developers should cooperate locally to identify a solution which is acceptable to the Council.

21

Phasing contributions

- 4.19** The required timing and delivery of the sports, recreation, community and/or open space facilities should be considered in relation to the housing development phasing. This can help to achieve a balance between ensuring the facility is in place in time to meet the needs of the new residents and/or avoid excessive pressure being placed on existing facilities, and/or be fair and reasonable in relation to a development's cash flow. This is in line with Local Plan Policy CLFR 7 including CFLR7(III)(d).
- 4.20** Where necessary, a one-off early commuted sum from the developer can be requested to support the early years operation of a facility, where otherwise this would not be viable. The type of facility envisaged here is a community centre or sports facility which should become increasingly self-sustaining as the community it serves grows. It is not appropriate to delay delivery of these types of facility until the development has grown to its full extent unless there is, in the short term, sufficient capacity within existing off-site facilities for a period, which are also within the relevant accessibility standard, e.g. 800m for community centres.

4.5 Does land need to be provided and if so how?

- 4.21** The District Plan recognises that provision of new open space and recreation facilities within new development contributes towards the creation of sustainable communities and high quality design. Therefore, on-site contributions are important. Full details of the layout, landscaping and phasing of all on-site open space and facility provision will be secured by conditions attached to the planning permission. Requirements for the type of contribution will vary by the type of provision and on a site specific basis. More detail for different types of open space, sport and recreation is provided in Section 5 of this SPD. However, as a rule, developers need to provide appropriate land at no cost, suitably serviced.⁽³⁾ Appropriate land will be expected to be provided where:
- The investment need is for a new facility to meet the demand directly generated by the population of the new development(s). In this case the developer is expected to meet all of the costs. These can include capital for provision, maintenance and life cycle costs in addition to land costs.

³ Suitably serviced land means land with access to normal services at the boundary of the land, such as portable water, electricity, sewage, communications etc, as well as good physical access



- If the demand generated by the development is for the large majority (67% or more)⁽⁴⁾ of a facility, then it needs to be provided on-site, and all necessary land will be provided by the developer at no cost, as well as the population-related proportion of the capital, maintenance and life cycle costs of the facility.
- If the demand is for less than 67% of a facility that needs to be or is to be provided on-site, then enough suitable land for the whole facility needs to be planned into the development. However only a proportionate amount of this land will be provided at no cost in line with the demand generated, and the value of the remainder will need to be funded from other sources but at a price that reflects its leisure use. The developer will be required to meet the population-related proportion of the capital, maintenance and life cycle costs of the facility
- If the land cannot be provided for on-site because of proven and acceptable masterplanning constraints, financial viability or other relevant reasons, then if the Council agrees, it may negotiate an appropriate alternative contribution. Again, this should take into account what would otherwise be required on site in relation to the land area plus the population-related proportion of the capital, maintenance and life cycle costs of the facility.

4.22 Where the Council agrees that land for a needed facility cannot be provided on-site, the Council can then require the applicant/developer to find, secure and fund appropriate alternative off-site land, or provide a sufficient contribution such that it is very likely the District will be able to identify and secure such land. The cost of such land should be based on its intended leisure use.

4.6 Can contributions be made to existing facilities?

4.23 Where there is an assessed deficit in the provision of a facility, and there is an existing facility with appropriate community access that could potentially meet the demands generated by the development, but it needs to be upgraded or extended, then contributions may be sought towards such improvements. This is in line with District Plan Policies CFLR1 (I) and CFLR7(II). The Built Facilities Strategy and Playing Pitch Strategy (see Section 3) have action plans which identify the larger facility investment needs. These action plans will be regularly updated by the Council and be made available online. There may also be more local facilities or open spaces such as a village hall or children's playground where this situation potentially exists. The flow charts in Section 5 will aid the decision making.



4.24 Contributions need to meet the CIL tests, and should not exceed or cover what could reasonably be expected to be paid for by normal operational income. The operator (including a school or a club) will need to be supportive of this and comfortable both with the timescales for payment of contributions, and on delivering the outputs required.

4.25 If an existing organisation such as a sports club or school is proposed to receive money from contributions towards specific facility provision, then the recipients should usually be expected to enter into a binding agreement with the Council securing appropriate community use, which could be included as one of the planning conditions relating to the facility. For schools, the terms of the agreement and as appropriate, the planning condition, should be based on the Sport England recommended models.⁽⁵⁾

4.7 Is there flexibility in requesting contributions?

4.26 The contributions outlined in this document provide consistency and transparency in the planning obligation process. However, as each application is considered on its own merits, there may be variations in requirements for similar developments, taking into account the specifics at the time the planning application is considered. The provision and cost calculations are the starting point for negotiations, but need to be used in conjunction with the local evidence base to ensure the site specific context is taken into account.

4.27 In all cases, there may be reasons for the Council to choose to be flexible in how it applies this guidance. As examples:

- Where the required need is for part of a facility, the Council may request all of the land but not ask for a contribution to the facility's provision or maintenance.
- The Council may request all of the provision of a facility but none of the maintenance or life cycle costs.
- Where the nature of the recipient of the funds means that a request for life cycle and maintenance costs would not be appropriate, for example where the funds are to be used towards a facility which is owned/managed by a profit-distributing body.
- Where a new village hall or community centre is built to support a new community, life cycle and maintenance costs may be appropriate up until the time that the new community is fully established, but thereafter the facility is expected to be financially self-sustaining.
- Where new provision is proposed but there is very significant local concern about the times that a new facility may be used, then reasonable time restrictions may be considered.
- Housing scheme viability may reduce the amount being requested.



- 4.28** The Council may include a clause in a Planning Condition or Obligation agreement to provide for an alternative CIL-compliant facility, to cater for unforeseen circumstances. This might include when there is some uncertainty in securing the delivery of the preferred facility. For example, at the time of signing a S106 there may be a need for new sports facility at a club site, but either the facility is subsequently funded by other sources ahead of the time that the contribution is due to be paid, or the club ceases to operate. In these situations, an appropriate alternative facility that can deliver the same or similar sports, recreation and/open space outcomes should be substituted. This would still need to be a CIL compliant provision.

4.8 Is there early advice available to the developers?

- 4.29** It is recommended that discussions on planning obligations should take place as early as possible in the planning process, for example through pre-application discussions. This can be used as the first opportunity for discussion on the layout, design and overall acceptability of a scheme and to establish the likely mitigation that will be required through a planning agreement.
- 4.30** It is also advised that, during the development of relevant future planning policies and new site allocations and/or masterplans, then all concerned (landowners, developers and the Council) should make an early consideration of what might be needed, even ahead of the start of an application. This will both support the delivery of required strategic facilities and enable the developer/landowner to take into consideration the potential impacts on site values.
- 4.31** It is further recommended that early guidance about the provision, design and delivery of open space, sport and recreation should be sought from the relevant agencies, such as Council's Environment team, Sport England, the national governing bodies of sport and Hertfordshire County Council.

4.9 How are legal agreements made?

- 4.32** Following any decision to grant planning permission, that is subject to the finalisation of a Section 106 deed, whether a S106 agreement or a unilateral undertaking, and/or discharge of Conditions, the legal representatives of the Council and the applicant will confirm any necessary obligations in the form of a binding legal agreement and agree and pay relevant fees. The agreement will contain the necessary planning obligations, including any trigger points for the provision of facilities or payment of the contributions, and any other commitments to be undertaken by the developer and the Council. It is to be noted that the agreements run with the land and the originator of the planning obligation will be required to advise the Council if a site is sold on with the benefit of the planning permission and obligation. The Council will charge for the cost of any subsequent Deed of Variation,



or discharge of an obligation when agreed by all parties, and will agreed on an individual basis, and is not to be used as a means to backtrack on agreed obligations where needs as a result of the development still arise.

25

4.10 How is inflation dealt with?

- 4.33** The base costs in this SPD are current costs based on Q2/2019, unless otherwise stated. Developers will need to pay costs that reflect construction and delivery inflation and/or other justified costs at the time of the application. Applicants should note that the Council will review the capital and maintenance costs annually to take inflation into account. The first review will occur in 2021 and we will rebase these costs using the All Items Index of Retail Prices (RPI). For built facilities we will use the Building Construction Information Service (BCIS) Index. Information on the current baseline figures to be used for new S106 Agreements or Unilateral Undertakings will be listed on the Council website and will be updated annually to reflect the annual percentage increase.
- 4.34** As the commencement of development may not take place immediately following the completion of the legal agreement, all contributions listed within the document will be index linked from the date of the Resolution to the date of payment using the latest indexing factor available at the date of payment. The Council will use the (RPI – All Items) or BCIS index unless otherwise agreed by all parties and an alternative index is listed within the legal agreement for the development.

4.11 Monitoring and enforcement

- 4.35** Planning obligations will be monitored to ensure that they are being undertaken and/or paid at the agreed times. The provision of infrastructure and the timing of payment of contributions will be negotiated on an individual basis to provide a phased programme of payments relating to development progress, commencement and completion / occupancy trigger points. Notification should be given to the Council when the development commences or and when the trigger for payment/delivery has been reached as per the individual agreement. On receipt of the notification the Council will issue an invoice for the amount payable including any indexation.
- 4.36** The Council will monitor Building Control and other sources and will issue an invoice if the Applicant fails to advise the Council that the payment has been triggered. Indexation applies until the date of the invoice, so in these circumstances the amount may be higher than if the applicant had advised the Council when the payment was triggered. Penalty interest is payable to all contributions not paid in accordance with the legal agreement and accrues from the date payment is triggered to the date of actual payment.



- 4.37** Late payment fees will be calculated at the annual rate of 4% above the Bank of England base rate from the date the sum (including any indexation) fell due until the date of the actual payment. If there is a failure to comply the Council will take appropriate enforcement action and full cost recover will be sought.
- 4.38** To cover the cost of monitoring, the Council may charge a monitoring fee which is which will be index linked and is payable on or prior to the commencement of the development.
- 4.39** The Council will monitor and report annually on the section 106 contributions received in the Authority Monitoring Report and Infrastructure funding statements.



5 Calculating Contributions

5.1 Is there a list of what facilities are needed?

- 5.1** In addition to the facility priorities identified in the action plans of the relevant strategies (Section 3 and East Herts Council's web site), consultation with National Governing Bodies of Sport, Parish or Town Councils, sports clubs, other local organisations and consultees may identify an additional local need that it is not in a strategy but still can be justified and requested as a contribution.

5.2 What demand will there be for facilities and open space from the residents of a new development: quantity; accessibility; quality?

- 5.2** The justification for contributions is based around the assessment of demand generated by a development's expected population compared to the availability and quality of the existing network of open spaces, sport and recreation facilities. Standards of provision guide this assessment of need and relate to the quantity, accessibility and quality of facilities and open spaces, as set out in Table 1. These have been derived from the relevant strategies (see Section 3).

Quantity

- 5.3** The quantity requirements are based on the demand generated by the development. This is derived from the relevant strategies. This can be expressed for example as the facility need per 1,000 people for built facilities and open space, and the quantity standards for each built facility type⁽⁶⁾ and open space are summarised in Table 1. The quantity of demand for pitch sports is more complex and Sport England has therefore developed a Playing Pitch Calculator to help assess the demand for these sports.⁽⁷⁾

Accessibility

- 5.4** The accessibility requirement includes the acceptable travel distance (catchments) to a facility or open space.
- 5.5** This accessibility information can be used to guide whether provision should be on-site or off-site, and to guide the maximum distance to existing facilities which potentially have capacity to meet the new demand generated from the development. For example, there may be an overall surplus of one facility or open space typology in the District, but none located within the appropriate catchment area of a development, so a new facility or open space may need to be provided.

⁶ In relation to the Built Facilities Strategy (2017) the "standards" in Table 1 are the same as the "Provision Guide for new developments" (Fig 48). The term "standards" has been used in this SPD because of the need to encompass all sport, recreation and open space developers' contributions and the terminology is most easily understood.

⁷ Sport England Active Places Power web site <https://www.activeplacespower.com/>



Catchment distances

- 5.6** The facility catchments are set out in Table 1 are based on the recommendations from the relevant strategy and are justified by the detailed assessments undertaken. The catchments vary from up to 20 minutes drive to facilities such as swimming pools, sports halls and 3G-AGPs, down to a 400m walk for a LEAP.

Other accessibility considerations

- 5.7** The accessibility requirement also needs to consider the facility ownership, management and availability for community use. The 'availability' must be sufficient for the expected community's needs and include hours of use, pricing policy and any exclusions. There should be legally secure community use for at least 25 years, or preferably longer.
- 5.8** Certainty of public access, typically for paid facilities, includes if it is affordable and fully available for sufficient hours to the community at evenings and weekends. Typically, these should not be less than for 5pm to 10pm for Monday to Friday, 8am to 10pm on Saturday, 8am to 8pm on Sunday.
- 5.9** For example, there may be a sports hall at a local private school that is used by some members of the community, but its hours of use may be too limited, and the future community use may be able to be terminated at any time. Such a facility would not be considered to have secure community use.
- 5.10** A commercial gym may offer enough peak time hours for community pay and play at an affordable price (be it cheap membership or pay-as-you-play), and so would count as a community accessible facility, so any spare capacity there would need to be taken into account.
- 5.11** Public open spaces and play facilities should be available at all times, unless exceptional circumstances are agreed with the Council.

Quality

- 5.12** The quality requirement relates to the quality, design, layout and specification of facilities.
- 5.13** The facilities that are provided should reflect current best practice in design, layout and specification, including current guidance from Sport England, National Governing Bodies of Sport, and Fields in Trust, as relevant.⁽⁸⁾ This should apply to refurbishments, extensions and new build proposals.



5.14 The age and overall condition of a facility will impact upon its quality as generally, the older the facility is, the less attractive it is to users. As a result such a facility may have less capacity to meet the demand generated from a development.

5.15 Quality guidelines will include:

- Quality appropriate to the intended level of performance, designed to appropriate technical standards.
- Located where they are of most value to the community to be served.
- Is appropriately designed to enable recreational use by the whole community, including for those people with disabilities or cultural restrictions.
- Appropriately landscaped.
- Maintained safely and to the highest possible condition with available finance.
- Positively managed taking account of the need for repair and replacement over time as necessary.
- Provision of appropriate ancillary facilities and equipment.
- Provision of footpaths and cycleways/cycle access.
- Designed so as to be free of the fear of harm or crime
- Designed to the relevant technical standards produced by Sport England, national governing sporting bodies or professional or trade organisations, such as the Institute of Groundsmanship and the Sports and Play Construction Association.

5.3 What are the standards of provision?

5.16 Standards for provision are set out in Table 1. They are referred to in the flow charts in section 5. The quantity standards underpin the calculators on the East Herts Council's website. Examples of their application are given in the 'Worked Examples' in section 6.

5.17 It should be noted that **standards of provision should not be used in isolation, but must be used in tandem with actual assessed need and other robust evidence**. For example, there may be an assessed potential surplus of a facility or specific open space typology which has secure community use and is accessible (within the catchments given in Table 1 and accessible as defined by Section 5.2), but its quality is poor. In this situation contributions may be towards investment in the quality of the facility or open space in order to increase its capacity, so that it can meet the development's assessed demand.



Table 1: Standards of provision for different types of facility in East Herts

Facility	Measurement		Accessibility ⁽⁹⁾	Quality	Source
Sports halls	0.29	Badminton courts per 1,000 people	About 20 mins drive time, fully available at peak time	Design and quality to meet Sport England or the relevant national governing body guidance	BFS
Swimming pools	11.31	sqm of water space per 1,000 people	About 20 mins drive time, fully available at peak time	Design and quality to meet Sport England or the relevant national governing body guidance	BFS
Gyms	7.17	Fitness stations per 1,000 people	Up to 15 mins drive time	Design and quality to meet Sport England guidance	BFS
Studios	0.13	Studios (140sqm) per 1,000 people	Up to 15 mins drive time, fully available at peak time	Design and quality to meet Sport England guidance	BFS
Outdoor tennis	0.32	Courts per 1,000 people	Up to 10 mins by car, available at all times	Design and quality to meet Sport England or the relevant national governing body guidance	BFS
Outdoor bowls	0.59	Rinks per 1,000 people (provided as a 6-rink facility)	Up to 15 mins drive time, available at all times	Design and quality to meet Sport England or the relevant national governing body guidance.	BFS

Open Space, Sport and Recreation SPD



31

East Herts District Plan | Open Space, Sport and Recreation SPD

Village or community halls	120	sqm/1,000 people	Up to 800m walk	Design to be agreed with Council	BFS1
Football grass pitch	Quantity of demand generated by Sport England Playing Pitch Calculator		About 15 mins drive time	Design and quality to meet Sport England and national governing body guidance	PPS
Football 3G artificial grass pitch (3G-AGP)			About 20 mins drive time, fully available at peak time	Design and quality to meet Sport England and national governing body guidance	PPS
Rugby grass pitch			About 20 mins drive time	Design and quality to meet Sport England and national governing body guidance	PPS
Cricket grass pitch			About 15 mins drive time	Design and quality to meet Sport England and national governing body guidance	PPS
Hockey artificial grass pitch			About 20 mins drive time, fully available at peak time	Design and quality to meet Sport England and national governing body guidance	PPS
Children's play and provision for young people	0.25	Ha of designated equipped playing space per 1,000 ⁽¹⁰⁾	100m for LAPs; 400m for LEAPs; 1000m for NEAPS and youth/teenage	New LEAPs and NEAPs should meet FiT guidelines.	OSS

¹⁰ A full network of LEAPs and NEAPs and Teenage facilities is to be provided in towns and 'Group 1 villages'. A full network of LEAPs is to be provided in the 'Group 2 villages' and other settlements where the population is greater than 200 people and there is an identified local need.



				Teenage provision should follow best practice and be designed following consultation with young people.	
Amenity green space, parks & gardens	1.4	Ha per 1,000 people	710m for parks & gardens and 480m for either parks and gardens or amenity green space	<p>Parks: Green Flag Award</p> <p>Sites should be kept well maintained with well-kept grass, planting and vegetation. High quality and appropriate ancillary facilities should be provided.</p> <p>AGS: Green Flag standard</p> <p>Sites should be well maintained with appropriate vegetation and planting. Appropriate ancillary facilities, such as litter bins and seating should be provided.</p>	OSS



Natural/ semi-natural greenspace	3.2	Ha per 1,000 people, to Green Flag standards	720m	Green Flag standard Natural and semi-natural green spaces should have natural features (including water where appropriate). If provided, Public Rights of Way, footways and cycle paths should be clear and unrestricted and conservation areas should be identified. Sites should be maintained to an appropriate conservation standard.	OSS
Allotments	0.30	Ha per 1,000 people, to Green Flag standards	1000m	Allotments should, where appropriate, have parking, toilets, a water supply, access pathways and good signage.	OSS

Source key:

BFS: Built Facilities Strategy 2017

BFS1: Built Facilities Strategy (also see footnote for provision in large developments/
Garden Towns)

PPS: Playing Pitch Strategy 2017



OSS: Open Spaces Strategy 2017

5.4 What population figure should be used in assessment of demand?

- 5.18** The contributions must meet the three CIL regulations tests, that they are necessary, directly related and fairly and reasonably related in scale and in kind, to the scheme in question.
- 5.19** The average number of people per household in the District is 2.32, derived from MHCLG/ONS Census data.⁽¹¹⁾ This figure will need to be updated from time to time as national and local population statistics change.
- 5.20** The estimated population of a development, for both outline and full applications will be based on 2.32 persons per dwelling. Thus, a development of 100 dwellings will be assessed as generating a population of 232 people. However, if it can be demonstrated to the Council's satisfaction that an alternative population figure should be used for a proposed development because of site specific circumstances, then this will be acceptable.
- 5.21** In the case of a change in the proposed population of a development, for example by increased density, then the developers' contributions will need to be recalculated and the implications for provision be masterplanned appropriately.

5.5 What is the process for assessing demand?

- 5.22** The CIL test of ensuring any contributions are 'fairly and reasonably related in scale and kind to the development' require that any contributions sought are directly proportional to the anticipated population of the development.
- 5.23** The East Herts built facility and open space Contribution Calculators and the Sport England Playing Pitch Calculator are designed to automatically calculate the demand based on the number of dwellings or population from a development, applying the quantity standards set out in Table 1. These in turn are based on the relevant District strategies (see Section 3). The Sport England Playing Pitch Calculator can be used to assess the demand for playing pitches. East Herts Council is able to provide this information as required.
- 5.24** The outputs help to inform the decision process, summarised by decision flow charts in Section 5.7.
- 5.25** In addition, there may be justified local needs which the developer identifies through local consultation, including with the District and town/parish councils.



5.6 How are the demand and potential contributions calculated?

- 5.26** The sports built facility costs as set out in appendix D, incorporated into the Built Facilities Calculator available on the Council's website and used in the in the worked examples in this SPD (Section 6) are based on: Sport England's latest facility costs guidance;⁽¹²⁾ costs from National Governing Bodies of Sport (NGBs) and, where relevant, other latest industry figures, including sourced from SPONS Construction and Landscape Price Books.⁽¹³⁾ These costs calculate automatically on inputting of the number of dwellings or anticipated population. The costs in the calculator will be indexed (see Section 4.10).
- 5.27** The playing pitch contribution costs, both capital and lifecycle, for a given population are generated automatically in the Sport England Playing Pitch Calculator, and these are regularly updated by Sport England.
- 5.28** For open space, the capital costs per area of each typology (see appendix D) are based on relevant and up to date cost sources. This includes SPONS External Works and Landscape Price Book (2019). An open space calculator is available on the website to assist calculations.
- 5.29** Alternatively, locally assessed capital costs can be used, but these need to be robust and confirmed by an independent and appropriately qualified person. This work may be undertaken on the behalf of a developer and proposed to the Council, which should properly consider them.

5.7 How should decisions be made about what is required?

- 5.30** The CIL tests require that any contributions should be necessary to make the development acceptable in planning terms (see Section 2.4).
- 5.31** It is therefore essential to assess each application separately to determine the demand and whether existing sport and recreation facilities, playing pitches and open spaces can meet the needs of the application both specifically and within any application's wider housing allocation or geographical context (see Section 4.4).
- 5.32** An assessment will therefore be required for the application, for each sports facility, playing pitch and open space typology, in relation to the quantity, accessibility and quality of the existing facilities and spaces (see Section 5.2).



- 5.33** The findings of the Built Facilities Strategy and Playing Pitch Strategy, and their relevant action plans (see Section 3) will help to guide the wider geographical considerations. The findings from local consultation (see Section 5.5) will also be important, particularly in relation to the open space typologies.
- 5.34** Flow diagrams are provided below to aid the decision process. There is one each for built facilities, playing pitches and open space.

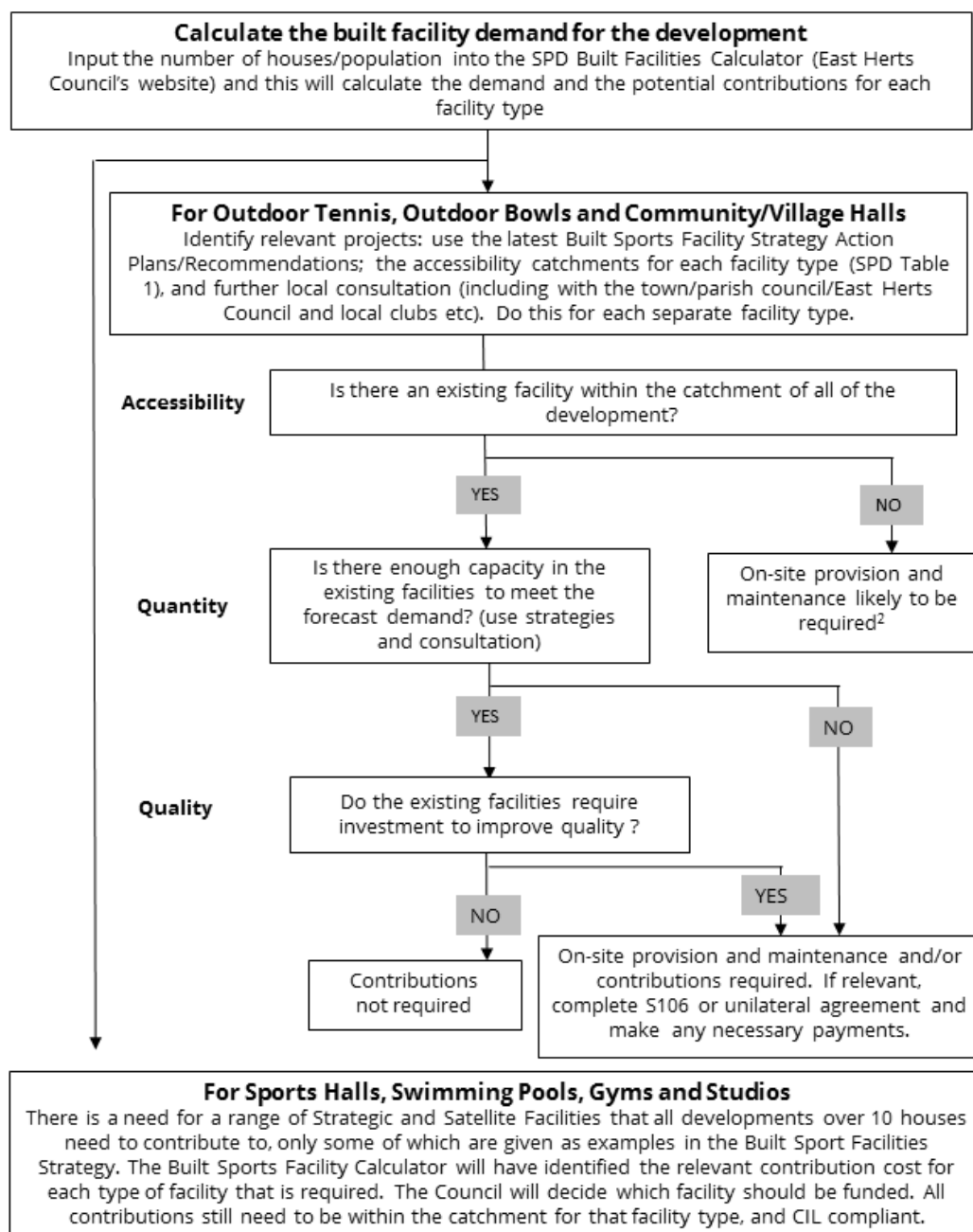


Built Sports Facilities Contributions Flowchart

- 5.35** Built sports facilities includes sports halls, swimming pools, gyms, studios, tennis, outdoor tennis, outdoor bowls, and community/village halls (see note 1 of figure 2). This flowchart needs to be considered alongside relevant paragraphs in this SPD (e.g. Table 1 on standards of provision, paragraphs 5.51 – 5.53, the worked examples in figure 5), and the latest Built Sports Facility Strategy Action Plans and Recommendations.
- 5.36** For built sports facilities, there are two parts to the flowcharts that inform developer contributions. One is for outdoor tennis, outdoor bowls and community/village halls, and the other is for sports halls, swimming pools, gyms and studios (see note 1 of figure 2).



Figure 2: Built Facilities Contributions Flowchart



Note 1: there are other built sports facilities (e.g. athletics, gymnastics and indoor bowls), but the current Built Sports Facility Strategy specifically does not ask for contributions to these, as the priorities lie in the sports considered above.

Note 2: If the demand from the development is for 67% or more of a facility, then the land for the whole of the facility should be provided for on-site at no cost, and the population proportion of the facility cost.

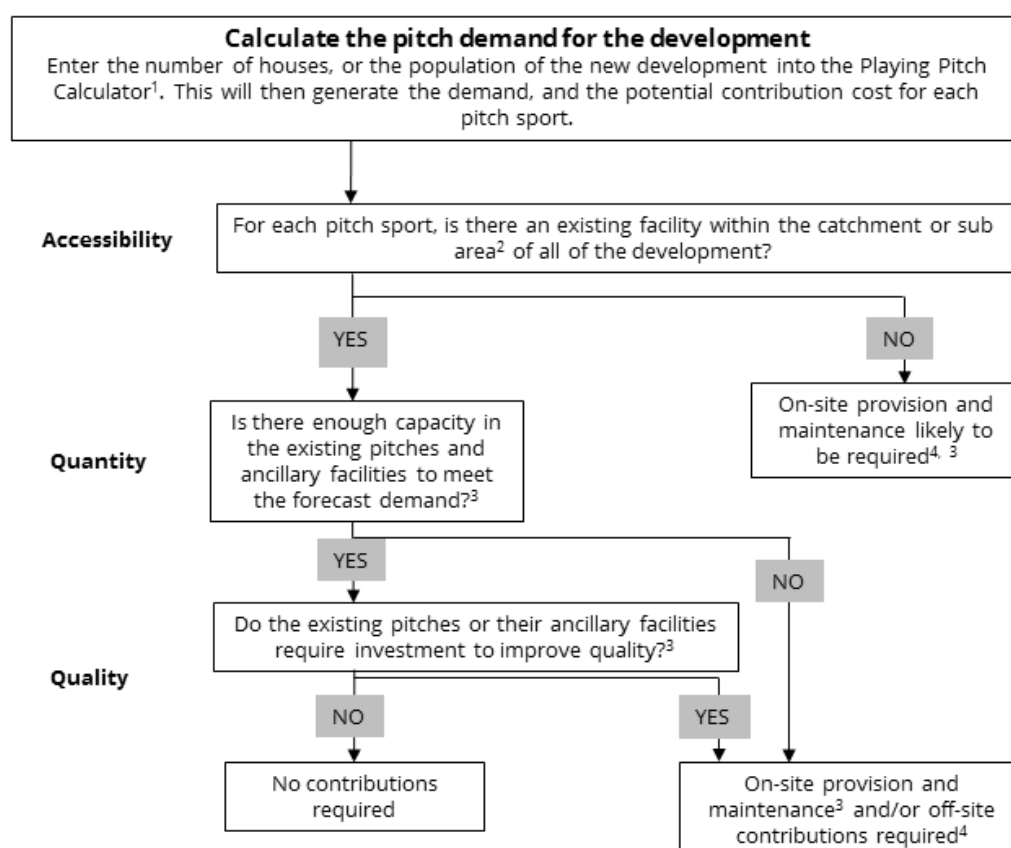


Playing Pitch Contributions Flowchart

- 5.37** Playing Pitches includes pitches for football, cricket, rugby and hockey. They may be grass or artificial grass, as appropriate for the sport. This flowchart needs to be considered alongside relevant paragraphs in this SPD, e.g. Table 1 on standards of provision, paragraphs 5.54 – 5.60, the worked examples in figures 6 and 7, and the latest Playing Pitch Strategy Action Plan and Recommendations.



Figure 3: Playing pitch contributions flowchart



Note 1: As of May 2020, Sport England is currently limiting the use of their Playing Pitch Calculator on the Active Places Power website to local authorities and their consultants. Therefore, developers will need to contact the council's planning team.

Note 2: The PPS explains why it can be assumed that all facilities within a sub-area are deemed to be within the catchment area of a development in that sub area. The facility to which contributions are to be given may not be the nearest facility in that sub-area as different clubs cater for different sports needs e.g. for adults, women, youth, minis, girls, higher/lower leagues.

Note 3: To identify relevant projects: use the latest Playing Pitch Strategy Action Plans and Recommendations, the accessibility catchments for each facility type (SPD Table 1), and undertake further local consultation (e.g. with the parish/town council). If there is significant new pitch provision required (e.g. a whole new pitch) then also consult the District Council, the relevant national governing body and Sport England. Do this for each separate pitch sport. This can inform whether the provision is on-site, towards an existing site, or towards a new Strategic Site.

Note 4: If the demand generated is 67% or more of the facility type then on-site provision may be needed with the land for the whole of the facility provided for on-site at no cost, and the population related proportion of the facility cost (see SPD para 5.61 and para 5.63). If there is facility need (e.g. a quality improvement) where the facility is just outside the sub-area, but still within the drive time catchment, then contributions can be required for that facility.

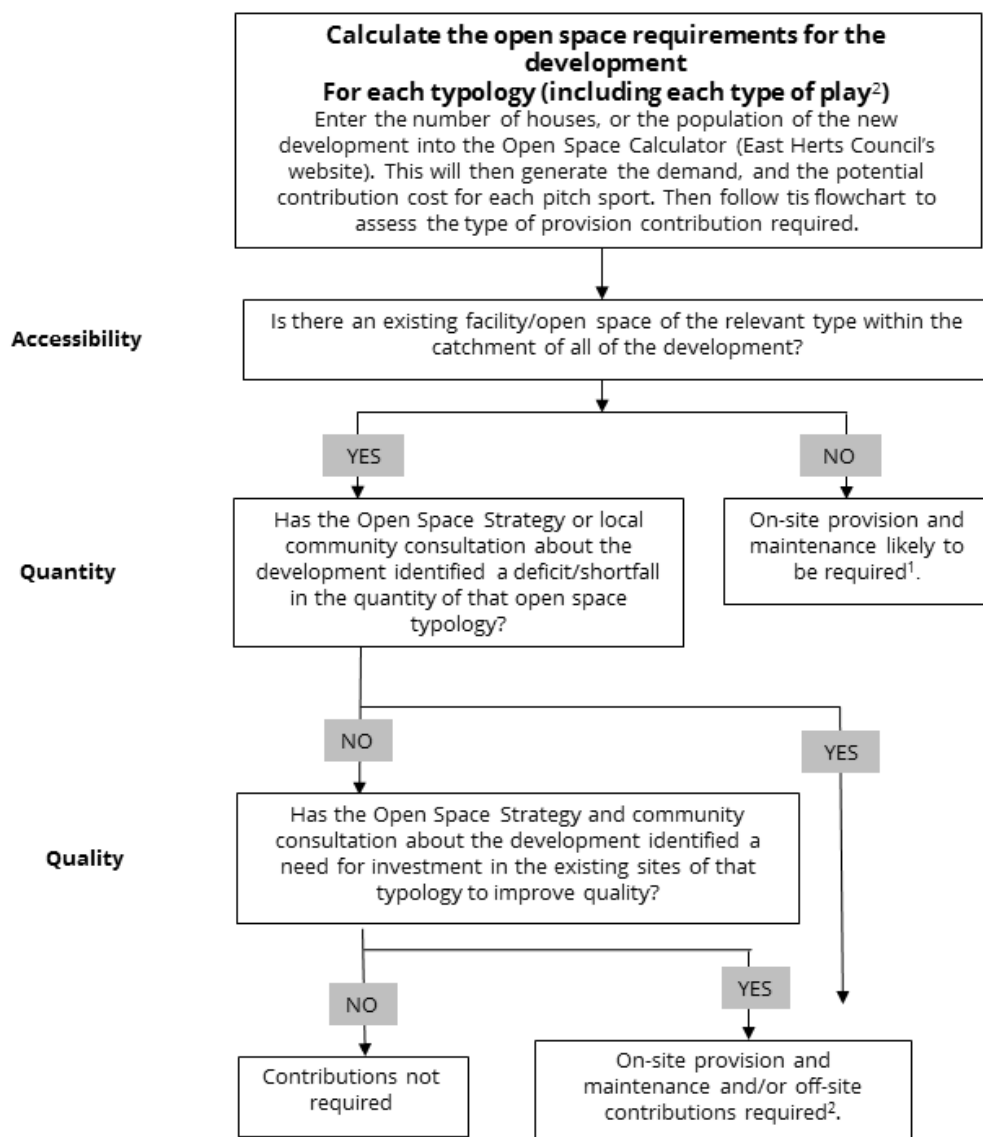


Open Spaces Contributions Flowchart

5.38 Open Space includes: Amenity Greenspace/Parks and Gardens; Natural/Semi-natural Greenspace; Allotments and Play. This flowchart needs to be considered alongside relevant paragraphs in this SPD (e.g. SPD Table 1 on standards of provision, SPD paragraphs 5.61-5.75, the worked examples in figure 8, and the latest Open Spaces Strategy and accessibility maps for each typology (noting the maps only cover the main settlements). Local consultation, e.g. with the parish/town council as well as with EHDC is required.



Figure 4: Open Spaces Contribution Flowchart



Note 1: On development sites generating less than 0.2ha of the combined Parks & Gardens and Amenity Green Space typology, Natural and Semi-Natural Green Space or allotments the Council will accept a commuted sum towards provision of new off-site open space of the relevant typology, or towards the enhancement of an existing open space of the relevant typology which is within the accessibility thresholds specified in Table 1, and meets the requirements for accessibility given in section 5.2

Note 2: For Play contributions see SPD table 2

Note 3: If the demand generated is 67% or more of the facility type then on-site provision may be needed with the land for the whole of the facility provided for on-site at no cost, and the population related proportion of the facility cost (see SPD paras 4.21- 4.22). If there is facility need (e.g. a quality improvement) where the facility is just outside the sub-area, but still within the drive time catchment, then contributions can be required for that facility.



5.8 What costs are justified in relation to maintenance and life cycle?

- 5.39** In addition to the development of a new facility or open space, it is important that provision is made for the future maintenance and life cycle needs, otherwise the value of the new provision will deteriorate.
- 5.40** In accordance with District Plan policies CFLR1 and CLFR7, in addition to the capital cost (or provision) of a new/extended facility, there will usually be additional costs including maintenance and in some cases also life cycle costs for long term replacement. For example, towards the carpet on an artificial grass pitch or play equipment. This applies both to contributions on-site and off-site. These contributions recognise that local authorities may be unable to cover any additional costs and will help to ensure that new facilities remain operationally viable. The contributions would need to be reasonable and fair, and not used to subsidise a commercial i.e. profit-distributing body. Similarly, maintenance and life cycle costs would not be appropriate where it can be argued that normal facility operational income should cover these costs.
- 5.41** In recognition of the wide range of different factors and the need to consider each development site separately to accord with the CIL tests, the SPD provides the Council flexibility in the seeking of developers' contributions, as set out in Section 4.7.

5.9 How are maintenance and life cycle costs calculated?

- 5.42** Maintenance and life cycle costs, where justified, should be calculated and included in the contributions' request. These may be based on Sport England's or the relevant national governing body advice for sports facilities, or on the costs in Appendix C for open space and play, as relevant.
- 5.43** However, alternative local costs may be used. These will need to be robust and confirmed by an independent and appropriately qualified person. This work may be undertaken on the behalf of a developer and proposed to the Council, which should properly consider them.
- 5.44** Developers will need to demonstrate they have secured an acceptable means of ensuring future maintenance, particularly of open space. If proposing to use a management company details will need to be submitted with the planning application to ensure the council is satisfied that appropriate arrangements are in place to effectively maintain the provision in perpetuity.



5.10 What is meant by 'Appropriate Land' and how will the costs be calculated?

- 5.45** Appropriate land means, for example, sufficient land for the sport and its ancillary facilities (such as parking), in an appropriate and accessible location, of the right type to allow the sport to be played as envisaged by the relevant national governing body, able to be viably serviced, and for pitches, would need to allow an acceptable layout with the correct orientation and with the pitches suitably level (typically 1:100 slopes) with good drainage, outside of the floodplain, and away from tree canopies.
- 5.46** It is also important to ensure that the function of the land is not compromised by adjacent development. For example, a sports or recreation use does not significantly impact on residential amenity (noise, light, traffic, parking, cricket ball strike, etc).
- 5.47** It is equally important that new housing (and other) development must not cause the use, function or enjoyment of an existing sports or recreation facility to be compromised, for example by leaving a sufficient area around a cricket pitch to prevent ball strike issues. There is case law on this matter⁽¹⁴⁾.
- 5.48** For off-site provision and where an off-site land cost is justified, then in addition to the facility contribution for capital, maintenance and life cycle costs, a land cost contribution will also be required. Alternatively, the land will need to be secured for permanent community use by the developer by other means.
- 5.49** The land cost contribution will normally be based on the local market cost for the relevant land use.
- 5.50** Land provision examples:
- Should it be agreed a housing development needs to develop on sports facility land, then (subject to it being acceptable in planning terms) suitable new land will need to be secured and the facility constructed, along with the necessary ancillary facilities. It will need to fully meet NPPF and Sport England's advice,⁽¹⁵⁾ as well as District Plan Policies including CFLR1 and CFLR8.
 - Should the housing development generate an on-site need for a whole youth sport provision (say a skatepark), but it is agreed with the Council that there is no suitable space on-site, then the developer will be required to secure the delivery off-site on appropriate, accessible land. This might be achieved by, for example, using land that a Parish Council already owns and upon which they wish to see such a facility developed, in which case there would be no cost of land purchase.



- Should a development generate the need for 67% or more of any sports or recreation facility, then this facility should generally be provided on-site, and all necessary land will be provided by the developer at no cost as well as the population related proportion of the cost of the facility.
- If a developer is required to provide for a facility on-site, for example because of master plan or other policy requirements, but the need generated by the development is only, for example, 40% of the facility (so 40% of the land), then then developer will be required to provide all the land, as long as the additional 60% of the land is be paid for by another body (e.g. as the District Council, sports club or a Town Council). The land cost in this case will be set at the local market rate for the planned leisure use, and not at the housing market rate.

5.51 There may be a need to add to the contributions the total cost of other local and/or site-specific costs e.g. abnormal ground conditions, site access needs, structural landscaping, acoustic fencing, legal fees etc.

5.11 How are contributions costed for upgrades and extensions to existing sport and recreation facilities, playing pitches and open spaces?

5.52 In addition to new facilities, where a whole new facility is not required but an assessed need for an extension or major refurbishment of an existing sport or recreation facility, playing pitch site or open space has been identified, robust costs can be used from relevant sources including: Sport England's Facilities Cost Guidance, Sport England Playing Pitch Calculator, National Governing Bodies of Sport, SPONS Architects Built Construction or local market estimates or quotes.

5.53 The Built Facilities and Playing Pitch Calculator both use the cost of new provision to estimate the costs of meeting demand from a development. The costs of meeting and maintaining different open space typologies are based on SPONS External Works and Landscape Price Book (2019) and locally derived maintenance contract cost prices.

5.54 Local costs can be used, for example on a £ per sqm basis, but these need to be robust and confirmed by an independent and appropriately qualified person. This work may be undertaken on the behalf of a developer and proposed to the Council, which should properly consider them.

5.12 How will contributions for built sports facilities be used?

5.55 The flow chart in Section 5.7 for built facilities has two parts:



Sports hall, swimming pools, gyms and studios

- 5.56** The contributions will be towards strategic and satellite facilities. East Herts Council will decide which facility will be funded, guided by the Built Facilities Strategy action plan latest version, which is available on the Council's website.

Outdoor tennis, outdoor bowls and community/village halls

- 5.57** The Built Facilities Strategy's action plan, which is available on the East Herts Council's website, will provide some guidance about requirements, but this should be supplemented by local consultation to identify local needs and how these should be met.

5.13 How will contributions be calculated for playing fields?

- 5.58** The justification for contributions for playing pitches is the Playing Pitch Strategy (2017) and its action plan. The PPS's action plan will be updated, including the investment priorities and updated costs for specific projects. The update will be available on the Council's website and will ensure the list of projects requiring S106 contributions is up to date so the most appropriate way of meeting the demand from the new development can be met.
- 5.59** The decision flow chart (see Section 5.7) refers to the Sport England Playing Pitch Calculator which is hosted on their Active Places Power website. This uses the District's local population profile, team numbers and sports club membership information, and is pro rata for the population of the proposed new development.
- 5.60** Playing pitches lie within playing fields. The playing fields area that needs to be provided must also accommodate access, parking, pavilion space, landscaping, spectator space and any other land unusable as pitch space. The land area to be provided will therefore normally need to be approximately 150% of the area of the new pitch space required.
- 5.61** If the demand generated by the development is for the large majority (67% or more⁽¹⁶⁾) of two adult pitches for football, or two adult pitches for rugby, or one 8-wicket pitch for cricket, or one AGP, then the playing field space for the pitches and accompanying ancillary facilities are likely to be required to be provided on-site. All necessary appropriate land will be provided by the developer at no cost, as well as the population-related proportion of the capital, maintenance and life cycle costs of the facility.



5.62 If the calculated pitch amount is less than 67% of: two adult pitches for football, or two adult pitches for rugby, or one 8-wicket pitch for cricket, or one AGP, then usually an off-site contribution will be required. However, this is dependent upon demonstration to the Council's satisfaction, that there is sufficient accessible capacity elsewhere to meet the new demand arising from the development. This is because playing fields of less than these numbers of pitches usually struggle to be viable. The preference is usually to support large club sites, and/or multi-pitch grass sports hubs with two or more sports and other recreation activities.

5.63 Sport England advises that developers should contact them for early advice about playing pitch provision proposals, whether this is on-site or off-site.

5.64 Section 6 provides a worked example of the costs for playing pitches and pavilions based on 700 dwellings.

5.14 What is considered to be open space?

5.65 Public open spaces and play include: the combined typologies of Parks & Gardens with Amenity Greenspace; Natural and Semi-Natural Greenspace; allotments; youth facilities (e.g. MUGA/skatepark); and, children's and youth play. All open spaces are required to be publicly accessible at all times. They should also be safe, attractive and of a functional size. Allotments may have some restriction on public access due to security needs.

5.66 The following land uses do not count towards public open space: structural and peripheral landscaping, footpaths and cycleways except where integral to a large area of public open space, and small areas of incidental land. Also discounted will be smaller areas of land that are largely surrounded by roads which are not be suitable for reasons of amenity and safety, or where the adjacent use leaves the location unattractive to use.

5.67 In relation to sustainable urban drainage (SUDS) areas, some of these areas may be possible to use as Natural and Semi-Natural Green Space or even Amenity Green Space. However, the Council will need to be persuaded that the design of such SUDS is safe, attractive to use for informal recreation, and easily accessible. Furthermore, the area of the SUDS to be counted as public open space should be dry and usable for a significant majority of the time.

5.68 Whilst not included in calculations for open space provision, canals have important recreational value. As such, development sites within 50 metres of inland waterways will be expected to make contributions towards the improvement or re-naturalisation of the waterway, and improvements and enhancements of the canal environment and its towpath. Developers are advised to seek early pre-application discussions with the Canal and River Trust. Contributions will be assessed on a site by-site basis in consultation with relevant agencies.



5.69 Public open space will also need to be laid out with appropriate infrastructure, which typically will include: good walking access and/or parking, paths, fences, benches, signage, dog and waste bins, cycle parking, watering points and car parking. Parks and Gardens and Amenity Green Space may have all of these, whilst Natural and Semi-Natural Green Space may have less. Allotments can be expected to have all the facilities suggested by the National Allotments Society, including parking, sufficient water, fencing/security, toilets, and communal shed. It will be the Council's decision as to what is reasonable and relevant to be required for open space facilities provision.

5.15 What is the minimum size of a public open space?

5.70 The minimum area of provision for the combined typology of Parks & Gardens and Amenity Green Space or Natural and Semi-Natural Green Space or Allotments should be 0.2 ha. This is based on the minimum size of area included within the open space strategy.

5.71 On development sites generating less than 0.2ha of any one of: the combined Parks and Gardens and Amenity Green Space typology; Natural and Semi-Natural Green Space; or Allotments, the Council will accept a commuted sum towards provision of new off-site open space of the relevant typology, or towards the enhancement of an existing open space of the relevant typology which is within the accessibility thresholds specified in Table 1, and meets the requirements for accessibility given in Section 5.2.

5.16 What are the long term requirements for public open space?

5.72 Where there is a need for new or upgraded open space, the contribution is calculated using the standards of provision in Table 1. Where there is an existing facility off-site, the contributions may be pro-rata.

5.73 As well as the provision of open space and play facilities, their maintenance and life cycle costs will be required to be met.

5.74 Should the new provision be adopted by the East Herts Council or by a Town or Parish Council, then a commuted management sum would be payable for a period of not less than 20 years with the contributions being given to the relevant body. Appendix C identifies the average cost of maintaining different open space typologies based on locally derived maintenance costs. As set out in Section 4.10, these costs will be indexed to take account of inflation.

5.75 Alternatively, local costs can be used, but these need to be robust and confirmed by an independent and appropriately qualified person. This work may be undertaken on the behalf of a developer and proposed to the Council, which should properly consider them. The Council will be willing to consider other management approaches put forward by developers on a



case by case basis. Nevertheless, the Council will always need to ensure each arrangement is effective and viable. For example, an alternative approach could be a management company. In this case there would need to be a Planning Condition that sets out specifications and quality standards for provision and maintenance. These alternative arrangements will require open space management in perpetuity.

49

- 5.76** Reasonable contributions can be requested to cover the Council's costs of setting the specifications for open space and play provision and the long term monitoring of the management arrangements.

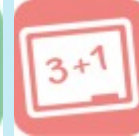
5.17 What play provision is required?

- 5.77** Play provision is a trigger based on the number of houses, so as to provide an appropriate level of facility(ies) for the development, see Table 2. The 67% approach set out in Section 4.5 also applies to play provision. For example, this means that a development of 47 dwellings which does not have access to a LEAP within the accessibility catchment, needs to provide sufficient land on-site plus the population-related proportion of the capital, maintenance and life cycle costs. The 67% threshold for NEAP and teenage provision is 269 dwellings.
- 5.78** Any variations to this approach will need to be adequately justified by the applicant and agreed by the Council.
- 5.79** The Council will only consider the provision of a Local Area for Play (LAP) in exceptional circumstances, such as for a development of 10-46 houses where there is no appropriate accessible play provision.



Table 2: Play provision required per size of development

On-site provision required for: Scale of development	Locally Equipped Area for Play (LEAP)	Neighbourhood Equipped Area for Play (NEAP)	Provision for teenagers e.g. (MUGA; Skatepark; adventure play)
1-9 Dwellings	No contribution or provision	No contribution or provision	No contribution or provision
10-46 Dwellings	Contribution off-site	Contribution off-site	Contribution off-site
47-69 Dwellings	Provide on-site if no accessible facility	Contribution off-site	Contribution off-site
70- 268 Dwellings	Provide one LEAP per 70 dwellings	Contribution off-site	Contribution off-site
269-399 Dwellings	Provide one LEAP per 70 dwellings	Provide on-site if no accessible facility	Provide on-site if no accessible facility
400+ Dwellings	Provide	Provide	Provide
<p>Note 1: 0.25ha/1,000 (FIT standard) = 2500sqm/1,000. A LEAP is 400sqm equipped play, so this equates to 160 people or an average of 69 dwellings. A NEAP is 1,000sqm so equates to 400 dwellings. Teenage provision provided on similar basis to NEAP.</p> <p>67% threshold for LEAP: 47 dwellings</p> <p>67% threshold for NEAP and teenage provision: 269 dwellings</p> <p>On larger sites, where a number of LEAPs and possibly NEAPs are needed, consideration should be given to the best mix of LEAPs and NEAPS, taking into account the required accessibility. For example, If the demand is for say, 4 LEAPS, but three LEAPs can fill the catchment needs, then one or more of the LEAPs or the NEAP may have a larger equipped area to compensate.</p>			



6 Worked Examples

- 6.1** The following are worked examples for contributions towards built facilities, playing pitches and open spaces.

51



Figure 5: Worked example for calculating built facilities- development of 700 houses

Population: 700 houses x 2.32 per dwelling = 1,624 people

Sports Halls

- The Built Facilities Strategy (BFS) identifies a need for new hall facilities in all sub-areas, as well as enhancing the Drill Hall in Ware, and improving school sites with community access (see Built Facility Study Executive Summary paras 3.34 – 3.41)
- The standard of provision is 0.29 courts per 1,000 people.
The need is: 0.47 courts.
- Contributions are sought off-site for 0.47 courts.
- The capital cost of 1 court based on a 4-court Hall is £618,750
- The sports hall contribution is £291,407.
- To this is added the lifespan cost at 0.5% of the capital cost per annum for 25 years, being £36,426; and then add 1% per annum maintenance costs over 25 years, being £72,852.
- The total hall contribution will be £400,684.

Note: A sports hall is a strategic facility, with a catchment of around 20 minutes' drive and so accessible to effectively all the District.

Swimming Pools

- The Built Facilities Strategy identifies need to provide new and replace/refurbish existing pools (see paras 4.25-4.36).
- The standard of provision is 11.31sqm of water space/1,000 people.
- The need is: 18.37sqm of water space.
- Contributions are sought off-site for 18.37sqm of pool space.
- The cost for pool space is £16,224/sqm.⁽¹⁷⁾
- The swimming pool Contribution is £16,224 x 18.37sqm = £297,993.
- To this is added a lifecycle/replacement contribution at 0.5% per annum for 25 years, being £37,249; and then a maintenance cost a 1% per annum for 25 years, being £74,498.
- The total pool contribution will be £409,741.

Note: A swimming pool is a strategic facility, with a catchment of around 20 minutes' drive and so accessible to the large majority of the District. All applications can be requested to contribute to such a facility. Costs based on a 6-lane pool.

Fitness Gym



- The Built Facilities Strategy identifies that there will be a need for additional fitness/gym provision to meet future demand.
- The standard of provision is 7.17 stations per 1,000 people.
- The need is: $1624/1000 \times 7.17$ stations = 11.64 stations.
- Contributions are sought for 11.64 stations.
- The cost of a station is £11,122 per station (includes building and equipment).
- The contribution will be £129,505.
- To this is added the lifespan cost at 0.5% of the capital cost over 25 years, being £16,188; and then the maintenance cost at 1% of the capital cost over 25 years, being £32,376.
- The total fitness gym cost will be £178,070.

Notes: A gym station cost is based on a 100 station gym at £1,810 per sqm; being a typical gym area of 420sqm plus 20% for changing, reception and circulation = 504sqm, so a total build cost of £912,240, with an additional £2,000 per station (£200,000), totaling £1.112,240m, being £11,122/station.

Studio

- The Built Facilities Strategy identifies that there will be a need for additional studio provision to meet future demand.
- The standard of provision is 0.13 studios per 1,000 people.
- The need is: 0.21 studios.
- An average studio is 140sqm, with a cost of £1,810/sqm.
- Contributions are sought for (140×0.211) sqm \times £1,810/sqm = £53,498.
- To this will be added the lifespan cost at 0.5% per annum for 25 years, being £6,687; and then the maintenance cost at 1% of the capital cost for 25 years, being £13,374.
- The total studio contribution will be £73,559.



Outdoor Bowls

- There is an identified need in the Built Facilities Strategy for two new 6-rink facilities in the Gilston Area and the Buntingford Area. Contributions from development in the Buntingford, Watton and Bishop's Stortford sub areas will be directed towards the Buntingford facility, and from the Hertford/Ware and Gilston/Sawbridgeworth area towards the Gilston area facility. There also a need to provide for short-mat bowls at village and community halls (with storage), and Contributions can be allocated to this.
- The standard of provision is 0.59 rinks per 1,000 people.
- The need is: 0.96 rinks.
- Contributions are sought for 0.96 rinks (with a capital cost of £68,333 per rink including clubhouse, based on 6 rink green.
- To this is added a maintenance cost of 6.3% of the capital costs per annum, being £103,122 for 25 years. Sport England does not advice lifespan costs for outdoor bowls.
- The total outdoor bowls contribution will be £168,596.
- This outdoor bowls contribution can be allocated to support indoor short-mat bowling in a local village hall/ community centre

Outdoor Tennis

- There is a need for new tennis courts, as set out in the Built Facilities Strategy.
- The standard of provision is 0.32 courts per 1,000 people.
- The need is: 0.52 courts.
- The capital cost per court including a two changing clubhouse (£260,000), based on a floodlit £375,000 4-court site, is £158,750 per court.
- The contribution is £82,499
- To this is added the lifespan cost at 1.2% of the capital cost per annum for 25 years, being £24,750; and then the maintenance contribution at 0.4% per annum over 25 years, being £8,250.
- The total tennis contribution will be £115,499.



Village/Community Centres

- There is a need for village/community centres, as set out in the Built Facilities Strategy.
- The need is 120sqm per 1,000 people.
- The capital cost is £1,810 per sqm, excluding the cost of ancillary facilities such as car parking.
- The demand from the development is 195sqm
- The capital contribution is £352,733
- A contribution may be sought towards revenue costs up until the whole of the development which the facility is designed to serve, is fully built out.



Figure 6: Worked example for calculating playing pitches- development of 700 houses

Population: 700 houses x 2.32 per dwelling = 1624 people [Outline application]

This uses the Sport England April 2020 version of the Playing Pitch Calculator,⁽¹⁸⁾ which uses a district-wide population profile and the estimated population of the development. It also uses the district-wide team numbers for the pitch sports drawn from the East Hertfordshire PPS (2017), inclusive of displaced and latent demand.

The calculations below assume that all the matches take place at peak time, whatever the league. It also assumes that there is no change in rates of participation over future years.

The Worked Example outputs give an overall indication of the developers' contributions which may be required for a development of this size.

Playing Pitch Calculator output

The text in black is from the Sport England Playing Pitch Calculator. The text in red provides the 20 year life cycle cost for the pitches and pavilions and a total cost of the provision. The life cycle costs include both annual maintenance and an annual contribution towards a sinking fund to cover such things as the replacement carpet for artificial pitches and major drainage works for natural grass pitches.

The nature of the project to which the contributions are directed will determine the justification or otherwise of the maintenance and life cycle costs. Most playing fields will expect to charge for use, but the extent to which the income from activities covers the cost of maintenance and sinking fund will depend on the site. For example, a 3G artificial turf pitch may usually be expected to generate sufficient income to meet its life cycle costs. However grass football pitches are often not used enough to cover all of the maintenance costs.



	Output from Sport England Playing Pitch Calculator			Calculated contributions for 20 years life cycle costs for pitches	Total cost: capital plus 20 years life cycle costs for pitches
	Number of pitches required to meet the estimated demand	Capital Cost	Life cycle cost (per annum)		
Total	3.48	£519,356	£74,606	£1,492,117.57	£2,011,473.83
Natural Grass Pitches Total	3.30	£326,751	£68,215	£1,364,303.61	£1,691,054.20
Adult Football	0.85	£93,372	£19,702	£394,031.89	£487,404.37
Youth Football	1.03	£84,749	£17,797	£355,945.43	£440,694.34
Mini Soccer	0.90	£24,830	£5,214	£104,285.77	£129,115.71
Rugby Union	0.27	£41,215	£8,820	£176,399.06	£217,613.79
Rugby League	0.00	£0	£0	£0.00	£0.00
Cricket	0.25	£82,585	£16,682	£333,641.47	£416,225.99
Artificial Grass Pitches Total	0.18	£192,606	£6,391	£127,813.96	£320,419.62
Sand Based for hockey	0.04	£33,325	£1,033	£20,661.29	£53,985.95
3G for football	0.15	£159,281	£5,358	£107,152.67	£266,433.67

	Output from Sport England Playing Pitch Calculator		Life cycle cost for changing @ 1.3% (per annum)	Calculated contributions for 20 years life cycle costs for changing	Total cost: capital plus 20 years life cycle costs for changing
	Changing rooms (number)	Changing rooms (capital cost)			
Total	4.22	£789,536	£10,264	£205,279.31	£994,815.12
Natural Grass Pitches Total	3.86	£721,016	£9,373	£187,464.08	£908,479.78
Adult Football	1.70	£317,466	£4,127	£82,541.28	£400,007.72
Youth Football	1.11	£208,274	£2,708	£54,151.28	£262,425.45
Mini Soccer	0.00	£0	£0	£0.00	£0.00
Rugby Union	0.54	£100,093	£1,301	£26,024.16	£126,117.09
Rugby League	0.00	£0	£0	£0.00	£0.00
Cricket	0.51	£95,182	£1,237	£24,747.36	£119,929.52
Artificial Grass Pitches Total	0.37	£68,520	£891	£17,815.23	£86,335.34
Sand Based for hockey	0.07	£13,818	£180	£3,592.56	£17,410.10
3G for football	0.29	£54,703	£711	£14,222.67	£68,925.23



Source of costs: Capital Cost- Sport England Facilities Costs Second Quarter 2019

Lifecycle costs- Based on % of the total project cost per annum as set out in Sport England's Life Cycle Costs Natural Turf Pitches and Artificial Surfaces document (April 2012) <https://www.sportengland.org/facilities-planning/design-and-cost-guidance/cost-guidance/>

Life Cycle Costings: Sports Halls, Swimming Pools & Changing Rooms (April 2012)

The next steps

The Sport England accompanying text to the Playing Pitch Calculator web output states:

It is important the results are looked at alongside the findings, recommendations and action plan of the PPS for the area to help determine the most appropriate way of meeting the demand and justifying any resulting proposals. This should include:

Using the PPS to understand the nature of the playing pitch sites within an appropriate catchment of the new population along with issues, recommendations and actions relevant to that area;

Looking at the different ways in which the demand could be met, including for example:

Enhancing existing provision to increase its capacity, supported by suitable management and maintenance arrangements to ensure the greater capacity is maintained over the longer term;

Undertaking works, and ensuring long term maintenance and access arrangements, to secure new or greater community use of existing provision;

Providing new pitches on new sites (natural and/or artificial grass pitches).

Having regard to the Government's regulations, policy and guidance regarding the use of the Community Infrastructure Levy and planning obligations (e.g. the Regulation 122 tests)

Note: If the decision is taken to provide new pitches, then the calculator takes the estimated demand for the use of pitches for matches and training activity and converts this into an estimate of the likely pitch provision required to meet the demand. Indicative costs are also provided to provide this level of pitch provision.



Figure 7: Typical costs of pitches and pavilions

It should be noted that these costs assume that there are no abnormal costs for a site.

Football

Typical costs for facilities improvements

- Piped drainage: £38,400 per adult pitch (7,420sqm); £32,164 for an average youth pitch (5,542sqm) and £10,393 for an average mini pitch (1,200sqm)².
- Regrading and improvement of grass playing surface: £25,500 per adult pitch (7,420sqm); £20,786 for an average youth pitch (5,542sqm); and £6,236 for an average mini pitch (1,200sqm).²
- G pitch replacement carpet.⁴

Typical costs for new pitch provision:

New grass pitches¹:

- adult pitch £100,000
- youth pitch £75,000
- mini pitch costs £25,000

A typical grass adult football pitch will cost £16,700 per year to maintain (£2.25/sqm).³

A typical adult football pitch will have a life cycle cost of £4,400 per year (£0.59/sqm).³

Rugby

Typical costs for rugby pitches improvements are:

- Piped drainage: £62,905 per adult pitch (7,420sqm); £26,803 for an average junior pitch (2,580sqm)².
- Regrading and improvement of playing surface: £41,353 per adult pitch (7,420sqm); £16,410 for a junior pitch (2,580sqm)².

Typical costs for new rugby pitch provision are:

- A new full size grass pitch will cost about £140,000 to provide.¹
- A typical full size rugby pitch will cost £23,300 per year to maintain (£2.24/sqm).³
- A typical full size rugby pitch will a life cycle cost of £6,580 per year (£0.63/sqm).³

Cricket



Typical costs for cricket pitch improvements are:

- Improved cricket square: £22,9742.
- Piped drainage (outfield): £67,3902.
- Regrading and improvement of outfield: £44,9632.

Typical costs for new cricket pitch provision are:

- A separate 8-pitch square new cricket pitch (13, 543sqm outfield + 619sqm) will cost about £207,1531 to provide.
- will cost about £31,694 to maintain.³
- will have an annual life cycle cost of around £10,150 per year (£0.72/sqm).³

A new 8-pitch cricket square plus 2 winter sports pitches overlain on the outfield

- will cost about £295,0001 to provide.
- will cost £45,135 per year to maintain (£2.19/sqm).³
- will have an annual life cycle cost of £14,455 per year (£0.70/sqm).³

Hockey

Typical costs for hockey facilities improvements are:

- Hockey surface replacement carpet about £200,0004.

Cost for new hockey artificial grass pitch provision:

- Full size sand dressed artificial grass pitch with floodlighting will cost about £820,000 to provide assuming no abnormal costs.¹

Changing rooms/club house/pavilion facilities

All pitch sports require changing rooms/club house/pavilion facilities as essential ancillary facilities.

A 2-team changing pavilion at 75sqm will cost about £3,467/sqm being £260,000, and a 4-team pavilion being 245sqm at about £2,776/sqm will cost £680,0001.

Note on sources:

¹ Capital costs for new provision based on Sport England Quarter 2, 2019 Facilities Costs

² Sport England Protecting Playing Fields Guidance Cost Sheets with update to Q2/2018

³ Sport England Life Cycle Costings Natural Turf Pitches (2012)



⁴ Market costs, February 2020



Figure 8: Worked Example for calculating open space provision-development of 70 houses

Population: 700 houses x 2.32 per dwelling = 1624 people [Outline application]

Children's play and provision for teenagers

- The play is to be provided on-site with the provision of a LEAP (406sqm), noting the minimum LEAP size is 400sqm (excluding buffer zones).
- The LEAP is to be delivered to Fields in Trust (F.I.T.) specifications/standards.
- Note: Costs are based on Spons Landscape Price Book (2019). Capital costs assumes the 2,500 sqm of equipped play space is split 1,500sqm of LEAP provision and 1000sqm of NEAP provision . Total weighted cost for 2,500sqm of play equipment is £371,250, giving a cost per sqm of £148.50.
- If the provision is agreed by the Council to be off-site, the off-site contribution will be ££60,210 (406sqm x 148.50/sqm) capital cost for children's play. Then in addition there will be a life cycle cost at 5% of the capital cost per annum over 20 years = £60,210 (60,210 x 5% x 20yrs), and a maintenance cost at £3.68/sqm/yr, over 20 years being = (£73.65 x 406sqm) = 29,882.
- The total contribution will be £150,301.
- If appropriate, then a contribution to cover the cost of purchasing off-site land can also be requested (using a land value based on recreation use).

Note 1: if the housing number was say 105 dwellings, and 609sqm of children's play need was generated, then an option may be to deliver a larger 609sqm LEAP on-site, or a one LEAP (about 400sqm) on-site and also an off-site play contribution equivalent to 209 sqm. The 209 sqm funding could either be an off-site contribution, or be added to the Youth teenage play facility contribution to make that facility larger/more deliverable.

Note 2: Whilst it may be possible to deliver the 209sqm as two 100sqm LAPs on-site, LAPs are not to be provided except in exceptional circumstances (see paragraph 5.75 of SPD),. There is a large variation of youth play which include: MUGAs [floodlit, fenced 36.6m x 21.25m, to Sport England specifications at £150,000]; skateparks [smaller c £80- 100,000, larger c £200-250,000]; wheels/pump tracks [£15k upwards]; and some larger adventure play equipment [£20k+ per item].

Note 3: If the number is higher at say 379 houses (879 people) the demand would be 2,198sqm. This would be split for example into 1x NEAP (1,000sqm) plus 3x LEAP (1,200sqm). However there is flexibility to use this money for a teenage/youth facilities in line with the Open Spaces Strategy policy; for example this can apply if there is already a children's Play NEAP in the catchment.



Parks & Gardens (P&G)/ Amenity Green Space (AGS)

- There is an identified local need for Amenity Green Space/Parks and Gardens.
- The standard of provision is 1.4ha/1,000 people (being 14,000sqm/1,000 people).
- The need is: $162.4/1000 \times 1.4\text{ha} = 0.2274\text{ha}$ (2,274sqm)
- 2,274sqm is to be provided on-site to Green Flag standards
- If provided off-site this will be at $\text{£}15.61/\text{sqm} \times 2,274\text{sqm} = \text{£}35,491 + \text{any land cost}$.
- In addition there will be a maintenance cost at $\text{£}0.74/\text{sqm}/\text{yr}$, ($14.74/\text{sqm}$ over 20 years $\times 2274\text{sqm} = \text{£}33,513$ (
- The total contribution will be $\text{£}69,004$.

Notes: The Open Spaces Strategy sets out the typologies of Parks & Gardens/Amenity Greenspace, and also identifies quantitative surpluses and shortfalls – for example there is a particular deficit in Ware. However, as important as assessing if a contribution or on-site provision is needed is the accessibility standard (480m), such that even if there is a nominal surplus (such as the large surpluses in Bishop's Stortford, Hertford and Sawbridgeworth) a development may need to provide P&G/AGS if there is none accessible within the catchment, or if the quality of the accessible space is too poor to be used. A judgement has to be made as to whether the local supply is of sufficient quantity, quality and accessibility to service the proposed development, or whether an on-site provision is needed, or whether an upgrade of an existing P&G/AGS in the catchment is a better option. Large development sites would normally be expected to have an on-site provision.

Natural and Semi-Natural Greenspace (NGS)

- There is an identified local need for NGS.
- The standard of provision is 3.2ha/1,000 people (being 32,000sqm/1,000 people)
- The need is: $162.4 \text{ people}/1000 \times 3.2\text{ha} = 0.5197\text{ha}$ (5,197sqm) of NGS.
- 5,197sqm NGS is to be provided on-site to adapted Green Flag standards.
- If provided off-site this will be (at $\text{£}3.97/\text{sqm} \times 5,197 \text{ 179sqm}) = \text{£}20,631 + \text{land}$.
- In addition there will be a maintenance costs at of $\text{£}0.08/\text{sqm}/\text{yr}$ over 20 years $\times 5197 \text{ sqm} = \text{£}8,419$.
- The total contribution will be $\text{£}29,050$.



Notes: The Open Spaces Strategy sets out the typologies of Natural and Semi-natural Greenspace, and also identifies quantitative surpluses and shortfalls – for example there is a particular deficit in the towns of Bishop's Stortford and Buntingford but a large surplus in Hertford. However as important as assessing if a contribution or on-site provision is needed is the accessibility standard (720m), such that even if there is a nominal surplus, a development may still need to provide Natural and Semi Natural Green Space, if there is none accessible within the catchment, or if the quality of the accessible space is too poor to be used. A judgement has to be made as to whether the local supply is of sufficient quantity, quality and accessibility to service the proposed development, or whether an on-site provision is needed, or whether an upgrade of an existing N/SNGS in the catchment is a better option. Large development sites would normally be expected to have an on-site provision.

There is no life cycle cost for this typology.

Allotments

- The standard of provision is 0.3ha/1,000 people (being 3,000sqm/1,000 people).
- The need is: $162.4/1000 \times 0.3\text{ha} = 0.0487\text{ha}$ (487sqm).
- 487sqm equates to under 2 allotment plots (250sqm each).
- This is below the 8 plots threshold (see note below). Unless these can be added to an existing local allotment site, an equivalent off-site contribution should be made to cover the land cost and establishment of a new site (which may need other Contributions or grants as well).
- No maintenance costs, as these should be able to be covered by allotments operational income. If not then seek contribution by applying £0.49/sqm/yr or £9.80/sqm/20yrs

Note 1: The Open Spaces Strategy sets out the typologies of Allotments, and also identifies quantitative surpluses and shortfalls – for example there is a particular deficit in Ware town but a current small surplus in Hertford. However as important as assessing if a contribution or on-site provision is needed is the accessibility standard (1000m), such that even if there is a nominal surplus, a development may need to provide allotments if there is none accessible within the catchment, or if the quality of the accessible space is too poor to be used. A judgement has to be made as to whether the local supply is of sufficient quantity, quality and accessibility to service the proposed development, or whether an on-site provision is needed, or whether an upgrade/extension of an existing allotment in the catchment is a better option. The Open Spaces Strategy identifies (para 8.42) that the priority is for development sites to have on-site provision, or if not possible then adjacent or within 1000m of the (centre) of the development, or if not reasonably achievable, then a contribution to the nearest site.



Note 2: The minimum allotment size is to be taken as 8 plots of 250sqm each, plus a minimum 20% extra to cover the required access and secure fencing, landscaping/trees, internal paths, shelter/shed, toilet, composting areas and water. This would be 2,000sqm or 0.2ha for 8 plots. With the NSALG standard of 0.23ha (2,300sqm) per 1000 people, 2,000sqm provides for 860 people or 370 houses minimum, being the nominal threshold for a new allotment.

Note 3: A new site may be part of a site on another larger housing application site, within 10 minutes' drive, where there is room to increase its size. The land price to be paid should be at allotment/agricultural rates, not housing rates.



7 Appendix A- Allocations to CIL or to s106

7.1 The table below would be used if the Council adopted CIL.

7.2 There are currently no plans for the Council to do this, so Contributions for all the facilities listed below should be considered for s106 funding.

Developer Contributions Funding	CIL	s106
Sport and recreation		
Provision, improvements and maintenance of strategic sports and recreation facilities (e.g. Leisure Centres, indoor bowls centre, large youth sport hubs). Usually off-site but may be on-site. Typically serves all, or a large part of a sub area in the District.	Yes	
On-site provision, maintenance and management of sports and recreation facilities.		Yes
Open space, play, green space, allotments and cycling/walking routes		
On-site provision, maintenance and management of open space including: <ul style="list-style-type: none"> landscaping amenity green space other open space typologies 		Yes
On-site provision of play areas including: <ul style="list-style-type: none"> Local areas of play (LAP) Local equipped areas of play (LEAP) Neighbourhood equipped areas of play (NEAP) Multi activity games area (MUGA) and other youth and teenage provision 		Yes
Enhancement of existing (off site) play areas		Yes
On-site provision, maintenance and management of allotments on strategic sites		Yes
Allotments except on larger strategic sites	Yes	Yes
Burial Grounds	Yes	
Cycling and walking recreational routes	Yes	
Playing Pitches		



Strategic playing field multi-sport hubs	Yes	
Other playing fields		Yes



8 Appendix B- National and Local Planning Policies

National Planning Policy Framework (NPPF)

- 8.1 Under the NPPF, Local Planning Authorities (LPA) are required to consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations (NPPF paragraphs 54-57). The framework reiterates the three tests that govern the use of planning obligations in the CIL Regulations (see CIL Regulations below), and endorses the principle that planning conditions are preferable to planning obligations. Local authorities such as EHDC are also required to ensure that planning obligations take account of changes in market conditions over time and, wherever appropriate, are sufficiently flexible to prevent development from being stalled.
- 8.2 Para 8(b) : One of three overarching objectives for sustainable development: “a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being”.
- 8.3 Para 20 (abstract): “Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision: a) leisure and other commercial development; ... ; c) community facilities (such as health, education and cultural infrastructure).
- 8.4 Para 34: Development Contributions: “Plans should set out the Contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure ... Such policies should not undermine the deliverability of the plan”.
- 8.5 Para 54: “Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition”.
- 8.6 Para 55: “Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification”



- 8.7** Para 56: “Planning obligations must only be sought where they meet all of the following tests: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development”.
- 8.8** Para 85(d): “allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;
- 8.9** Para 91(c): “Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: ... c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling”.
- 8.10** Para 92: “To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
- a) plan positively for the provision and use of shared spaces, community facilities (such as ... meeting places, sports venues, open space ...) and other local services to enhance the sustainability of communities and residential environments;
 - b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
 - c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;
 - d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
 - e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
- 8.11** Para 96: “Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate”.
- 8.12** Para 97. “Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the



proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use”.

National Planning Guidance

- 8.13** National Planning Practice Guidance (NPPG) (PPG 003: Reference ID: 23b-003-20140306) states:
- 8.14** “Policies for seeking obligations should be set out in a development plan document to enable fair and open testing of the policy at examination. Supplementary planning documents should not be used to add unnecessarily to the financial burdens on development and should not be used to set rates or charges which have not been established through development plan policy”.
- 8.15** The Open Space, Built Sport Facilities and Playing Pitches Strategies are founded on robust and up-to-date assessments of the needs for sports and recreation facilities, and opportunities for new provision as required by NPPF para 96. The key policies/recommendations should be set out as part of the new Local Plan and detailed in Supplementary Planning Document or SPD, so as to enable fair and open testing of the policy at examination.
- 8.16** The NPPG reaffirms the importance of meeting these tests; para 004 states:
- 8.17** “Does the local planning authority have to justify its requirements for obligations?”
- 8.18** “In all cases, including where tariff style charges are sought, the local planning authority must ensure that the obligation meets the relevant tests for planning obligations in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. Planning obligations should not be sought – on for instance, public art – which are clearly not necessary to make a development acceptable in planning terms. The Government is clear that obligations must be fully justified and evidenced...”

The Community Infrastructure Levy Regulations (as updated 2019)

- 8.19** The CIL Levy Regulations are relevant to this SPD.
- 8.20** Reg 122 states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.



8.21 The 2019 regulations introduce a requirement for councils to publish "infrastructure funding statements". These statements will replace existing Regulation 123 lists and should include details of how much money has been raised through developer Contributions and how it has been spent. Statements must be published on local authority websites at least once a year. Councils will be required to publish their first statements by 31 December 2020. It is important that the Council undertakes ongoing monitoring of CIL (if and when adopted) and s106 income and expenditure.

8.22 Restrictions on the 'pooling' of section 106 planning obligations to fund infrastructure have been removed by MHCLG (2019). Local authorities are currently allowed to pool no more than five developer Contributions to fund a single infrastructure project. The revised regulations remove any upper limit on the number of developer Contributions that can be pooled.

Sporting Future: A new Strategy for an Active Nation (DCMS, 2016)

8.23 The Department for Culture, Media and Sport, following a consultation paper in 2015, launched the new strategy in 2016. The development of the new strategy reflects a need to re-invigorate the nation's appetite for participation in sport following what appears to be a significant reduction in participation (highest profile being swimming), following the upsurge after the 2012 London Olympics. The sport strategy is targeting five outcomes which each sports organisation, public or private sector, will be measured against:

- Physical wellbeing
- Mental wellbeing
- Individual development
- Social and community development
- Economic development.

Sport England: Towards an Active Nation (2016-2021)

8.24 The key drivers in the production of sports and leisure strategies as advocated by Sport England are to protect, enhance and provide sports facilities and playing pitches, as follows:

- **Protect:** To provide evidence to inform policy and specifically to support Site Allocations and Development Management Policies which will protect sports facilities and playing fields and their use by the community, irrespective of ownership
- **Enhance:** To ensure that sports facilities are effectively managed and maintained and that best uses are made of existing resources - whether facilities, expertise and/or personnel to improve and enhance existing provision – particularly in the light of pressure on local authority budgets
- **Provide:** To provide evidence to help secure external funding for new facilities and enhancements through grant aid and also potentially through CIL ... and Section 106 agreements. Sport England and local



authorities can then use the strategies developed and the guidance provided in making key planning decisions regarding sports pitches and facility developments in the area and to support or protect against loss in relation to planning applications brought forward by developers.

8.25 The Vision for the Towards an Active Nation Strategy is:
‘We want everyone in England regardless of age, background or level of ability to feel able to engage in sport and physical activity. Some will be young, fit and talented, but most will not. We need a sport sector that welcomes everyone – meets their needs, treats them as individuals and values them as customers’

8.26 The key emphases Sport England advocate are:

- Focusing more money and resources on tackling inactivity because this is where the gains for the individual and for society are greatest.
- Investing more in children and young people from the age of five to build positive attitudes to sport and activity as the foundations of an active life.
- Helping those who are active now to carry on, but at lower cost to the public purse over time. Sport England will work with those parts of the sector that serve the core market to help them identify ways in which they can become more sustainable and self-sufficient.
- Putting customers at the heart of what we do, responding to how they organise their lives and helping the sector to be more welcoming and inclusive, especially of those groups currently under-represented in sport.
- Helping sport to keep pace with the digital expectations of customers.
- Working nationally where it makes sense to do so (for example on infrastructure and workforce) but encouraging stronger local collaboration to deliver a more joined-up experience of sport and activity for customers.
- Working with a wider range of partners, including the private sector, using our expertise as well as our investment to help others align their resources.
- Working with the sector to encourage innovation and share best practice particularly through applying the principles and practical learning of behaviour change.

Sport England Active Design

8.27 In summary the 10 principles of Active Design are: 1. Activity for all; 2. Walkable communities; 3. Connected walking & cycling routes; 4. Co-location of community facilities; 5. Network of multifunctional open space; 6. High quality streets and spaces; 7. Appropriate infrastructure; 8. Active buildings; 9. Management, maintenance, monitoring & evaluation; 10. Activity promotion & local champions.



East Hertfordshire District Plan (2018)

8.28 Key policies include DEL1, DEL2, CFLR1 and CFLR7.

Policy DEL1: Infrastructure and Service Delivery

I. The District Council will work in partnership with providers of infrastructure and services to facilitate the timely provision of infrastructure necessary to support sustainable development. In support of this work the Council will:

- a) Maintain an up-to date Infrastructure Delivery Plan (IDP) to identify the timing, type and number of infrastructure projects required to support the objectives and policies of the strategy as well as the main funding mechanisms and lead agencies responsible for their delivery;
- b) Use the District Plan and IDP to bid for funding necessary to support development, working in partnership with the Local Economic Partnership (LEP), Hertfordshire Infrastructure Planning Partnership (HIPP), the Local Transport Body (LTB), the Local Nature Partnership (LNP), and other bodies as appropriate;
- c) Monitor capacity in infrastructure and services through annual updates of the IDP and future infrastructure needs assessments;
- d) Consider alternative infrastructure provision, or a review or partial review of the District Plan if evidence in the IDP indicates a changed outlook for the realistic prospects for delivery of infrastructure to support development.

II. For individual development proposals, developers will be required to:

- a) Demonstrate, at the planning application stage, that adequate infrastructure capacity can be provided both on and off site to enable the delivery of sustainable development within the site, the locality and the wider area, as appropriate. Where proposals cannot demonstrate the deliverability of supporting infrastructure, they will be refused;
- b) Ensure that development is phased to coincide with the delivery of additional infrastructure or service capacity as set out in the IDP;
- c) Ensure that infrastructure assets and services are delivered to adoptable standards. Suitable long-term management arrangements must be put in place with a view to secure adoption by the appropriate authority in the longer term.

Policy DEL2: Planning Obligations

- The Council will seek a range of planning obligations. Planning obligations will only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.
- The provision of infrastructure referred to ... above, includes, but is not limited to: open space and recreation facilities, community, education and health facilities, sustainable transport modes, highway improvements, nature conservation ...



Policy CFLR1 Open Space, Sport and Recreation

I. Residential developments will be expected to provide open spaces, indoor and outdoor sport and recreation facilities to provide for the needs arising from the development. Provision of Accessible Natural Greenspace (ANG) will be expected to meet Natural England's ANG Standards. Local areas for play, informal and formal open spaces should be provided for on-site, while contributions towards off-site provision or the enhancement of existing facilities may be more appropriate for other types of provision. Facilities should be provided in accordance with the Council's latest evidence and in consultation with Sport England and the Council's Leisure and Environment Team. Where provision is made on-site as part of a development, applicants should detail how it will be maintained in the long term.

II. Commercial developments will be expected to provide adequate amenity space in addition to landscape and setting features.

III. Proposals for new open space, indoor and outdoor sport and recreation facilities which meet identified needs will be encouraged in suitable locations, served by a choice of sustainable travel options. The proposal and ancillary facilities such as changing rooms and car parking should be fit for purpose and of an appropriate scale and design. Measures should be taken to integrate such facilities into the landscape, including the creation of features which provide net benefits to biodiversity.

IV. Proposals should aim for the dual or multiple-use of facilities for wider community access. The use of Community Use Agreements will be expected where appropriate.

V. Proposals that retain or enhance the provision, quality and accessibility of existing open space, or indoor or outdoor sport and recreation facilities will be supported in principle, where they do not conflict with other policies within this Plan.

VI. Proposals that result in the loss or reduction of open space, indoor and outdoor sport and recreation facilities, including playing fields, (as defined on the Policies Map), will be refused unless:

- a. An assessment has been undertaken which has clearly shown that the facility is no longer needed in its current form;
- b. The loss resulting from the proposed development would be replaced by enhanced provision in terms of quantity and/or quality in a suitable location prior to the commencement of development (in the case of school playing fields, the timing of delivery will be negotiated on a case by case basis in accordance with Policy CFLR10); or
- c. The development is for an alternative open space, sport and recreation facility, the need for which clearly outweighs the loss.

Policy CFLR7 Community Facilities



I. The provision of adequate and appropriately located community facilities will be sought in conjunction with new development. II. Developers will be expected to provide either on-site provision, or where appropriate, a financial contribution towards either off-site provision, or the enhancement of existing off-site facilities. Where provision is made on-site as part of a development, applicants should detail how it will be maintained in the long term.

III. Proposals for new and enhanced uses, buildings or land for public or community use will be supported in principle where they do not conflict with other policies within this Plan. Such proposals:

- a. Should be in suitable locations, served by a choice of sustainable travel options;
- b. Should be of an appropriate scale to meet needs and be of a flexible design to enable multiple uses throughout the day;
- c. Should take measures to integrate such facilities into the landscape, including the creation of features which provide net benefits to biodiversity; and
- d. Should be constructed in tandem with the development to ensure they are available for the new and existing community from the start of occupation.

IV. Proposals should aim to provide for the dual or multiple use of facilities for wider community activities. The use of Community Use Agreements will be sought where appropriate.

V. As part of proposed strategic development, consideration will be given to the need to provide new Household Waste Recycling Centres in suitable locations, taking account of neighbouring land uses. Policy CFLR8 Loss of Community Facilities I. Proposals that result in the loss of uses, buildings or land for public or community use will be refused unless:

- a. An assessment has been undertaken which has clearly shown that the facility is no longer needed in its current form; or
- b. The loss resulting from the proposed development would be replaced by enhanced provision in terms of quantity and/or quality in a suitable location; or
- c. The development is for an alternative community facility, the need for which clearly outweigh the loss.



9 Appendix C- Open Space Maintenance Costs

- 9.1** The maintenance costs for Open Space is based on a Q1/2020 accepted contract price for East Herts Council. For commercial reasons the individual costs breakdown cannot be provided, but the main cost components are set out.
- 9.2** There is a combined Parks and Gardens and Amenity Grassland typology. The cost for this has been taken as a weighted average of the two costs (see table note).
- 9.3** In the table below some of the maintenance components are listed as the same, but generally Parks and Gardens and Play have the highest level of maintenance (e.g. more times a year), Natural/Semi-Natural the least, and Amenity Grassland and Allotments in between.

Typology	Main Components	Annual £s per sqm	£s per sqm per 20 years
Parks and Gardens	Benches, annual bedding (spring and summer), grass mowing high amenity, grass mowing park, hedge cutting, shrubs, trees, fencing, litter sweep, litter pick, path sweeping, weed-kill paths etc, dog bins collect and cleanse, gate maintenance, and general inspection.	Weighted average* for combined Parks & Gardens (£1.815) and Amenity Grassland (£0.460) Combined average: £0.737	Weighted average for combined Parks and Gardens (£36.30) and Amenity Grassland (£9.19) Combined average: £14.74
Amenity Grassland	Benches, grass mowing amenity, hedge cutting, trees, fencing, litter sweep, litter pick, weed-kill paths etc, dog bins collect and cleanse, gate maintenance, and general inspection.		



Natural/ Semi-natural Grassland	Grass mowing by parking area, grass mowing conservation cut (some areas); trees, litter, parking area weed kill, general inspection	£0.081	£1.61
Play (LEAP & NEAP	Grass mowing high amenity and standard annual, fences, benches, litter pick, weed control, safety inspections, maintenance/repairs to equipment and surfaces	£3.68	£73.65
Allotments	Grass mowing amenity, hedge cutting, fences, trees, dog bins collect and cleanse, benches, litter pick, weed control, gates lock/unlock/maintain, regular general inspection	£0.49	£9.80

**Note: The weighting is based on the relative areas (as assessed in the Open Space Strategy) excluding Panshanger Park which although classified as a Park is for costing purposes more akin to natural and semi-natural open space costs. Its inclusion would have significantly increased the average cost for the combined typology.*

Parks and Gardens are costed at £36.30/sqm/20yrs

Amenity Grassland is costed at: £9.19/sqm/20yrs

The weighting is: Parks and Gardens @ 60.2ha; and Amenity Grassland @ 234.1ha

The average for the combined typology is £14.74/sqm/20yrs



10 Appendix D Capital Costs

10.1 Capital cost sources

10.1 The cost bases are provided for each element of the assessment below.

Facility capital costs

'SE costs'

- Sport England Facility Costs Q2 2019
- Cricket only facility Sport England costs q2, 2019

Cricket natural turf @ 1293 sqm

'SPONS 2019'

- SPON'S Architects' and Builders' Price Book 2019

'Current mkt costs'

- Current market costs for similar facility developments elsewhere in England

Life cycle costs

Sport England Life Cycle Costings (2012)

Sport halls, swimming pools, changing rooms/clubhouse

Natural turf pitches

Football, rugby union, cricket, bowling green

Artificial sports surfaces

Football, hockey, cricket practice, outdoor tennis, athletics track, multi-use games area

Open Space

'SPONS 2019'

- SPONS External Work and Landscape Price Book 2019



10.2 Capital cost tables

National costs used as baseline for Sport England Facilities Costs Second Quarter 2019

Information	Facilities			
	Affordable Sports Hall	Affordable Community Swimming Pool	Bowling Natural Turf Green	Outdoor Tennis Courts
Size/details	4 court (34.5 x20m)	25m pool 6 lanes (24x12.5m)	40x40m flat or crown green (6 rink)	4 court, fenced, sports lighting
Area sq m	690.00	312.50	1,600.00	2,342.00
Capital Cost per item (£)	£2,475,000	£5,070,000	£150,000	375,000
Unit used in EHC calculator	1 court	sqm	per rink	per court
Cost per unit of sports facility	£618,750	£16,224	£25,000	93,750
Changing/ clubhouse provision	Costs included within the facility calculation	Costs included within the facility calculation	2 team changing room plus officials-traditional construction	2 team changing room plus officials-traditional construction
Cost of changing/ clubhouse provision			£260,000	£260,00
Changing/ clubhouse provision used in the EHC calculator			Changing provision per rink	Changing Provision per court

Open Space, Sport and Recreation SPD



80

Cost for changing provision			£43,333	£65,000
Capital cost in SPD calculator	£618,750	£16,224	£68,333	£158,750

National costs used as baseline for Sport England Active Places Power Playing Pitch Calculator (but with regional costs applied, not included here) - automatically generated by the Sport England online calculator. Sport England Facilities Costs Second Quarter 2019.

Information	Pitches				
	Football 3G AGP	Hockey Surface AGP	Football Natural Turf		
Size/ details	Senior Football (60mm 3G, fenced, sports lighting) (106x70m)	Hockey Pitch (18mm Sand Dressed, fenced, sports lighting) (101.4x 63.0m)	U8/U7 Mini (43x33m)	U16/U15 Youth (97x61m)	Senior (106x70m)
Area sq m	7,420.00	6,388.00	1,419.00	5,917.00	7,420.00
Capital Cost per item (£)	£990,000	£820,000	£25,000	£75,000	£100,000
Unit used in EHC calculator	sqm	sqm	sqm	sqm	sqm
Cost per unit of sports facility	£133.42	£128.37	£17.62	£12.68	£13.48



Changing/ clubhouse provision	Contribution towards 4-team changing facility on pro rata basis		N/a	Contribution towards 4-team changing facility on pro rata basis @ 2 team changing rooms per pitch	
Cost of changing/ clubhouse provision			N/a		
Changing/ clubhouse provision used in EHC calculator			N/a		
Cost for changing provision			N/a		
Capital cost in calculator	£133.42	£128.37	£17.62	£12.68	£13.48



Information	Pitches			
	Rugby Union Natural Turf	Cricket Natural Turf	Changing rooms/ club house/ pavilion	
Size/details	Rugby Union (130x 80m)	Cricket Pitch, with 8 pitch square and 2 winter sport pitches (125.6x 164.4m)	2 Team changing room plus officials-trad construction	4 Team changing room and clubhouse
Area sq m	10,400.00	20,649.00	75.00	245.00
Capital Cost per item (£)	£140,000	£295,000	£260,000	680,000
Unit used in EHC calculator	sqm	sqm	sqm	sqm
Cost per unit of sports facility	£13.46	£14.29	£3,467	£2,776



Changing/ clubhouse provision	Contribution towards 4-team changing facility on pro rata basis @ 2 team changing rooms per pitch			
Cost of changing/ clubhouse provision				
Changing/ clubhouse provision used in EHC calculator				
Cost for changing provision				
Capital cost in calculator	£13.46	£14.29	£3,466.67	£2,775.51

SPON's/ local market cost facilities (2019)

Information	Facility			
	Fitness Gyms		Studio Space	Village and community centres excl ancillary and car parking
Size/details	Building and fitness stations, 100 station size (504sqm)	100 station	Building @ 140 sq m	120 sq m 1000 population
Area sq m	504.00		140.00	
Capital cost per item (£)	£912,240	£200,000	£253,400	

Open Space, Sport and Recreation SPD



84

Unit used in EHC calculator	sq m	per station	sq m	sq m
Cost per unit of sports facility	£1,810	£2,000	£1,810	£1,810
Changing/clubhouse provision	N/a		N/a	N/a
Cost of changing clubhouse provision	N/a		N/a	N/a
Changing/clubhouse provision used in EHC calculator	N/a		N/a	N/a
Cost for changing provision	N/a		N/a	N/a
Capital cost in calculator	£11,122		£1,810.00	£1810.00

SPON's OPen space costs (2019)

Information	Open Space			
	Children's play and provision for teenagers	Parks & Gardens and Amenity Green Space	Natural & Semi-Natural Green Space	Allotments
size/details	Equipped play provision and teenage provision excluding land	Combined standard		
Standard of population per 1000 population sq m	2,500	14,000	32,000	3,000
Capital Cost (£)	£395,000	£218,540	£127,040	£46,830



Unit used in EHC calculator	sq m	sq m	sq m	sq m
Cost per unit of open space	£148.00	£15.61	£3.97	£15.61
Capital cost in SPD calculator	£148.00	£15.61	£3.97	£15.61

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Open Space, Sport & Recreation
Supplementary Planning Document
Consultation Statement

1. Introduction

- 1.1 This statement is the 'Consultation Statement' for the Open Space, Sport and Recreation Supplementary Planning Document (SPD) as required by the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.2 This statement sets out details of the consultation which has informed the preparation of the SPD.
- 1.3 The purpose of this SPD is to explain when the Council will seek planning obligations (contributions) to balance the impact of development on local open space, sport and recreation.
- 1.4 Supplementary Planning Documents (SPDs) provide guidance to supplement the policies and proposals in the District Plan. SPDs do not have to go through the formal examination process, but consultation with stakeholders and the wider community is still a vital part of the preparation process. The scope of consultation and decision on who will be consulted will reflect the nature of the SPD.

2. Town and Country Planning Regulations

- 2.1 The SPD is produced in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. The relevant regulations relating to the consultation process are explained below.
 - Regulation 12: Regulation 12(a) requires the Council to produce a consultation statement before adoption of the SPD, this must set out who was consulted, a summary of the issues raised, and how these issues were incorporated in to the SPD.

- Regulation 12(b) requires the Council to publish the documents for a minimum 4 week consultation, specify the date when responses should be received and identify the address to which responses should be sent.
- Regulation 35: Regulation 12 states that when seeking representations on an SPD, documents must be available in accordance with Regulation 35. This requires the Council to make documents available by taking the following steps;
 - Make the document available at the principal office and other places within the area that the Council considers appropriate;
 - Publish the document on the Council's website.

3. Statement of Community Involvement (SCI)

- 3.1 The SCI explains how the council will involve the community in plan-making and in the consideration of planning applications. In October 2019 the Council adopted a new SCI to replace the previous SCI (adopted in 2013) and take into account changes to legislation and policy.
- 3.2 However, the draft of this SPD was published before the Council adopted the revised Statement of Community involvement on 23 October 2019. As such it was published for consultation in accordance with the previous version, most notably, for 6 weeks consultation instead of 4 weeks.

4. Early consultation

- 4.1 The contribution requirements identified in this SPD are based on the principles and provision standards established in three studies produced as part of the evidence base for the District Plan: the Built Facilities Strategy (2017), the Open Space Strategy (2017) and the Playing Pitch Strategy (2017). These studies (and

therefore the background to this SPD) have been informed by collaboration with stakeholders as follows:

- Consultation with sport governing bodies and local clubs to provide information on clubs, teams, facilities and club aspirations;
- Hertfordshire Sports Partnership who provided information on the wider county context;
- Feedback from local facility providers;
- Neighbouring local authorities;
- Sport England advice on the methodology and endorsement of the final studies.

4.2 The emerging SPD has subsequently been informed by East Herts Council's Planning Policy and Leisure Services Development Officers and Sport England.

5. Consultation

5.1 The SPD was approved for public consultation at Executive on 3rd September 2019. Formal public consultation was undertaken on the draft SPD for a period of six weeks from 3 October to 14 November 2019.

5.2 Consultation was undertaken in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Statement of Community Involvement. Consultees were consulted by email; or post where no email address was provided. A list of consultees is provided in Appendix A. The SPD consultation was also advertised via the Council's website, social media and newsletter Network.

- 5.3 The SPD and Strategic Environmental Assessment (SEA) Screening Statement were made available on the Council's website: www.eastherts.gov.uk/openspacespd. This included Information about how to submit representations. Paper copies were available for public inspection during normal office hours at the East Herts Council Offices in Hertford and Bishop's Stortford, town council offices and in libraries across the district.
- 5.4 Representations could be made via the Council's consultation portal <http://consult.eastherts.gov.uk/portal>; emailed to planningpolicy@eastherts.gov.uk or sent to; Planning Policy, East Herts Council, Wallfields, Pegs Lane, Hertford, SG13 8EQ.

5. Issues raised during the consultation

- 5.5 A total of 108 responses were received from 19 respondents. Two of the responses stated that the respondents had no comments on the draft SPD. Ten comments expressed support for the document, including Sport England, which welcomed the production of the SPD. There were 44 objections to the SPD and 52 comments. One additional blank comment was submitted in error, but was deleted after discussion with the consultee.
- 5.6 The main issues raised in the responses are summarised below:
- A lack of clarity about the process for calculating contributions- A number of objections and comments raised concern that the SPD needed more explanation about how the guidance should be applied, more clarification about how to calculate provision and greater detail about the scope of the SPD. One respondent recommended using flow charts to explain the process more clearly.

- Use of calculations is too prescriptive- Many of the objections and comments from developers are concerned that the SPD is too formulaic and fails to allow enough flexibility to reflect site specific considerations and the CIL regulations. A number of comments sought more flexibility in the use of lifecycle/maintenance costs, the standard population multiplier, the exclusion of SUDs in definition of open space and thresholds for on-site/ off-site provision.
- More information about facilities required- Several respondents wanted more detail about specific facilities or clubs within the SPD, so that there is up to date evidence about projects requiring funding.
- More detail of costs- Several respondents sought more clarity about facility and maintenance costs used and evidence that they are reasonable and fair. Several requested the use of more locally specific costs.
- Playing pitch model- Sport England request the latest playing pitch model is incorporated, to ensure 3G pitches are accurately calculated.

5.7 A summary of the consultation responses is set out in the schedule below. This table outlines the comments by topic, the Council's response to these issues and any consequential changes to the SPD. If text is to be deleted from the draft SPD it is shown ~~struck through~~. If new text is to be inserted it is shown underlined.

5.8 To address concern that the information in the SPD lacked clarity at times, a key change is that the document has been restructured to explain the planning obligation process more clearly and logically. As a result a number of paragraph and sections have been reordered. The references in the schedule show the draft SPD numbers in black and the final SPD numbers in **red**. A Proposed Modification Document is available to help show how the SPD has been changed.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
General Comments: scope of the SPD					
8 – Sport England		Support	Supports the production of the SPD as it provides comprehensive and robust advice and is consistent with the NPPF, the Council's technical evidence base and Sport England's CIL and Planning Obligations advice note	Support noted	No amendment in response to this issue.
3 – R. Haswell		Support	Would like to see discussions between EHDC and the Bishop's Stortford Lawn Tennis Club regarding PERMANENT indoor facilities, as these were included in a previous planning application when the extra land was acquired in 2000. It was always intended to provide a fixed indoor centre for the district of Bishop's Stortford instead of EHDC relying on Goslings which is too far away.	The Lawn Tennis Club is identified as a hub facility in the Built Facilities Study (2017) and the action plan specifically includes a commitment to increase the capacity of the site. The options included covering courts or converting grass courts to hard courts as a first phase, and potentially both additional courts and an extension of the clubhouse by 2026 as a second phase. Feasibility work was required to confirm these options. Progress on the feasibility studies and recommendations for	No amendment in response to this issue.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
				investment to be taken into account in future updates of the Built Facilities Strategy action plan. Site correctly identified as strategic facility in the draft SPD.	
24 – K. Harwood		Support	Supports the provision of facilities in principle as outlined in this document. However, many sites allocated in the adopted District Plan affect historic parks and gardens or their settings. This includes development adjacent to historic parks and gardens, where residents may use as green space for informal recreation. The extra pressure that this puts on the historic fabric of such parklands should be included in any calculations and be eligible from CIL or S106 contributions from neighbouring developments.	Where a historic park or garden is within the accessibility catchment (for this type of provision being 710m) of a new development then there may be justification for S106 towards improvements at the site if it is effectively fully available on an open access basis. This is a generic approach for all existing open space close to a proposed development. The Council endorsed evidence base Open Spaces Strategy has a combined Amenity Greenspace/Parks and Gardens typology and contributions calculation. SPD wording revised to include more reference to	Amend paragraph 4.12 (5.17) as follows: <u>It should be noted that NB: S standards of provision should not be used in isolation, but must be used in tandem with actual assessed need and other robust evidence.</u> For example, <u>there may be an assessed potential if there is a current and future assessed-surplus of a facility or specific open space typology which</u> has secure community use and is accessible <u>during the peak period (evenings and weekends), then a contribution should be directed towards the quality improvements of that facility. (within the catchments given in Table 1 and accessible as defined by Section 5.2), but its quality is poor.</u> <u>In this situation contributions may be towards investment in the quality of the facility or open space in order to increase its capacity, so that it can meet the development's assessed demand.</u> (paragraph moved to section 5.3 of final SPD)

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
				accessibility.	<p>Amend paragraph 4.13 (5.16) as follows:</p> <p>Standards of Provision for East Herts Council are set out in table 1. <u>They are referred to in the flow charts in Section 5. The quantity standards underpin the Calculators available on the EHC website. Examples of their application are given in the 'Worked Examples' in Section 6.</u></p> <p>Amend Paragraph 4.24 (5.71) and insert new paragraph before this:</p> <p><u>The minimum area of provision for the combined typology of Parks & Gardens and Amenity Green Space or Natural and Semi-Natural Green Space or Allotments should be 0.2 ha. This is based on the minimum size of area included within the open space strategy.</u></p> <p>On development sites generating less than 0.2ha.....accessibility thresholds specified in Table 1, <u>and meets the requirements for accessibility given in section 5.2.</u></p>
25- Hertfordshire Football Association (FA)		Support	Support the production of the SPD to guide developer contributions for open space, sport and recreation. Agree with Sport England that the SPD is	Support noted.	No amendment in response to this issue.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<p>considered to be consistent with the NPPF, the Council's evidence base for sport and Sport England's CIL and Planning Obligations Advice Note https://www.sportengland.org/facilities-and-planning/planning-for-sport/planning-tools-and-guidance/community-infrastructure-levy-and-planning-obligations-advice-note/.</p> <p>In particular, the approach taken develops the advice on the approach to developer contributions contained in the Council's Open Spaces and Sports Facilities Assessment Technical Study documents.</p>		
108- G Gaunt			<p>Difficult to comment on your survey regarding recreation facilities in District Plan.</p> <p>Raises concern about development East of Stevenage in terms of loss of the Green Belt and detrimental impact on the environment. Forget about playing fields and just keep the Green Belt in place.</p>	Development on land East of Stevenage is outside the scope of this SPD. However, it is an allocated site (ES01) in the adopted District Plan (2018), which was robustly assessed and examined by an independent planning Inspector.	No amendment in response to this issue.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
30- Historic England			No specific comments at this stage.	Noted	No amendment in response to this issue.
106- Hertfordshire County Council			<p>Hertfordshire County Council made the following general comments across a number of topics:</p> <ul style="list-style-type: none"> •No comment on school playing pitches as overall content is relatively minimal and acceptable. •Hertfordshire Public Health support content of the SPD because it will help achieve priorities set out in the Hertfordshire Public Health Strategy. It will facilitate participation in sport and physical activity. This will support physical and mental health and aid community cohesion. HCC has recently adopted a Health impact position statement. •HCC's commitment to more sustainable modes of transport and movement is set out in the Local Transport Plan (LTP4). Where appropriate S106 contributions should be secured from new developments to ensure sustainable routes, within 	<p>Support relating to the health benefits of open space is acknowledged and the no comment in relation to school pitches noted.</p> <p>The comments relating to the importance of securing sustainable routes to new open space facilities is noted. Whilst outside the scope of the SPD which focusses on the provision of the facility itself, the District Plan requires sustainable transport options to be addressed in new development proposals (Policy TRA1 Sustainable Transport).</p>	No amendment in response to this issue.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			and to these locations, which promote active travel modes.		
105- Natural England			<p>The topic of the Supplementary Planning Document does not appear to relate to our interests to any significant extent. We therefore do not wish to comment.</p> <p>Sets out the requirements to consult Natural England if a Strategic Environmental Assessment is required.</p>	<p>Noted</p> <p>The Council has consulted Natural England specifically on the SEA screening report and Natural England has confirmed it has no comments.</p>	No amendment in response to this issue.
104- Canal and River Trust			<p>It is disappointing that the SPD does not include any reference to the Lee Navigation or the River Stort which are recreational assets to the communities in East Herts. The scale of development (particularly at Gilston) will increase towpath use and the Canal and River Trust would welcome opportunities to improve towpath routes and connect them with other networks</p>	<p>The Council recognises that canals provide important recreational value. It is not appropriate to quantify this provision and include in the open space contribution calculation.</p> <p>However, it is considered to appropriate to continue the approach currently set out in the 2008 Open Space SPD and ask relevant developments to contribute as assessed on a site specific basis.</p>	<p><u>Insert the following paragraph into section 4.3 (5.68):</u></p> <p><u>Whilst not included in calculations for open space provision canals have important recreational value. As such, development sites within 50 metres of inland waterways will be expected to make contributions towards the improvement or re-naturalisation of the waterway, and improvements and enhancements of the canal environment and its towpath. Developers are advised to seek early pre-application discussions with the Canal and River Trust. Contributions will be assessed on a site by-site basis in consultation with relevant agencies.</u></p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
Introduction: Policy Context					
29- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 1.2 Policy Context, para 1.9		<p>Whilst section 1.9 of the SPD sets the context for the SPD, we consider that it would be appropriate to set out clearly how the requirements of the SPD link back to Policy CFLR1 (Open Space Sport and Recreation) and Policy DEL2 (Planning Obligations) of the District Plan and the IDP, so that the links between the SPD and the adopted policies are clearly set-out.</p> <p>The above changes would also help to ensure it is clear that additional requirements, over and above the adopted policy requirements, are not being introduced and that the SPD is supplemental to the policies within the adopted District Plan.</p>	<p>The Council is satisfied that the SPD is supplemental to the policies in the District Plan. However it is agreed more detail about the policy requirements and purpose of the SPD would be useful, so additional text has been added.</p> <p>It is also considered the policy context should all be included in Section 1.2 (2.3 of final SPD) for clarity. So Section 2.6 'What is the policy Justification for provision of improvement of these facilities?' is deleted and the text (paras 2.16 and 2.17) moved into Section 1.2.</p>	<p>Make the following changes:</p> <p>Amend paragraph 1.3, add to the end of the first sentence:</p> <p>The SPD supplements policies in the District Plan (2018) <u>and will replace the previous open space, sport and recreation SPD adopted in 2009.</u></p> <p>Insert new text under Section 1.1 purpose of the SPD: <u>The main purpose of this SPD is to provide more detailed guidance on how to comply with policy CFLR1 Open Space, Sport and Recreation of the East Herts District Plan 2018. The SPD explains when the Council will seek planning obligations to balance the impact of development on local open space, sport and recreation. It shows how calculations for the provision and cost of new and improved open space, sport and recreation provision are worked out, improving transparency and consistency in the planning obligation process. The procedures identified in this SPD aim to assist applicants and decision makers in the planning application process. A systematic approach means the contribution of new development to open space, sport and recreation facilities is more coherent, whilst</u></p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
					<p><u>still allowing the site specific consideration and flexibility that underpins the S106 process. It has been prepared and will be operated in accordance with national legislation and guidance.</u></p> <p>Delete heading 2.6: What is the policy justification for provision or improvement of these facilities?</p> <p>Delete paragraph 1.10:</p> <p>DEL1 Infrastructure and Service Delivery and Policy DEL2 Planning Obligations of the Local Plan provide the main policy 'hook' for this SPD. However other policies in the District Plan have further requirements for open space, sport and recreation developer contributions. These policies are set out in Appendix B.</p> <p>Move text in para 2.16 and 2.17 of the draft SPD into Policy Context section 1.2 (2.3 of final SPD):</p> <p><i>(see proposed modifications document)</i></p> <p>Insert new text after paragraph 1.7 (2.13):</p> <p><u>Planning Practice Guidance on Planning Obligations states that where a standardised approach may have informed the identification of needs and costs and the setting of plan policies, each planning</u></p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
					<p><u>obligation sought must still meet the statutory tests set out in regulation 122 of the CIL regulations.</u></p> <p>Insert additional text at the ends of the bullet point relating to CFLR1 in 2.17 (2.15):</p> <p><u>Facilities should be provided in accordance with the Council's latest evidence and in consultation with Sport England and the Council's Leisure and Environment team.</u></p>
Introduction: Purpose of SPD					
30- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.			<p>The provision of the SPD is welcomed particularly in light of the growth planned within the District Plan.</p> <p>Paragraph 1.14 states that the SPD will provide guidance for developers to support land negotiations, master planning and early viability assessment. However, para 2.8 states that additional planning obligations, outside of the scope of the SPD, may be sought. The wording at paragraph 2.8 appears to run counter to the objective stated</p>	<p>Para 2.8 of the draft SPD aims to explain that this SPD does not limit requirements on a development in respect to other obligations which may arise. However, all obligations will need to be fully in accordance with the NPPF, CIL regulations and other policies, and would need to be justified.</p> <p>However, the Council recognises this lacks clarity and should be explained better. The SPD covers the most likely open space, sport</p>	<p>Amend paragraph 2.8 (4.1) for clarity:</p> <p><u>This SPD covers the most likely requirements for open space, sport and recreation facilities as set out in the Council's latest evidence base¹. It should be noted that the planning obligations outlined in this SPD are not <u>however</u> exhaustive. There may be some <u>limited occasions when unanticipated demands arise which are sport/recreation/open space related and which need to be taken into account on a specific site to make the proposed development acceptable.</u> In some areas additional planning obligations, outside the</u></p>

¹ Open Space Strategy 2017, Built Facility Strategy 2017 and Playing Pitch Strategy 2017

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			at paragraph 1.14. It is suggested that clarity related to this is made within the SPD and provided within the same paragraph.	and recreation contributions, but there may be limited occasions when unanticipated demands arise which are sport/recreation/open space related and which need to be taken into account on a specific site to make the proposed development acceptable. This provides a necessary degree of flexibility within the SPD. Each site will be assessed on its merits.	scope of this SPD, may be sought Insert a new paragraph (4.2) after this amended paragraph: <u>The average contribution per dwelling will be about the same so as to be fair and reasonable.</u>
2. Planning Obligations <u>Context</u> : Importance of planning obligations					
31- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 2.2 Why are obligations important? Para 2.3		Support the wider benefits listed, but Council may also want to consider including reference to the important role open space can deliver to climate change and ecosystem services.	The role of open space in climate change and ecosystem services is implied but not specific in draft SPD para 2.3. Add sentence to draft SPD para 2.3 to clarify.	Add additional text to the end paragraph 2.3: <u>The provision of open space can also contribute towards addressing climate change, support biodiversity and ecosystems.</u>
4- R.Cann	Section 2.2 Why are Obligations important? Para 2.4, sustainable transport.	Object	The SPD states that a number of circular routes around Bishops Stortford represent great opportunities for cycling. I am a	Although outside the scope of this document, the Council recognises that the cycle network could be improved	Insert text at end of Sustainable transport bullet point, paragraph 2.4 (2.5) as follows: <u>Although outside the scope of this document, the Council recognises that the cycle network</u>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			cyclist and I don't know of any such routes that you could safely cycle with children. Bishops Stortford is NOT (yet?) a cycle-friendly place, and this needs to be changed.	in East Herts. The District Plan emphasises that new development creates opportunities for improving cycling provision. Policy TRA1 Sustainable Transport outlines that development should create new routes and could extend existing infrastructure.	<u>could be improved in East Herts. The District Plan emphasises that new development creates opportunities for improving cycling provision. Policy TRA1 Sustainable Transport outlines that development should create new routes and could extend existing infrastructure.</u>
9 – Sport England	Section 2.2 Why are obligations important? Para. 2.7		Supports reference in paragraph 2.7 to the role sport and leisure facilities have in addressing local health and well-being inequalities. This helps justify the need for developer contributions.	Support noted	No amendment in response to this issue.
2. Planning Obligations: Coverage of SPD					
77 - Turley on behalf of Ptarmigan	Section 2.3 Does this SPD cover everything? para. 2.8	Object	Paragraph 2.8 states that the planning obligations in the SPD are not exhaustive and in some areas additional planning obligations outside of the scope of the SPD may be sought. We assume that this statement refers to obligations required for other matters and not those relating to open space, which should be referenced within this SPD.	Para 2.8 of the draft SPD aims to explain that this SPD does not limit requirements on a development in respect to other obligations which may arise. However, all obligations will need to be fully in accordance with the NPPF, CIL regulations and other policies, and would	Amend paragraph 2.8 (4.1) (see response to comment ID30. τ

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<p>If this is however not the case, then as a matter of principle, all obligations relating to open space, sport and recreation which may potentially impact on developments must be collectively addressed within the relevant SPD. No further open space obligations should be left invisible or kept 'open ended' creating the potential for future dispute.</p>	<p>need to be justified.</p> <p>However, the Council recognises this lacks clarity and should be explained better. The SPD covers the most likely open space, sport and recreation contributions, but there may be limited occasions when unanticipated demands arise which are sport/recreation/open space related and which need to be taken into account on a specific site to make the proposed development acceptable. This provides a necessary degree of flexibility within the SPD. Each site will be assessed on its merits.</p>	
32 - Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 2.3 Does this SPD cover everything? Para. 2.8		<p>Whilst it is understood that 'The exact type and range of planning obligations sought for an individual site will depend on the development proposed and its impacts on the local environment, local services and facilities', it is also suggested that equal weighting is given to the fact that</p>	<p>The Council recognises that each site is assessed on its own merit and within the local context. The Council will only seek obligations when necessary, so this may on occasion result in fewer contributions being sought at times.</p>	<p>Insert new flow charts in section 5.7 help to explain when contributions should be sought for different types of open space.</p> <p><i>(see proposed modification document)</i></p> <p>Amend section 5.5 (section 4.7) as follows:</p> <p><u>4.26</u> The contributions outlined in this document provide consistency and transparency in the planning obligation</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			in certain circumstances 'fewer' obligations may be sought for the same reasons. It is therefore suggested that this is acknowledged in the wording of the SPD.	Section 5.5 (section 4.7 of final SPD) confirms there is flexibility and this has been expanded to further emphasise the issue.	<p>process. However, as each application is considered on its own merits, there may be <u>variations in requirements for similar developments, taking into account the local context and specifics at the time the planning application is considered. The provision and cost calculations are the starting point for negotiations, but need to be used in conjunction with the local evidence base to ensure the site specific context is taken into account.</u></p> <p>(4.27) In all cases, there may be reasons for the Council to choose to be flexible in how it applies this guidance these policies. As examples:</p> <ul style="list-style-type: none"> • Where the required need is for part of a facility, the Council may request all of the land but not ask for a contribution to the facility's provision or maintenance. • The Council may request all of the provision of a facility but none of the maintenance or sinking fund <u>life cycle</u> costs. • <u>Where the nature of the recipient of the funds means that a request for life cycle and maintenance costs would not be appropriate, for example where the funds are to be used towards a facility which is owned/managed by a profit-distributing</u>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
					<p><u>body.</u></p> <ul style="list-style-type: none"> Where a new village hall or community centre is built to support a new community, life cycle and maintenance costs may be appropriate up until the time that the new community is fully established, but thereafter the facility is expected to be financially self-sustaining. Where new provision is proposed but there is very significant local concern about the times that a new facility may be used, then reasonable time restrictions may be considered. Housing scheme viability may reduce the amount being requested.
78- Turley on behalf of Ptarmigan	Section 2.5 What type of sport, recreation and open space facilities can be required? Para. 2.12	Object	<p>Paragraph 2.12 states that the Council will normally require the provision of, or off-site contributions to, all the sport recreation and open space facilities/typologies. The need for these being evidenced by the relevant strategies and any subsequent updates of them (our underlining).</p> <p>The inference of this statement is that the Council can consider a more selective, site-based, approach to the scope of open</p>	<p>The inference of this statement is correct. The SPD provides a framework for securing on and off site provision for open space, sport and recreation, but recognises that there is flexibility in the process and each site should be considered on its own merits. It is acknowledged this could be explained better in the SPD: Draft SPD paragraph 2.12 clarified - that the</p>	<p>Amend paragraph 2.12 (4.4): The Council will normally require the provision of <u>on-site</u> or off-site contributions to all the sport, recreation and open space facilities/typologies. The need for these is evidenced by the relevant strategies, and any subsequent updates of them.</p> <p>Flow charts have been included and revisions to flexibility section 5.5 (section 4.7) as set out in response to comment ID32 above.</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			space facilities/typologies where justified; given the relevant CIL tests. This flexibility needs to be explained and further clarified within this section, as alluded to later at paragraph 5.14 of the SPD.	requirements can be met on- or off-site. Draft SPD section 5.5 (Section 4.7 of final SPD) included more detail to clarify that there is flexibility in the planning contribution process Flow charts to support decision making added into section 5.7 of the final SPD.	
33 - Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 2.5 What type of sport, recreation and open space facilities can be required? Para. 2.15		The SPD states that the typologies are non-exhaustive and implies the Council may seek contributions for other/new sports. The Council may wish to consider re-wording this to state that any additional sports/typologies will be via a review of the SPD and be subject to public consultation. Again, it is important that the requirements that have not been considered at the Local Plan stage, or not included within the IDP, are not introduced via supplementary guidance.	The sports/ typologies addressed in the SPD reflect those assessed in the strategies, produced to support the District Plan. Therefore paragraph 2.15 is misleading and will be deleted. Using the evidence in this SPD each site will be assessed in accordance with the local context. If the background strategies are reviewed, this SPD will need to be reviewed. However, to help ensure contributions are necessary,	Delete paragraph 2.15 : This list of facilities in the current strategies is not exhaustive. In the future for example: a new or growing sport may need to be supported (such as the rise of parkour); or there may be a major change in an existing sport such as the move to more AGPs and growth in youth and girls' football). There will be a need to evidence such additions Insert new text in section 2.5 (section 4.2)- paras 4.6-4.8: <u>To help ensure compliance with the CIL regulations, the action plans for the built facilities and playing pitch strategies will be reviewed and updated on a regular basis.</u>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
				the Playing Pitch and Built Facilities assessments include action plans with details of potential projects needing funding. This project information will be updated regularly to assist the negotiation process. New text is included in section 2.5 (section 4.2 of final SPD)	<p><u>These reviews will update the project investment lists and priorities, taking into account emerging issues and costs information for specific projects, confirmation of delivery, or the identification of alternative projects should these be required. These action plan updates will not revise the standards of provision summarised in this SPD nor generally the scope of the developers' contributions being sought.</u></p> <p><u>EHC is committed to full review and updating of the strategies approximately every 5 years. These extended reviews may then result in amended requests for developers' contributions generally, including potentially different standards and different sports facilities. In this case, the SPD will be updated and be subject to further consultation.</u></p> <p><u>It is expected that a developer's local consultation including with the relevant Parish or Town Council, local sports clubs and other local organisations and consultee, may identify an additional local need that it is not within a strategy but still can be justified and requested as a contribution.</u></p>
79 -Turley on behalf of Ptarmigan	Section 2.5 What type of facilities can be required? Para 2.15	Object	Paragraph 2.15 suggests that the facilities in the current strategies are not an exhaustive list and that	Agreed, see response to comment ID 33.	Delete paragraph 2.15 (see response to comment ID33)

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			new or growing sports may also need to be supported. In this regard, the evidence used to justify any additions to the normal typologies will need to be completely robust and not simply aspirational for any new sport currently in vogue. The evidence for such facilities will also need to satisfy the test of Section 54(a) of the NPPF, that they are 'necessary to make the development acceptable in planning terms'.		
34- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd	Section 2.7 Is there a restriction on what the Council can ask for? Para 2.19		Welcomes the approach in paragraph 2.19 as large schemes in particular need to look at the existing quality, quantity and access to open space within the local area to inform the most appropriate on-site provision and/or off-site contributions. It would be helpful if the SPD could set this out more explicitly as it would provide a decision making framework to work to – this could for example be provided in the form of a decision making flow chart to be included in the SPD. The SPD should also clarify that there will be instances where	<p>It is agreed that the process needs to be made clearer and more logical.</p> <p>The structure of the document has been changed to try and make the decision making process clearer. This includes incorporating a new section (3) to provide an overview of the evidence base to make it easier to understand how to use the strategies to inform the decision making. A number of sections have been re-ordered to explain how to</p>	<p>Amend paragraph 2.19 (2.18) as follows:</p> <p>It will therefore be important to ensure that any obligations sought are based on a tailored approach to each development, using up-to-date strategies (and subsequent updates) as an evidence base (and/or other robust up-to-date planning policy) to justify the needs arising from the development, and how these are to be met. <u>Flow charts to aid the decision process are provided in Section 5.7.</u></p> <p>Decision flowcharts (figures 2,3 and 4) added in revised section 5.7 (<i>see proposed modification document</i>)</p> <p>New text also included in section 3.4 (5.5) to</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<p>there may be a combination of both on-site provision and off-site contributions towards existing facilities.</p>	<p>assess and apply the guidance more logically. (see proposed modification document)</p> <p>Flow chart(s) for decision processes for built facilities, playing pitches and open space typologies included.</p>	<p>provide more clarity about the decision making framework:</p> <p>How is the need arising from a development, and the cost of that demand, calculated? What is the process for assessing demand?</p> <p><u>(5.22) The CIL test of ensuring any contributions are 'fairly and reasonably related in scale and kind to the development' require that any contributions sought are directly proportional to the anticipated population of the development.</u></p> <p><u>(5.23) The EHC Contribution Calculators and the Sport England Playing Pitch Calculator are designed to automatically calculate the demand based on the number of dwellings or population from a development, applying the quantity standards set out in Table 1. These in turn are based on the relevant District strategies (see Section 3). The Sport England Playing Pitch Calculator can be used to assess the demand for playing pitches. East Herts Council is able to provide this information as required.</u></p> <p><u>(5.24) The outputs help to inform the decision process, summarised by decision flow charts</u></p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
					<p><u>in Section 5.7.</u></p> <p><u>(5.25) In addition, there may be justified local needs which the developer identifies through local consultation, including with the District and parish council.</u></p>
80- Turley on behalf of Ptarmigan	Section 2.7 Is there a restriction on what the Council can ask for? Para 2.20	Object	Paragraph 2.20 is no longer relevant in the context of applying strategies to deal with CIL 'pooling restrictions' as the New Community Infrastructure Levy Regulations (2019) have come into force. This however provides the Council with the opportunity to take a more objective and plural approach to the apportionment of obligations, allowing all scales of new development to proportionately contribute to required strategic facilities within a given catchment area.	<p>Agreed that the draft SPD requires updating in relation to pooling following revisions to the CIL regulations. As such draft SPD paragraphs 2.20-2.21 are deleted and paragraph 2.22 (2.19) updated.</p> <p>All contributions are calculated pro-rata to the development population.</p>	<p>Delete paragraphs 2.20 & 2.21</p> <p>A proactive approach should be taken to the use of planning obligations in the context of the current CIL 'pooling restrictions', whilst these are in still force up to September 2019. After that date these national pooling restrictions will not apply as the New Community Infrastructure Levy Regulations (2019) come into force. Until September the restrictions limit the number of Contributions from developments that can be secured and apply with or without an adopted CIL. This approach can be achieved by, as far as is practical, matching specific developments to identified projects. This should be supported through land use needs set out in master plan requirements, development briefs in the Local Plan, Neighbourhood Plan or other policy approaches, where these are appropriate to the proposed development.</p> <p>For example, it may be better for a small local housing development to contribute to an</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
					<p>extension to a village hall so that indoor sport can be played here, rather than to a large sports hall in a proposed new leisure centre, as the larger more strategic housing developments may be better placed to help fund such strategic facilities.</p> <p>Paragraph 2.22 (2.19) As at 2019/2020, The Council does not yet have Community Infrastructure Levy in place but will give consideration to introducing a CIL as part of the review of the District Plan, in order to support the provision of future infrastructure schemes (see Appendix A).</p>
35- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 2.7 Is there a restriction on what the Council can ask for? Para 2.20		<p>This paragraph needs to be updated as the references to pooling restrictions are no longer relevant following the Community Infrastructure Levy Regulations 2019 coming into effect on 1st September 2019. The Council needs to set out a plan of how it will now deal with pooling contributions as this will make a significant difference to how facilities are delivered.</p> <p>This plan should identify geographical areas where different types of provision are</p>	<p>Agreed that the draft SPD requires updating in relation to pooling following revisions to the CIL regulations. As such draft SPD paragraphs 2.20-2.21 are deleted and paragraph 2.22 updated.</p> <p>The evidence base strategies include details about the catchments and facilities that require improvement and the playing pitch and built facility action plans identify a list of projects that require funding. These action plans</p>	<p>Delete paragraphs 2.20 & 2.21 and amend paragraph 2.22 (2.19) as detailed above in response to response to comment ID 80.</p> <p>Decision flow charts added in revised section 5.7 (see <i>proposed modification document</i>)</p> <p>Insert paragraph 4.39 into section 4.11 of final SPD: Monitoring and enforcement:</p> <p><u>The Council will monitor and report annually on the section 106 contributions received in the Authority Monitoring Report and Infrastructure funding statements.</u></p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<p>required and include a prioritised list of sites that require improvement.</p> <p>Where development is required to contribute towards these improvements then they should be justified in the context of the development and should not be required to address historic deficiencies.</p>	<p>will be updated to ensure they reflect the latest information.</p> <p>Flow charts will be added to aid the decision process.</p> <p>All contributions will need to be CIL compliant so will need to be assigned to specific projects. Information will be added on monitoring.</p>	
36- Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 2.7 Is there a restriction on what the Council can ask for? Para. 2.21		<p>This paragraph would benefit from further clarification. The three strategies that support the SPD do not clearly identify what new facilities are required or where they are needed. This leaves ambiguity to developers looking to masterplan sites. The Council may wish to consider re-wording or omitting this paragraph.</p>	<p>As set out in response to comment 80 above, paragraph 2.21 will be deleted.</p> <p>The Built Facilities Strategy and Playing Pitch Strategy identify the most significant specific project investment needs. Where local sports projects are not specifically identified and also in relation to open space provision, the strategies provide sufficient advice as to what would be needed (e.g. improve existing facilities within the development catchment) and</p>	<p>Delete paragraph 2.21 as set out in responses to comments 80 and 35.</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
				<p>how the contributions will be sought in in a CIL compliant manner.</p> <p>Any request for S106 contributions relating to a particular site will be clear about where the money will be spent, subject to the draft SPD section 5.5, now section 4.7.</p>	
37- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 2.7 Is there a restriction on what the Council can ask for? Para. 2.22		States that the Council may consider introducing CIL. This creates potential uncertainty for developers, which could potentially hinder scheme delivery. If CIL is to be introduced then this should be carried out alongside a Local Plan review (as advocated by the PPG). The Council may wish to consider re-wording this paragraph.	<p>East Herts Council does not propose to introduce CIL at the current time. However, it is considered that paragraph 2.22 (2.19) provides flexibility by setting out that it is something that may be considered in the future through the review of the District Plan.</p> <p>Any proposals for CIL will be subject to public consultation</p>	<p>Amend paragraph 2.22 (2.19) to remove mention of the date, which is unnecessary:</p> <p>As at 2019, The Council does not yet have Community Infrastructure Levy in place but will give consideration to introducing a CIL as part of the review of the District Plan, in order to support the provision of future infrastructure schemes (see Appendix A).</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
				and reference to the possibility of CIL does not provide developers with undue uncertainty.	
2. Planning Obligations: Lifecycle and maintenance cost					
81 - Turley on behalf of Ptarmigan	Section 2.8 Is it just the provision and/ or enhancement if a facility that will be required, para 2.24	Object	<p>Paragraph 2.24 suggests that a contribution to a sinking fund should be requested in addition to meeting capital costs (or direct provision) to cover lifecycle costs. Whilst Ptarmigan accepts that facilities must be operationally viable, the provision of lifecycle costs will not be appropriate in every case, as in some instances this will potentially subsidise and commercially benefit profit-making organisations, as set out in the SPD.</p> <p>Lifecycle costs should not be mandatory obligations and should instead be treated as the exception, not the rule. A suitable exception would be with regard to charitable or non-profit making organisations. Where the required lifecycle costs relate to a non-profit making organisation or</p>	<p>Paragraph 2.24 states that a sinking fund (life cycle) costs should be used in some not all cases and that contributions should not subsidise a commercial body. However, the council will add additional text to explain contributions must be reasonable and fair and cross reference to section 5.5 (4.7 in final SPD) to explain the flexibility.</p> <p>Long term contributions towards the life cycle and maintenance costs of village halls and community centres may not be appropriate. However, shorter term support for a new facility may be justified until the community which the new facility serves is fully</p>	<p>Delete paragraphs 2.23 and 2.24 and replace with an amalgamated paragraph 2.23 (5.40):</p> <p>In addition to the capital cost (or provision) of a new/extended facility, there will be additional costs. These include the cost for maintenance, and in some cases contribution towards replacement ('life cycle costs'). should be sought for both on-site and off-site provision. An exception may be where it can reasonably be argued that normal operational income should cover these costs, or other factors such as viability of the development become important, having first been robustly evidenced to the District's satisfaction. (Policy CFLR1 and CFLR7).</p> <p>As facilities need to be operationally viable, if they are to be sustainable in the long term, then in some cases a contribution to a sinking fund, to cover life cycle costs, should be requested. For example, replacing the carpet on an artificial grass pitch. This however would need to constitute a reasonable and</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<p>a club-based activity, it may be appropriate for a developer to contribute to meeting reasonable lifecycle costs. However where a club activity can however be reasonably expected to make some operating profit, then only a proportionate contribution should be required from the developer to help assist with reasonable lifecycle costs, having regard to the projected income stream of the club.</p>	<p>established. This supports the development of sustainable communities.</p> <p>It is not realistic to expect recipients of S106 monies to provide a business plan or an analysis of the club's operating surpluses. However, the planning officer should apply reasoned judgement for the proportion of life cycle costs and maintenance funds that should be met.</p>	<p>fair amount, and not be used to subsidise a commercial (i.e. profit-distributing) body. It must also be needed, for example a few clubs could reasonably be expected to earn enough income to recover replacement, but most will not. It is also the case in the light of diminishing resources available to Local Authorities that even they may struggle to plan ahead and cover life cycle replacement costs. The life span and maintenance costs are therefore calculated as part of the contributions requests. (for examples see Appendix C).</p> <p><u>In accordance with District Plan policies CFLR1 and CLFR7, in addition to the capital cost (or provision) of a new/extended facility, there will usually be additional costs. These include the cost for maintenance, and in some cases also life cycle costs for long term replacement. For example, towards the carpet on an artificial grass pitch or play equipment. This applies both to contributions, contribution towards replacement ('life cycle costs'). should be sought for both on-site and off-site. provision. An exception may be where it can reasonably be argued that normal operational income should cover these costs, or other factors such as viability of the development become important, having first</u></p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
					<p>been robustly evidenced to the District's satisfaction. (Policy CFLR1 and CFLR7). These contributions recognise that local authorities may be unable to cover any additional costs and will help to ensure that new facilities remain operationally viable. The contributions would need to be reasonable and fair, and not used to subsidise a commercial i.e. profit-distributing body. Similarly, maintenance and life cycle costs would not be appropriate where it can be argued that normal facility operational income should cover these costs.</p> <p>Insert new text before and after paragraph 2.23 (5.40) to add more clarity and cross reference the flexibility section of SPD, as follows:</p> <p><u>(5.39) In addition to the development of a new facility or open space, it is important that provision is made for the future maintenance and life cycle needs, otherwise the value of the new provision will deteriorate.</u></p> <p><u>(5.41) In recognition of the wide range of different factors and the need to consider each development site separately to accord with the CIL tests, the SPD provides the Council flexibility in the seeking of developers' contributions, as set out in Section 4.7.</u></p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
					<p>Amend Figure 5 to delete lifecycle costs for Village/Community Centres:</p> <ul style="list-style-type: none"> • <u>A contribution may be sought towards revenue costs up until the whole of the development which the facility is designed to serve, is fully built out.</u> • To this is added the lifespan cost at 0.5% per annum for 25 years, being £44,092; and then the maintenance cost at 1% per annum for 25 years, being £88,183. • The total community hall contribution will be £485,008.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
38- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd	2.8 Is it just the provision and/or enhancement of a facility that will be required? Para 2.23-2.24		<p>Raise significant concerns with the requirement for maintenance and lifecycle costs which are not set-out within either the District Plan or the accompanying IDP. It would be reasonable to expect that, in time, the upkeep and overhaul of many facilities would become the responsibility of the local authority, town/parish Councils and partners, and be in part covered by Council tax levy etc. The level of commitment expected of the developer in respect of on-going lifecycle and maintenance costs is therefore considered to be onerous in this regard and is not compliant with the tests set out at Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and NPPF paragraph 56</p> <p>Further to this, some of the facilities identified are for facilities that might be anticipated to make a commercial return. Such facilities should not be subject to contributions at 'full cost' given</p>	<p>Paragraph 2.24 states that a sinking fund (life cycle) costs should be used in some not all cases and that contributions should not subsidise a commercial body. However, the council will add additional text to explain contributions must be reasonable and fair and cross reference to section 5.5 (4.7 in final SPD) to explain the flexibility.</p> <p>Leisure is a non-statutory duty for Local Authorities, and it is unusual for leisure to make them a surplus. It can generally be assumed that the Council and parish/town councils will not be able to cover the maintenance nor lifecycle costs of new sport and recreation facilities. This will usually include gyms, studios and 3G AGPs at public leisure centres. Developments therefore need to contribute to mitigate the relevant costs</p>	Modify the plan as set out in the response to comment ID 81.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<p>that they can normally pay for themselves.</p> <p>We suggest that of the discrete facility types listed in the SPD Fitness Gyms, Studios, and 3G AGPs can all potentially be commercially viable, and do not merit full (if any) contributions. Stand-alone sports halls, swimming pools, and community/village halls are not in themselves commercially viable, but are likely in the longer-term to be funded through taxation.</p> <p>Given the above comments, we believe that the worked examples and approach is reconsidered in respect to life cycle costs.</p>	<p>they cause, in a manner that is CIL compliant</p> <p>Equally most community clubs and many other providers are non-profit distributing, and so not 'commercial' entities in this context. It is agreed that contributions should not directly subsidise commercial profit.</p> <p>It is not realistic to expect recipients of S106 monies to provide a business plan or analysis of the club's operating surpluses. However, the planning officer should apply reasoned judgement for the proportion of lifecycle costs and maintenance funds that should be met. The recipients of S106 monies are expected to sign a binding agreement securing community use, based on the Sport England Community Use Agreement model or similar.</p>	

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
39- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	2.8 Is it just the provision and/or enhancement of a facility that will be required? Para 2.26		States that off-site provision will be exceptional. However, there may be instances where it is preferable to provide facilities off-site, therefore, we consider that the SPD should allow for this (please see previous comments at 2.19).	The Council recognises that whilst on-site provision is important, in some circumstances off-site provision will be more appropriate. Reference to exceptional circumstances is deleted and the flow charts provide clarity about how provision should be considered.	<p>Delete reference to exceptional circumstances in paragraph 2.26 (4.22):</p> <p>There may be exceptional circumstances Where the council agrees land for a needed facility cannot be provided on-site.</p> <p>Insert flow charts into Section 5.7 of the final to refer to these decision processes about on/off site provision:</p>
Planning Obligations: Masterplanning					

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
82- Turley on behalf of Ptarmigan	Section 2.9 Does this SPD affect masterplans and phasing for larger housing developments- para. 2.27	Object	Paragraph 2.27 states that the SPD can affect Masterplans where a facility is needed on site which requires delivery through a planning policy and a Masterplan approach for the area and the requirement for playing pitches at WARE2 is given as an example. In this regard, it should be noted that Ptarmigan is required to only meet the need generated by the new development and not any need from the existing sports centre.	Agreed. The requirement for development to be CIL compliant is set out in section 2.7 (e.g. draft SPD paragraph 2.18) covering fairly and reasonably related in scale to the development. If an adopted District Plan Policy specifies a specific need such as the land, free of cost, then that is the policy requirement	For clarity paragraph 2.27 (4.12) is amended as follows: <u>A large or strategic facility may be required on a specific development site or allocation, as set out in Yes it can, notably where a facility is required on-site, which may require delivery through a planning policy and a masterplan approach for the whole area. For example, some of the strategic site policies in the District Plan (2018) specify facility needs within the site (e.g. provision of playing pitches at WARE2).</u> This can ensure that suitable land is planned from the outset, and provided at no cost to the community. This is particularly important where, for example, there is a need for a large sports land-take for playing fields, or a leisure centre.
40 – Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 2.9 Does this SPD affect masterplans and phasing for larger housing developments- para. 2.27		The approach to master planning facilities from the outset is welcomed, as is the reference to forward planning prior to land purchase agreements and land calculations. Considers it delivers high quality schemes. Therefore approach is supported.	Support noted	No amendment in response to this issue.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
41 – Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 2.9 Does this SPD affect masterplans and phasing for larger housing developments- para. 2.28		The strategic provision of open space and sports facilities for phased sites is welcomed. It is also suggested that this section makes reference to the need to ensure the provision fits in with the overall strategy for green infrastructure, as currently this is missing from the SPD.	Agreed, a reference to the green infrastructure strategy would be appropriate.	Insert a new paragraph after 2.28 (4.15): (4.16) <u>The proposals for open space provision on-site or off-site should similarly be co-ordinated and delivered on an allocation wide basis by the landowners/developers working together to ensure that the provision fits within the overall Green Infrastructure Plan, in line with District Plan Policy NE4(II)(a) and (b).</u>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
42 – Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 2.9 Does this SPD affect masterplans and phasing for larger housing developments- para. 2.30		<p>Concerned developers may be required to provide a one-off early commuted sum to support early years operation.</p> <p>However, if facilities are not viable without subsidy then it suggests there is not the necessary level of demand for the facility in which case it is questionable whether it is fairly and reasonably related in scale and kind to the development (NPPF para.56). The Council may therefore wish to consider revising this paragraph.</p>	<p>The justified demand will have already been assessed as being established by application of the standards in Table 1 and as per the recommendations in the relevant 2017 strategy.</p> <p>The type of facility envisaged here is a community centre or sports facility which should become increasingly self-sustaining as the community it serves grows. This should be explained in the text.</p>	<p>Draft SPD paragraph 2.30 (4.20) expanded to clarify:</p> <p>Where necessary, a one-off early commuted sum from the developer can be requested to support the early years operation of a facility, where otherwise this would not be viable.</p> <p><u>The type of facility envisaged here is a community centre or sports facility which should become increasingly self-sustaining as the community it serves grows. It is not appropriate to delay delivery of these types of facility until the development has grown to its full extent unless there is, in the short term, sufficient capacity within existing off-site facilities for a period, which are also within the relevant accessibility standard, e.g. 800m for community centres.</u></p>
83- Turley on behalf of Ptarmigan	Section 2.9 Does this SPD affect masterplans and phasing for larger housing developments- para. 2.30-2.31	Object	<p>The early obligation identified in paragraph 2.30 is unlikely to meet the CIL tests if the demand generated by the new facility is so low that it cannot sustain the facility at inception. Furthermore the provision of a facility which is potentially unviable is not a sustainable option over the longer term, even with an initial subsidy.</p> <p>Accordingly any request for early</p>	<p>As stated in response to representation 42 the type of facility envisaged here is a community centre or sports facility which should become increasingly self-sustaining as the community it serves grows. It is not appropriate to delay delivery of these types of facility until the development has grown to its full extent unless there is, in the short term, sufficient</p>	<p>Amend paragraph 2.30 (4.20) to clarify early obligation requirement in line with recommendation in response to comment ID 42.</p> <p>Delete paragraph 2.31: There may also be specific facility needs identified in the reviews/updates of relevant strategies, which are required to be provided on a development site, as this may be the most deliverable, and/or best located, opportunity. This may include a new leisure centre or other facilities that have a wide</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<p>obligations must be based on exceptional circumstances, with clear evidence of the future viability, which is directly related in scale and kind to the development and necessary in planning terms.</p> <p>Paragraph 2.31 suggests that developers will be required to meet the whole cost of servicing 'specific facility needs' which is not consistent with all three Regulation 122 CIL tests.</p>	<p>capacity within existing facilities off-site for a period, which are also within the relevant accessibility standard, e.g. 800m for community centres. The facility need is CIL compliant because it is necessary to serve the proposed development once built out.</p> <p>Paragraph 2.31 aims to signpost facilities that may be located within sites that meet a wider need, if identified in the Development Plan. It is not intended to imply that developers must meet needs that do not comply with regulations and policy. Given the confusion, paragraph 2.31 will be deleted.</p>	<p>catchment area, or where the development itself generates the whole or the majority² of the facility need. Note, requests for financial, land or other contributions would still need to pass the three CIL tests</p>

² The definition of majority is 67% or more of a facility, as this is a reasonable threshold above which on-site provision should be required.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
43 – Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 2.9 Does this SPD affect masterplans and phasing for larger housing developments- para. 2.31		<p>The requirement that specific facility needs identified in the review/updates of relevant strategies, may need to be provided on a development site introduces the possibility of additional infrastructure requirements being introduced outside of the Local Plan (or which have not been identified within the IDP) which could jeopardise delivery of the Council's planned growth.</p> <p>Any new infrastructure requirements should be considered as part of a Local Plan review. It is suggested that the Council reviews paragraph 2.31 in this context.</p>	<p>Paragraph 2.31 aims to signpost facilities that may be located within sites that meet a wider need, if identified in the Development Plan. It is not intended to imply that developers must meet needs that do not comply with regulations and policy. Given the confusion, paragraph 2.31 will be deleted.</p> <p>Where a specific sport or recreation need has already been identified in the relevant adopted strategies, this need should be identified and provided for within the relevant developments. These sites include, for example, leisure centres and football hubs, as the underpinning strategies were part of the Local Plan Evidence Base.</p> <p>It would be unnecessary and unreasonable to require any changes to recommended projects to wait until there is</p>	Delete paragraph 2.31 as recommended on response to comment ID 83.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
				a District Plan Review or a new IDP process. In accordance with Sport England guidance, both the PPS and the Built Facility Strategy are recommended to be updated annually in respect to the project investment priorities. These updates do not require a review of the SPD as they are simply updating the list of potential projects that could be funded by planning obligations if relevant. These will still be negotiated on a site by site basis in compliance with the CIL tests.	
44- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management	Section 2.9 Does this SPD affect masterplans and phasing for larger housing developments- para. 2.32		States that separate development in a close geographical area may generate the need for a new facility. Whilst this approach is understood, the three supporting strategies to the SPD provide no clear guidance on what type and where facilities will be required. It is considered that this is a Local Plan matter and should therefore	It is considered that the draft SPD paragraph 2.33 (4.17) is a flexible and pragmatic approach in accordance with Policy CFLR1 that requires developers to provide for open space, indoor and outdoor sport and recreation that meet the needs arising from the development. It is	No amendment in response to this issue. For clarity the masterplanning section 2.9 (section 4.4) has been reordered, with headings to ensure the information is easier to understand (see proposed modification document).

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			be addressed through a subsequent review of the District Plan.	<p>reasonable to meet these needs as identified in the District Plan and the Council's strategies by negotiating and engaging during a masterplanning process.</p> <p>The Playing Pitch Strategy (2017) and the Built Facilities Strategy (2017) both specifically addresses this scenario. The relevant paragraphs are BF; 13.18 and 13.22: and PPS 6.10, 6.12. It is clear that it is for the developers to cooperate locally to negotiate with the Council to find an appropriate local solution.</p> <p>The Council's review of the District Plan may include future policies to identify where and how certain facilities should be located.</p>	
Planning Obligations <u>context</u> : Provision of land					

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
84- Turley on behalf of Ptarmigan	Section 2.10 Does land need to be provided? Para. 2.36-2.37	Object	<p>Ptarmigan accepts that, where justified, suitable land needs to be provided at no cost by developments, where a specific demand is generated which needs to be met on site. Paragraph 2.36 however makes reference to p 5.2 of the Infrastructure Delivery Plan and states that 'developers will fund the complete cost of infrastructure as part of the overall development scheme'. Whilst a requirement for land to be provided to provide access to new services required by the development may be justified, the requirement for developers to meet the complete cost of all infrastructure including; roads, parking and all ancillary development, such as changing rooms, is not a reasonable obligation.</p> <p>Such an all embracing obligation is likely to fail tests a) and c) of CIL Regulation 122.</p>	<p>Reference to the IDP is perhaps confusing here. It is the land which should be provided at no cost with a proportional contribution towards the construction of the facility / sports pitches.</p> <p>The provision of sports and recreation facilities inherently includes relevant ancillary facilities such as changing room, access parking etc. that directly relate to the facility in question.</p>	<p>Paragraph 2.36 and 2.37 merged (4.21) and revised as follows:</p> <p>This is supported by the IDP, particularly in the section on 'Funding Infrastructure' e.g. paragraph 5.2 where: "... developers will often be required to deliver infrastructure on site in order to serve that development. The developers will fund the complete cost of infrastructure as part of the overall development scheme". Suitable <u>Appropriate</u> land will <u>expected</u> to be provided where:</p> <ul style="list-style-type: none"> •The investment need is for a new facility to meet the demand directly generated by the population of the new development(s). In this case the developer is expected to meet all of the costs. These <u>can</u> include <u>capital for</u> provision, maintenance and life cycle costs in addition to. , in some cases replacement, and land costs. •If the demand generated by the development is for the large majority (67% or more) of a facility, then it needs to be provided on-site, and all necessary land will be provided by the developer at no cost, as well as the population-related proportion of the <u>capital, maintenance and life cycle</u> costs of the facility. •If the demand is for less than 67% of a facility that needs to be or is to be provided on-site,

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
					<p>then enough suitable land for the whole facility needs to be planned into the development. However only a proportionate amount of this land will be provided at no cost in line with the demand generated, and the value of the remainder will need to be funded from other sources but at a price that reflects its leisure use. (e.g. from pooled contributions from other developments, from grants or other sources). <u>The developer will be required to meet the population-related proportion of the capital, maintenance and life cycle costs of the facility</u></p> <p>•If the land cannot be provided for on-site because of proven and acceptable masterplanning constraints, financial viability or other relevant reasons, then the local authority if the Council agrees, they may negotiate an appropriate alternative contribution., where this is CIL compliant. <u>Again, this should take into account what would otherwise be required on site in relation to the land area plus the population-related proportion of the capital, maintenance and life cycle costs of the facility.</u></p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
45- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd	Section 2.10 Does land need to be provided? Para. 2.36		<p>Whilst it is understood that developers will fund the complete cost of infrastructure and this is factored into masterplanning and viability, it is misleading that land needs to be provided at no cost because all land has a value. It is helpful for developers to know what they need to provide onsite and factor that into masterplanning and land purchase.</p> <p>However, it is considered the cost of infrastructure is a Local Plan matter and the SPD should not introduce additional requirements.</p>	<p>The District Plan covers the requirement to provide relevant community infrastructure, and in some site cases specific types of infrastructure. The SPD provides guidance on how to deliver the policy requirements.</p> <p>In relation to the provision of land: the Playing Pitch Strategy (2017) and the Build Facilities Strategy (2017) both specifically addresses this issue. (BFS paras 13.19 and 13.25; PPS para 6.14).</p>	No amendment in response to this issue.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
46- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd	Section 2.10 Does land need to be provided? Para. 2.37		<p>States that where a threshold of 67% (i.e. two thirds) of facility demand is likely to be met by residents of a new housing development, provision should be made on site. However, this could mean that existing off-site facilities that are currently under-used; capable of improvement/expansion; and, within acceptable access distance from the new housing would be overlooked. This potentially fails the 'fairly and reasonably related in scale and kind' test set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and NPPF paragraph 56.</p> <p>It is suggested that a more flexible approach is put forward rather than an arbitrary threshold, and it is suggested that the Council reflect this in the re-wording of this paragraph and other paragraphs where this threshold is used.</p>	<p>The wording of draft SPD paragraph 2.37 (4.17) provides a clear steer on the provision requirements and is the starting point for the consideration of whether on-site or off-site investment is likely to be required for each development. However, the SPD recognises that each site must be assessed on its own merits and there is flexibility in the process, as set out in the draft SPD section 5.5 (section 4.7).</p> <p>Decision flow charts have been added in section 5.7 to aid the decision making process at the site level, including whether on-site or off-site provision may be required.</p>	No amendment in response to this issue.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
47- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd	Section 2.11 Do smaller developments need to contribute? Para 2.38		The requirement for all sizes of development to contribute towards open space and sports provision is welcomed, as even small developments will cumulatively have an impact on the demand for facilities. It is suggested that the Council make reference to cumulative impact in justifying this approach.	<p>Cumulatively small developments have an impact on open space and sports provision. However, the Council is concerned that the requirement for all sizes of development to undertake a planning obligation to secure open space and sports provision is unreasonable and impractical. It would require numerous applicants to enter legal agreements which, on balance, will be costly and delay the decision making process for small applications considerably.</p> <p>The proposal was also contradictory to Table 2, where no play contributions are required for less than 10 dwellings. Therefore, on reflection the threshold for the SPD has been changed to 10 dwellings.</p> <p>However, it is recognised that the size of developments in</p>	<p>Section 2.11 should be deleted as it repeats guidance in section 2.4 (section 4.3):</p> <p>Although the population of a single development (e.g. on a small site or an individual stage of a larger site) may not itself generate the needs for a full facility, it may still generate additional demand which should be quantified and then be met.</p> <p>Where there is flexibility, the largest developments may be better targeted for certain more strategic facilities (e.g. a Leisure Centre), and smaller developments can typically be better targeted for very local needs (e.g. a village hall extension, an improved local play area or lights for a MUGA).</p> <p>Draft SPD section 2.4 (section 4.3) should be revised as follows:</p> <p>The SPD will <u>generally be applied to planning applications for any new residential development that results in a net gain of 10 or more in residential units. This is because a requirement for all sizes of development to undertake a planning obligation to secure open space and sports provision is unreasonable and impractical. It would</u></p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
				<p>the villages is often below 10 dwellings. Therefore it may be useful for smaller developments in villages to contribute to local facilities, for example where there is a specific need identified through a neighbourhood plan, or other justification for contributions. In these circumstances, contributions may be sought from developments of less than 10 dwellings.</p>	<p><u>require numerous applicants to enter legal agreements which, on balance, would be costly and delay the decision making process for small applications.</u></p> <p><u>In villages, where a specific need has been identified, the threshold for contributions may be lowered. Specific need may be identified through Neighbourhood Plans or through local consultation, including with parish councils. This approach recognises that new development is likely to be less frequent and of a smaller scale in villages but could contribute towards local facilities and the vitality of the village in which the development is proposed to take place. For example, this could include a contribution towards the enhancement of play provision. Such contributions will be considered on a site specific basis and will need to comply with the CIL regulations.</u></p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
48- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 2.12 Can contributions be made to existing facilities? Para 2.40-2.42		<p>Approach to enable the upgrading of existing facilities is welcomed, however raises two comments:</p> <ul style="list-style-type: none"> -the three supporting strategies do not provide guidance on what facilities could meet those needs. Information on which facilities could accommodate additional demand if improved would therefore be beneficial and could be included in the SPD. - Paragraph 2.42 suggests that if an original developer contribution is delivered via another means an alternative contribution should be allowed. Concerned this approach is not compliant with the CIL regs and para 56 of the NPPF. Could be re-worded. 	<p>The Built Facilities Strategy 2017 has site specific proposals (Fig 50) and also provides an overview of all key facilities in the district (Fig 51).</p> <p>The Playing Pitch Strategy 2017 contains Action Plans for each pitch sport (football, cricket, rugby, and hockey) which should be used to guide investment. The SPD standards of provision in relation to accessibility guide identification of the facilities within the catchment of the development. EHC is committed to providing updates to these site specific proposals and action plans and to making them available online.</p> <p>In relation to alternative contributions. Any contribution needs to be CIL compliant. The text on flexibility (para 5.13/ 4.28) states the Council may</p>	<p>Add additional text to the end of paragraph 2.40 (4.23): This is in line with District Plan Policies CFLR1 (I) and CFLR7(II). <u>The Built Facilities Strategy and Playing Pitch Strategy (see section 3) have action plans which identify the larger facility investment needs. These action plans will be regularly updated by the Council and be made available online. There may also be more local facilities or open spaces such as a village hall or children's playground where this situation potentially exists. The flow charts in section 5 will aid the decision making.</u></p> <p>Delete paragraph 2.42: There should be flexibility in the allocation of such a contribution in case the improvement or provision at such a facility becomes implemented through other funding sources ahead of the time the contribution is due to be paid. If appropriate, the wording of the planning obligation/contribution should allow for the monies to be paid to an appropriate alternative facility that can deliver the same or similar sports, recreation and/or open space outcomes.</p> <p>New Section 3 summarises the scope and findings of the evidence strategies, so there is more clarity about how to use them to inform</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
				include a clause in a Planning Condition or Obligation agreement to provide for an alternative CIL-compliant facility. This implicitly refers to CIL compliancy. However, the Council considers that 2.42 replicates guidance in para 5.13 (4.28) so should be deleted.	<p>contribution calculations. See Proposed Modification document.</p> <p>5.13 (4.28) is amended slightly to add further transparency:</p> <p>The Council may include a clause in a Planning Condition or Obligation agreement to provide for an alternative CIL-compliant facility, to cater for unforeseen circumstances. This might include when there is some uncertainty in securing the delivery of the preferred facility. For example, at the time of signing a S106 there may be a need for new sports facility at a club site, <u>but either the facility is subsequently funded by other sources ahead of the time that the contribution is due to be paid</u>, or the club ceases to operate, then the alternative may be required to be provided. In these situations, an appropriate alternative facility that can deliver the same or similar sports, recreation and/open space outcomes should be substituted. This would still need to be CIL compliant provision</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
49- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 2.12 Can contributions be made to existing facilities? Para 2.40-2.45		States that the Council will confirm any necessary obligations. However, there should be scope for discussion between the Council and the applicant to take into account local circumstances and site specific matters to agree appropriate contributions. The Council may wish to reflect this in the SPD.	<p>The SPD does not preclude discussions, which are always valuable. The draft SPD paragraph 2.45 (4.32) makes it clear that the “legal representatives of the Council and the applicant” are both involved in the formation of binding legal agreements.</p> <p>Flexibility is specifically covered in the draft SPD Section 5.5, now moved to Section 4.7.</p>	No amendment in response to this issue.
3. Calculating contributions: Facilities needed					
27 - Herts Football Association	Section 3.1 Is there a list of what facilities are needed? Para. 3.1 - Football	Support	Consideration to be given to referencing in paragraph 3.1, the East Hertfordshire Local Football Facilities Plan which is currently being prepared by the Football Association in consultation with EHDC and will update the Playing Pitch Strategy's priorities in relation to the priority football facility projects (3G pitches, grass pitches, pavilions and informal	The list of investment priorities/ projects in the PPS (2017) will need to be kept current by regular reviews and updates. The Local Football Facilities Plan will be considered as part of this update to the Playing Pitch Strategy action plan.	No amendment in response to this issue.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			football facilities) in the district.		
50- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 3.1 Is there a list of what facilities are needed? Para 3.1 and 3.2		<p>SPD lacks certainty about what facilities are needed because:</p> <ul style="list-style-type: none"> • Open space assessment does not identify specific facilities. • Paragraph 3.2 refers to additional local need that may be required through consultation with local bodies, this creates uncertainty and their needs may relate to needs wider than those generated by development. • The three strategies supporting SPD should be based on proposed standards and an approach which were subject to robust local consultation techniques. Council may want to revisit consultation undertaken especially when they are updated. 	<p>The Council is satisfied that the strategies provide a robust evidence base and no concerns were raised at the Examination to the Local Plan.</p> <p>The methodology followed the guidance set out by Sport England in relation to the Built Facilities Strategy and PPS. Each of the strategies was widely consulted upon as relevant, including with clubs, local facility providers, national governing bodies of sport and parish and town councils.</p> <p>The Built Facilities Strategy and PPS are considered up to date by Sport England but EHDC is committed to reviewing the detailed action plans and investment priorities on a regular basis. These project updates will occur in collaboration with</p>	No amendment in response to this issue.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
				<p>local providers and national governing bodies. S106 negotiations will therefore relate to up-to-date projects. However, they will only be expected to meet the demands of their development.</p> <p>The Open Space strategy identifies quality issues across the district and as open space provision tends to be of a more local scale, it is appropriate for S106 discussions to be informed by consultation with the Council and the relevant town/parish Councils.</p>	
109- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management	Section 3.1 Is there a list of what facilities are needed? Para 3.3		Refers to other factors such as District's aging population. However, the demographic profile of new developments may not necessarily reflect those of the District generally. It is therefore important that this paragraph is caveated to this effect.	The Built Facilities Strategy and PPS of 2017 assessment of future need is based on a detailed forecasting of the demographics of the district and the sub areas up to 2031. This is set out in the Part 1 Background and Context (June 2017) which formed part of the Local Plan	<p>Revise Para 2.12 (4.44) as follows:</p> <p>The Council will normally require the provision of <u>on-site</u> or off-site contributions to all the sport, recreation and open space facilities/typologies.</p> <p>Delete bullet points as they are replicated in section 3 of the final SPD. Insert reference to part 1 of the strategy in paragraph 3.1:</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
				<p>evidence base. The Council will ensure this is referenced in the SPD.</p> <p>The pattern of the demographics of large new development sites at local level are also set out in Part 1. This provides the justification for the provision of play and open space facilities for children and teenagers people. Draft SPD paragraph 3.3 (2.4) amended to include both a reference to Part 1 and need for provision for teenagers. Footnote deleted as reference not required.</p>	<p>•<u>Open Spaces and Sports Facilities Assessment Technical Study, Part 1: Background and Context (June 2017)</u></p> <p>Amend Paragraph 3.3 (2.4)</p> <p>Other factors such as the District's <u>overall</u> aging population are also relevant <u>as set out in the Part 1 Background and Context report which underpins each of the strategies</u>. There is <u>expected</u> to be a decrease in 15-30 year olds (already below the England average) and of 40 to 55 year olds, and an increase in 55-65 year olds and 70-75 year olds. These demographic factors suggest an increased relative importance and priority for gyms, studios, cycle and walking routes, community halls and joint health/sports centres. <u>However at a more local level, new housing developments, particularly strategic sites, bring in young families. The evidence for this is provided within the Part 1 Background and Context report, and justifies the provision of play and facilities for teenagers, such as skate parks, multi-use games areas and other facilities.</u></p> <p>Delete footnote 5: East Herts Health Profile *(Public Health England 2017)</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
85-Turley on behalf of Ptarmigan	Section 3.1 Is there a list of what facilities are needed? Para. 3.3	Object	<p>Paragraph 3.3 recognises that the District has an aging population with an identified continued decrease in 15-30 year olds, which is already below the England average. Correspondingly there will be an increase in both 55-65 year olds and 70-75 year olds. The impact of these demographic predictions therefore needs to be taken into account when accessing long term requirements for recreational typologies on strategic sites.</p> <p>This is further confirmed at Paragraph 3.18 of the SPD. Accordingly, there should not be the automatic starting assumption (as suggested by paragraph 2.12 of the SPD) that all recreational typologies will be provided. This is particularly relevant when assessing the long term need for activities likely to impact upon residential amenity, such as MUGA's and Skate Parks, in the context of the declining younger demographic.</p>	See response to comment ID 109 above.	See response to comment ID 109 above.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
51- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 3.2 What assessment is made to ensure the contributions needed by a development? Para 3.5 and 3.6		<p>The Council may wish to consider the robustness of the quantity and accessibility standards. For example, the standard for play set at 0.25 ha/1000 people shows that every geographical area in the District has an existing shortfall of play, totalling at least 14.2 ha across the District (stated in the Open Space Assessment). This is a significant shortfall and it is therefore questionable whether it will be achieved. It should be acknowledged that new schemes will not be required to address existing deficiencies in order to ensure compliance with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and NPPF paragraph 56.</p> <p>Paragraph 3.6 refers to the accessibility component of standards, in particular the 'acceptable travel distances'. However, the access standards set out within the open space standard do not appear to have any evidence to justify them (i.e.</p>	<p>The Council is satisfied that the strategies provide a robust evidence base. The strategies formed part of the evidence base for the Local Plan and no concerns were raised at the Examination to the Local Plan.</p> <p>Contributions are requested relating to the demand generated pro rata by a specific development, and are CIL compliant.</p> <p>Accessibility standards for each typology were assessed within the Open Spaces Assessment (2017) and recommendations derived from this assessment.</p> <p>Developers are expected to take into account the impact of barriers to movement as part of their site masterplanning to ensure that the accessibility standards can be met.</p>	<p>Delete paragraph 3.4 and replace with alternative paragraph for clarity: The following tests will be used to assess whether the existing provision within an area can provide for the demand generated by a development, or whether a new facility may be needed. (NB: The facilities' needs identified in the relevant strategies have already used these tests, and the outputs are identified in the relevant 'action plans', which also have prioritised projects). The tests help confirm the needs arising from a particular development, and relate to Quantity, Accessibility and Quality.</p> <p>Insert new paragraph (5.2) instead: <u>The justification for contributions is based around the assessment of demand generated by a development's expected population compared to the availability and quality of the existing network of open spaces, sport and recreation facilities. Standards of provision guide this assessment of need and relate to quantity, accessibility and quality of facilities and open spaces, as set out in Table 1. These have been derived from the relevant strategies (see Section 3).</u></p> <p>Amend paragraphs 3.5 (5.3) and 3.6 (5.4) as follows:</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			evidence on how far residents are willing to travel to different types of open spaces). The Council may also wish to consider taking into account barriers to access (such as roads, rivers, railways).	Amendments made to section 3.2 (section 5.2) to provide more context and clarity about the assessments.	<p>The quantity requirements are based on the demand generated by the development. in relation to the existing supply. This is derived from the relevant strategies/frameworks. This can be expressed for example as the facility need per 1,000 people <u>for built facilities and open space, and the quantity standards for each built facility type³ and open space are summarised in Table 1. The quantity of demand for pitch sports is more complex and Sport England has therefore developed a Playing Pitch Calculator to help assess the demand for these sports.⁴</u></p> <p>The <u>accessibility</u> requirement includes the acceptable travel distance (catchments) to a facility <u>or open space, based on known travel patterns for different sports and its availability. the hours that it is available to the community, that it is open to 'pay and play', and is likely to be available for community use in the long term.</u></p> <p>Insert a new paragraph after 3.7 (5.5):</p> <p><u>The facility catchments set out in Table 1 are</u></p>

³ In relation to the Built Facilities Strategy (2017) the “standards” in Table 1 are the same as the “Provision Guide for new developments” (Fig 48). The term “standards” has been used in this SPD because of the need to encompass all sport, recreation and open space developers’ contributions and the terminology is most easily understood.

⁴ Sport England Active Places Power web site <https://www.activeplacespower.com/>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
					<p>based on the <u>recommendations from the relevant strategy and are justified by the detailed assessments undertaken. The catchments vary from up to 20 minutes' drive to facilities such as swimming pools, sports halls and 3G-AGPs, down to a 400m walk for a LEAP.</u></p> <p>This new paragraph replaces 3.12 so delete as follows: 20 minutes' drive for swimming pools, sports halls, 3G-AGPs and indoor bowls 15 minutes' drive, for fitness studios and gyms; 15 minutes' walk drive for grass pitches; and outdoor bowls; Play and open spaces⁵ : LEAPs: 400m; NEAPs 1000m; Youth & teenage provision (MUGAs/skateparks and other such youth facilities) 1000m</p>
52- Ethos Environmental Planning Ltd on behalf of	Section 3.2 What assessment is made to ensure the contributions needed		Paragraph 3.7 states that the quantity and access standards can be used to guide on/off site provision. It is also suggested that	Policy CFLR1 identifies that open space, indoor and outdoor recreation facilities should be provided to meet	<p>Add decision flow charts to section 5 of final SPD.</p> <p>No amendment in response to other issues.</p>

⁵ ~~Guidance for Outdoor Sport and Play; Fields In Trust April 2018.~~

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
Pigeon Investment Management Ltd	by a development? Para 3.7		quality considerations should be factored into this. As suggested at 2.19, a flow chart to illustrate how this decision making process would work would be a useful addition to the SPD.	<p>the need arising from development and sets out a general requirement for contributions on-site and/or off site towards open space, sport and recreation and community facilities. The District Plan states that these are detailed in the strategies (also tested as part of the Local Plan Evidence Base), and this SPD. This approach is entirely reasonable, allowing flexibility to assess the contribution towards provision on a site basis, taking into account local circumstances.</p> <p>Developers are expected to take into account the strategy recommendations and to undertake further local consultation in order to provide additional understanding of local needs and potential opportunities both on- and off-site. This will be particularly important for the open space typologies,</p>	

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
				<p>where provision is of a much more local scale and local priorities are unlikely to have been identified in the Open Space strategy.</p> <p>It is agreed that flow charts to aid decision making would be valuable.</p>	
53- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd	Section 3.2 What assessment is made to ensure the contributions needed by a development? Para 3.7		Refers to affordability being a determining factor in whether a facility will provide public access. However, there is no definition of what constitutes affordable. The Council may wish to consider providing clarification on this within the SPD.	Affordability is a relative term and understood by most people within a local context. Affordable means that the price charged is reasonably affordable, as a leisure expense, to an average member of the public or average family. The cost should not be seen to exclude use by the majority. For example, an expensive private club or hotel facility would not generally be considered affordable and therefore inaccessible.	No amendment in response to this issue.
11- Sport England	Section 3.2 What assessment is made to ensure the contributions needed by a development?	Object	For accuracy in paragraph 3.12, the accessibility guidance for grass pitches and outdoor bowls, as referenced in the Council's Open Spaces and Sports Facilities	Agreed the accessibility is a drive time of 15 minutes for both football and outdoor bowls. This is correct in Table 1, but incorrect in	<p>As outlined in response to comment ID 51, 3.12 has now been deleted from the SPD.</p> <p>Accessibility standards for football grass pitches, football 3G pitches, cricket, rugby,</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
	Para 3.12		Assessment Technical Study documents is a 15 minute drive time rather than 15 minute walk.	<p>paragraph 3.12.</p> <p>The quantity standards in draft SPD paragraph 3.5 require justification by cross referencing to strategies and to Sport England's pitch calculator, with new footnote.</p> <p>Add the accessibility for different pitch types to table 1.</p>	<p>and hockey added to table 1, together with accompanying text note on assessment of demand for pitch sports. (<i>See Table 1 in proposed modification document</i>).</p> <p>New footnote 7 inserted to paragraph 3.5 (5.3):</p> <p><u>Sport England Active Places Power web site</u> https://www.activeplacespower.com/</p>
5- Robert Cann	Section 3.2 What assessment is made to ensure the contributions needed by a development? Para 3.12	Object	Questions why cycling distances are not included.	<p>Sport England provided Facilities Planning Model reports for sports halls and swimming pools for East Herts in 2016. The pools report showed that about 84% of the visits to pools were made by people travelling by car, with just over 11% walking and 4% using public transport. This suggests that only around 1% of pool users travelled by cycle.</p> <p>For sports halls, over 88% of the visits were made by car.</p>	No amendment in response to this issue.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
				<p>A similar pattern of travel applies to other sports facilities and therefore cycle access was not specifically addressed in the Built Facilities Strategy or PPS.</p> <p>Village/community halls are primarily accessed on foot, and a walking catchment is therefore provided.</p> <p>For open space, the Fields in Trust research has demonstrated that a walking catchment is the most important determinant. This has therefore been used to guide the open space accessibility standards.</p> <p>Cycling distances/times are difficult to assess even at local level because many other factors need to be taken into account e.g. whether there are traffic free routes and skills of riders. This is an issue that British Cycling needs to address</p>	

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
				within their national governing body strategy.	
3 Calculating Contributions- Quality					
55- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd	Section 3.2 What assessment is made to ensure the contributions needed by a development? Para 3.13-3.16		The Council may wish to consider whether the assessment of the current quality of facilities and the priorities for improvements are sufficiently robust. For example, within the open space assessment, whilst assessments of open spaces have been undertaken, there is no information on priority sites for improvement. To address this, the Council may wish to consider using the quality data it has on sites to set out which sites could accommodate additional demand through improvements, and to inform targeting of off-site contributions.	<p>The Council is satisfied that the strategies provide a robust evidence base. The strategies formed part of the evidence base for the Local Plan and no concerns were raised at the Examination to the Local Plan. Site visits were undertaken to assess site.</p> <p>The Built Facilities Strategy and Playing Pitch Strategies contain action plans, which identify potential projects and should be used to guide investment. These also take into account issues of quality. EHC is committed to providing updates to these action plans and to making them available online. These updates will include any changes to the quality of a facility or pitch.</p>	No amendment in response to this issue.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
				Developers are expected to take into account the strategy recommendations and to undertake further local consultation in order to provide additional understanding of local needs and potential opportunities both on- and off-site. This will be particularly important for the open space typologies, where provision is of a much more local scale and local priorities are unlikely to have been identified in the Open Space strategy.	
12-Sport England	Section 3.2 What assessment is made to ensure the contributions are needed by a development? Para. 3.16-	Object	The quality guidelines in paragraph 3.16 should specifically include the suitability of disabled access, to ensure inclusivity is part of the assessment of the quality of a facility.	<p>The guidance provided by Sport England, national governing bodies and others includes reference to disability access so there is no need to separately specify. The underpinning strategy assessments, particularly for built facilities, included disability access and accessibility.</p> <p>Text could be amended to add reference.</p>	<p>Revise paragraph 3.16 (5.15) to address disability, amend the third bullet point as follows:</p> <p>Is appropriately designed to enable Sufficiently diverse recreational use by for the whole community, <u>including for those people with disabilities or cultural restrictions.</u></p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
3 Calculating Contributions- justification for contributions					
86-Turley on behalf of Ptarmigan	Section 3.3 What assessment is made to ensure the Contributions are fair and justified? Para 3.17-3.18	Object	<p>Paragraph 3.17 recognises that regardless of whether CIL has been adopted or not, that all contributions requested by the Council must meet the relevant CIL regulations tests to ensure that they are fair and justified. To ensure the CIL tests are complied with, the Council sets out seven key steps (bullets) after Paragraph 3.18.</p> <p>With regard to the third bullet point and whether a facility to be funded lies within an accessible catchment (as specified by paragraph 3.12 of the SPD) we have concerns in relation to the appropriateness and sustainability of what is proposed.</p> <p>Firstly, where a development produces only a fractional need for a given typology, such as additional swimming pool space or sports hall space, there is the</p>	<p>The demand generated by the proposed development will be met by the sport and recreation facilities within the relevant catchment distance, which varies by type of facility or open space typology.</p> <p>Table 1 provides the catchment for the different types of facilities and open spaces, and these are justified by the assessments within the relevant strategies for Built Facilities, Playing Pitches and Open Space.</p> <p>A contribution towards facilities within the relevant catchment distance is therefore justified. It is accepted that the major facilities' improvements may draw on developers' funding from a number of sites.</p>	<p>Amend paragraph 3.17 (5.18) and delete paragraph 2.18:</p> <p>The contributions must meet the three CIL regulations tests, that they are necessary, directly related and fairly and reasonably related in scale and in kind, to the scheme in question. This is regardless of whether a CIL has been adopted or not. To do this an initial assessment of the quantity, accessibility and quality, as described above, is undertaken.</p> <p>Such assessments were undertaken in the relevant sports, recreation and open space strategies. The process to ensure contributions comply with the tests include the following steps:</p> <ul style="list-style-type: none"> Identifying the development's expected population assessing the demand and cost of meeting the demand arising from the development, for different typologies and/or facility types, based on the additional population; identifying whether the location of a facility to be funded lies within an

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			presumption that the funding of an existing facility up to 20 minutes' drive is an acceptable basis upon which to require obligations to make a development acceptable in planning terms.	However, the Council considers more clarity is needed to explain and justify the contributions more clearly than paragraphs 3.17 and 2.18. Therefore the Council has amended/ replaced these paragraphs with new sections 5.6 and 5.7, including the flow charts. The flow charts show how contributions are fair and justified in relation to a specific site.	<p>accessible catchment (e.g. within a drive time or walking distance that relates to the relevant facility and the development);</p> <ul style="list-style-type: none"> identifying if the demand can be met by existing facilities (where these have a sufficient capacity, are accessible, and acceptable quality); if the demand cannot be met by existing facilities, then using the local evidence base and consulting with relevant stakeholders to help identify the best approach to meeting these needs; identifying the costs of the new or extended facility, or other quality improvements to increase an existing facility's capacity. <p>Add new sections: <u>5.6 – How are the demand and potential contributions calculated?</u> and <u>5.7 How should decisions be made about what is required?</u> (including flow charts figures 2,3 and 4). Section 5.6 includes and expands on paragraph 4.1.</p> <p>See proposed modification document.</p>
56- Environmental Planning Ltd on behalf of	Section 3.3 What assessment is made to ensure the Contributions are fair		Provides a summary of the assessments made to ensure the contributions are justified. The previous comments made in	See response to comment ID 86.	See response to comment ID 86.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
Pigeon Investment Management Ltd.	and justified? Para 3.18		respect of: the access catchments (3.6); demand on existing facilities (3.13 – 3.16) and costs (see section 4.23 below) are applicable and should be reflected within paragraph 3.18.		
28- Robert Cann	3.19 Ensuring contributions are fair and justified	Object	I suggest that feedback/guidance from Sustrans is also important.	<p>It seems unlikely that Sustrans would have sufficiently detailed publications to be of use, and are probably unlikely to be able to respond on individual planning applications.</p> <p>Hertfordshire County Council has been consulted and as the local transport authority can advise on sustainable travel issues.</p>	No amendment in response to this issue.
13- Sport England	Section 3.3- Ensuring contributions are fair and justified, para 3.18	Object	When identifying if the demand can be met by existing facilities, it should be made explicit that account will need to be given to whether existing facilities can meet the demand of both existing and future needs. While some facilities have the capacity to meet existing needs they may not have capacity to meet future needs.	<p>The Built Facilities Strategy 2017 has site specific proposals (Fig 50) and also provides an overview of all key facilities in the district (Fig 51) which take into account issues of capacity, quality etc.</p> <p>The PPS 2017 contains Action Plans for each pitch sport</p>	<p>A new section 3 has been inserted to summarise the strategies, including the role of the action plans and how they will be updated- see proposed modifications document.</p> <p>New flowcharts in section 5.7 will also show how the action plans should be used to inform contribution calculations</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
				<p>(football, cricket, rugby, hockey) which should be used to guide investment. These also take into account issues of capacity, quality etc.</p> <p>EHC is committed to providing regular updates to these site specific proposals and action plans contained in the Built Facilities Strategy and PPS. A cross reference to them would be valuable within the SPD.</p>	
103-PPML Consulting Ltd, Durkan Ltd	Section 3.3- Ensuring contributions are fair and justified, para 3.18		<p>Each site should be considered on its own merits and considered in the context of nearby open space facilities.</p> <p>If there is a well-equipped LEAP or NEAP within walking distance then contributions should go specifically to upgrade or enhance this facility rather than insisting on specific provision on each site. Children are naturally drawn to larger scale play facilities which maintain their interest for longer, so providing</p>	<p>The principle of considering each site on its own merits and within its wider context is agreed and is set out in the SPD.</p> <p>The SPD does ensure the local context is taken into account and the new process flow diagrams help explain that the calculations are a starting point to help guide the negotiation and increase transparency. They have to be used in</p>	See response to comment ID86

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			lots of incidental play spaces within all new developments (in an effort to simply meet policy considerations) ends up serving little purpose. The council's formulaic open space calculations need to take account of what provision is been provided on the development site for open space and play space and discount this from the overall provision required.	conjunction with local and site specific circumstances in order to be CIL compliant.	
3 Calculating Contributions- Population House Multiplier					
102- PPML Consulting Ltd, Durkan Ltd,	Section 3.4 How is the need arising from a development, and the cost of that demand, calculated, para 3.20		The multiplier needs to relate specifically to the mix of dwellings proposed. Applying a figure of 2.32 persons per dwelling is too simplistic and unreasonable. Particularly if a development is weighted towards only 1 & 2 bed apartments, for instance.	While the 2.32 people per house multiplier in the draft SPD paragraph 3.20 is usually appropriate for an outline application, if it can be demonstrated to the Council's satisfaction that an alternative population should be used for a proposed development, this would be acceptable. Should a development which has already received outline	Paragraphs 3.20 (5.19) and 4.10 (5.20) amended and moved into section 5.4 <u>'What population figure should be used in assessment of demand?'</u> : To generate the population figures, a '2.32 people per house' multiplier has been used, <u>The average number of people per household in the District is 2.32,</u> derived from MHCLG/ONS Census data. ⁶ This figure will need to be updated from time to time as national and local population statistics change.

⁶ ONS population base

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
				<p>permission, but where the densities being applied for in the detailed application have increased (or decreased), then the level of developer contributions will also apply to the proposed increase/decrease in population. This would for example include on-site open space provision.</p> <p>SPD revised to provide more flexibility.</p>	<p>Standards of provision are useful tools to determine a proportionate contribution from a set number of houses or number of people, in a development. As described above the average number of people per household in the District is <u>The estimated population of a development, for both outline and full applications will be based on 2.32 persons per dwelling.</u> Thus, a development of 100 dwellings will be assessed as generating a population of 232 people. <u>However, if it can be demonstrated to the Council's satisfaction that an alternative population figure should be used for a proposed development because of site specific circumstances, then this will be acceptable.</u></p> <p>New paragraph inserted after 4.10 <u>(5.20)</u>:</p> <p><u>(5.21) In the case of a change in the proposed population of a development, for example by increased density, then the developers' contributions will need to be recalculated and the implications for provision be masterplanned appropriately.</u></p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
14- Sport England	Section 3.4 How is the need arising from a development, and the cost of that demand, calculated, para 3.20	Object	While the 2.32 people per house multiplier in paragraph 3.20 is supported as a default approach, some flexibility should be offered on its application if it can be demonstrated to the Council's satisfaction that an alternative multiplier should be used. For example, developments that are predominantly one bedroom flats, sheltered accommodation, student accommodation etc. that are designed for 1 or 2 people are likely to have a lower multiplier in practice and therefore unless some flexibility is offered there is potential for successful challenges of the approach.	Population multiplier is retained but text revised to provide more flexibility, see response to comment ID102.	See amendments in response to comment ID 102.
3 Calculating Contributions- Cross boundary					
57- Environmental Planning Ltd on behalf of Pigeon Investment Management	Section 3.5 Cross boundary issues, para 3.21		Refers to cross boundary facilities. However, it is unclear whether the consideration of facilities in neighbouring authorities has been taken into account. The Council may wish to consider providing clarity on which neighbouring authorities have facilities that could be used by residents of East Herts. Figure	The cross-boundary issues were considered in detail as part of the Built Facilities Strategy (2017) and the PPS (2017), with the recommendations and standards taking this into account. Open space is not considered	No amendment in response to this issue.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			1 could also show where these facilities are located. However, ultimately this is a Local Plan matter.	in a cross-boundary context because the catchments are much more local. The District Plan sets the general requirements for community infrastructure and contributions, The strategies and this SPD detail that.	
4 Calculations for Sport and Leisure – context and facilities					
54- Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 4.1 Context, paras 4.1 and 4.23		Refers to facility costs based on various sources. However, the Council may wish to consider the robustness of these calculations and provide further details on how these costs have been arrived at. Whilst Spons and the Landscape Price Book give rates for specific items (grass cutting, fencing etc.), they do not provide specific costs for provision or maintenance of different types of open space. The Council may wish to consider publishing the	The Council is satisfied that the costs identified are robust. They reflect industry figures and advice from Sport England and National Governing bodies. The 2019 costs have been added to the SPD instead of 2018 costs to ensure the SPD is to date. The costs are now set out in appendix C. In any case paragraph 4.1 (5.29) allows for local costs to	Amend and expand paragraph 4.1 (5.26) and move into a new section 5.6 How are the demand and potential contributions calculated for clarity: (5.26) <u>The facility costs identified in this SPD sports built facility costs set out in appendix D and incorporated into the Built Facilities Calculator available on the council's web site and used in the in the worked examples in this SPD (Section 6) are based on: Sport England's latest facility costs guidance⁷; costs from National Governing Bodies of Sport (NGBs) and, where relevant, other latest industry figures, including sourced from</u>

⁷ Sport England Facility Costs Q2/2018/2019, Life cycle costs (2012 costs, but expressed as percentages of capital costs)

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<p>workings behind these costs to demonstrate that they are reasonable and fair.</p> <p>This paragraph also states that should robust local costs be available, e.g. from a project cost identified by an architect, these can provide useful accurate figures. This approach is welcomed and it is suggested that the SPD allows for developers to provide their own justified costs for different types of provision and maintenance (for both on and off-site provision).</p>	<p>be used if they are approved by the Council.</p> <p>However, the approach to maintenance cost for open space has been amended because the Council has recently adopted a new grounds maintenance contract in 2020. Therefore the new contract prices have informed the development of locally specific open space maintenance costs. These have reduced the maintenance costs for the open space typologies and are identified in appendix D.</p>	<p>SPONS Construction and Landscape Price Books⁸. <u>These costs calculate automatically on inputting of the number of dwellings or anticipated population. The costs will be indexed (see Section 4.10). Should robust local costs be available, e.g. from a project cost identified by an architect, these can provide useful accurate figures.</u></p> <p><u>(5.27) The playing pitch contribution costs, both capital and lifecycle, for a given population are generated automatically in the Sport England Playing Pitch Calculator, and these are regularly updated by Sport England.</u></p> <p><u>(5.28) For open space, the capital costs per area of each typology (see appendix C) are based on relevant and up to date cost sources. This includes SPONS External Works and Landscape Price Book (2019)⁹. An open space calculator is available on the website to assist calculations.</u></p> <p><u>(5.29) Alternatively, locally assessed capital costs can be used, but these need to be robust and confirmed by an independent and appropriately qualified person. This work may be undertaken on the behalf of a developer</u></p>

⁸ SPONS External Works and Landscaping Costs 2019

⁹ The most recent SPONS available at the time of drafting

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
					<p><u>and proposed to the Council, which should properly consider them.</u></p> <p>Add new appendix C and D to set out costs in more detail - see proposed modification document.</p>
58- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 4.1 Context, paras 4.7-4.9		The listing of the facilities is welcomed, however, it would be useful if further details on open spaces could be provided as a similar list. The Council may wish to consider including this within the SPD.	<p>The very large number of open space sites assessed and considered in the Open Spaces Assessment (2017) does not make such a list possible.</p> <p>EHC has the complete database of open spaces available on request.</p>	No amendment in response to the issue.
1-Wodson Park Trust	Section 4.1 Context, Paragraph 4.7 Strategic Facilities	Support	Why isn't Woodson Park included as a district wide strategic facility? Wodson Park provides the only UK Athletics Track Mark registered facilities in the district. It hosts the district wide school games and numerous other competitions and events. The centre is a self-funded community facility and	<p>Agreed Woodson Park should be added.</p> <p>Wording of draft SPD paragraphs 4.7 clarified. Legends Tennis Club and Bishop's Stortford Squash and Racquets Club deleted from bullet points as they are</p>	<p>Amend paragraph 4.7 (3.7) as follows:</p> <ul style="list-style-type: none"> • Grange <u>Paddocks</u> Leisure Centre (Bishop's Stortford): replace and extend • <u>Wodson Park Trust</u> • Gilston Area leisure centre: new facility • Hartham Leisure Centre (Hertford):

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			awarded The FA "Excellent 5star" award for the management of 3G artificial turf football centre.	not proposed to be funded by contributions under the current Built Facilities Strategy. Wording amended to clarify that these are examples, not a complete list.	extension <ul style="list-style-type: none"> • Bishop's Stortford Lawn Tennis Club strategic centre improvements¹⁰ • Legends Tennis Club • Bishop's Stortford Squash and Racquets Club
6-Robert Cann,	Section 4.1 Context, Paragraph 4.7 Strategic Facilities	Object	I would suggest that integrated cycling facilities connecting schools, transport hubs and housing developments should be included as a strategic facility. Contributions could then be obtained for joining up the new developments to the rest of the town. Cycling standards should be included to meet Sustrans standards.	Sustainable transport links are part of other S106 agreements and are not covered by this SPD.	No amendment in response to this issue.
100- Presdales School	Section 4.1 Context, Paragraph 4.8 Satellite Facilities		The EHC PPS 2017 documents the need for 1.8 additional hockey pitches in the area. Hertford Hockey Club was identified as the lead contact and the priority was documented as 'high'. In 2018 Presdales School obtained support for this project	The Playing Pitch Strategy (2017) was completed before the Presdales School project was in a position to be included. The Council has committed to undertaking an update of the PPS's action plan	No amendment in response to this issue.

¹⁰ Built Facilities Strategy: cover courts and/or convert grass courts to hard courts.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<p>from East Herts, England Hockey, Hertford and Ware Town Councils, Mark Prisk MP and Councillor Mark Pope.</p> <p>EHC representatives are fully aware of the Presdales School Hockey Pitch Project and we would therefore like to ask:</p> <p>a) How projects were selected</p> <p>b) What stage the listed projects have reached?</p> <p>c) Why Presdales School Hockey Pitch Project was not included.</p>	including its priorities and projects. This project can be considered as part of that update.	
4 Calculations for Sport and Leisure – Concern about standards					
98- Lichfields on behalf of St William Homes LLP	Section 4.2 Standards of Provision, paras 4.10	Object	Paragraph 3.20 sets out that MHCLG/ONS Census data is used to calculate average household size in the District. Paragraph 4.10 relates this to the standards of provision in calculating the contribution which should be made for sports facilities and open space. St William would object to the use of this figure in calculating the population of a development and thus contributions, as it is wholly inaccurate.	<p>While the 2.32 people per house multiplier- referred to in paragraph 4.10- is usually appropriate for an outline application, the text has been amended to allow an alternative population to be applied if agreed by the Council.</p> <p>Should a development which has already received outline permission, but where the densities being applied for in</p>	See amendments proposed in response to comment ID 102 in relation to paragraphs 3.20 and 4.10.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<p>Firstly, this is because the calculation does not make consideration for the house sizes being delivered and therefore does not consider developments where predominantly smaller or larger dwellings are being provided which will have smaller or larger than average household sizes. Secondly, this approach does not appear to have taken flatted developments into consideration, which also tend to accommodate fewer children.</p> <p>We therefore consider that the Council should make provision for calculating the number of children likely to be accommodated in a new development separately to ensure that sufficient open space and facilities are delivered appropriate to their needs arising as a result of the development. This will also ensure that any contributions meet the requirements of paragraph 56 of the NPPF (2019)</p>	<p>the detailed application have increased (or decreased), then the level of developer contributions will also apply to the proposed increase/decrease in population. This would for example include on-site open space provision.</p>	

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
99- Lichfields on behalf of St William Homes LLP	Section 4.2 Standards of Provision, paras 4.12	Object	Paragraph 4.12 goes on to emphasise that the standards of provision set out in Table 1 should be used in tandem with actual assessed need and other robust evidence. However, this paragraph does not provide enough clarity about how these aspects should be considered in calculating contributions and therefore does not allow developers to understand what the costs might be for their site. The Planning Practice Guidance is clear that plans should set out the contributions expected from development. Although it is noted that this document is not a statutory planning document, it should ensure that it provides clear guidance on the contributions that developers will be expected to make.	Paragraph 2.37 (4.21) provides a clear steer on the provision requirements and is the starting point for the consideration of whether on-site or off-site investment will be required for each development. Paragraph 2.18 (2.17) clarifies that the Council will only seek CIL compliant contributions. The Council is satisfied its evidence is robust but accepts that the process for calculating contributions needs to be explained more clearly in the SPD. As such the SPD has been restructured so there is a more logical order. Section 4 explains how to apply the SPD and Section 5 explains how to assess contributions. Section 5.7 is particularly relevant as it includes flow chart(s) for decision processes for built facilities,	Restructure SPD as outlined in the proposed modification document. Insert new section 5.7, including flow charts (figures 2-4)

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
				playing pitches and open space typologies.	
87- Turley on behalf of Ptarmigan	Section 4.2 Standards of Provision, para. 4.12	Object	<p>Paragraph 4.12 states that standards of provision should not be used in isolation, but instead 'must be used in tandem with actual assessed need and other robust evidence'. Paragraph 4.12 states that where there is current assessed surplus of a facility then a contribution should be directed towards the quality improvement of that facility.</p> <p>This will not be appropriate in every case, as where there is sufficient capacity, the required quality enhancement provided by the developer may simply serve to subsidise an existing profit-making organisation. In addition, the CIL test of being necessary to make the development acceptable is unlikely to be justifiable where the capacity of a given facility is not at issue, unless the quality enhancements required for the facility are essential to allow the potential</p>	<p>When there is a surplus, new facilities may not be required, but an improvement to the quality of existing facilities might be required. The quality of a facility can have a major impact on its attractiveness e.g. in relation to swimming pools or sports halls, as evidenced by Sport England's Facilities Planning Model. Investment into quality will therefore effectively increase capacity.</p> <p>In relation to grass pitches, for example, poor drainage reduces the effective capacity of a site, as well as making it unattractive. Investment into quality is therefore justified. This principle also applies to other facilities.</p> <p>A lack of ancillary facilities supporting sports and</p>	<p>Amend paragraph 4.12 (5.17) as follows</p> <p><u>It should be noted that NB: S standards of provision should not be used in isolation, but must be used in tandem with actual assessed need and other robust evidence.</u> For example, there may be an assessed potential if there is a current and future assessed surplus of a facility or specific open space typology which has secure community use and is accessible during the peak period (evenings and weekends), then a contribution should be directed towards the quality improvements of that facility. (within the catchments given in Table 1 and accessible as defined by Section 5.2), but its quality is poor. In this situation contributions may be towards investment in the quality of the facility or open space in order to increase its capacity, so that it can meet the development's assessed demand.</p> <p>Amend paragraph 4.13 (5.16) as follows</p> <p>The standards for Provision are set out in table-1. <u>They are referred to in the flow charts in Section 5. The quantity standards underpin</u></p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			capacity to be fully utilised.	<p>recreation facilities also impacts on quality (e.g. a lack of changing for junior girls football).</p> <p>Draft SPD paragraph 4.12 amended to clarify.</p> <p>S106 can be used in relation to a profit-distributing body so long as this is formally tied to a Community Use Agreement based on the Sport England model or similar, which ensures the long term security of community use, the hours available, the use price etc., Such bodies might for instance, include independent schools.</p> <p>New paragraph added to Section 2.12 (section 4.6).</p>	<p><u>the Calculators available on the East Herts Council's website. Examples of their application are given in the 'Worked Examples' in Section 6.</u></p> <p>Amend paragraph 4.15 (5.13) as follows</p> <p><u>The facilities that are provided should reflect current best practice in design layout and specification, including current specification and design and quality must meet Sport England or the relevant National Governing Body of Sport guidance from Sport England. National Governing Bodies of Sport, Fields in Trusts, as relevant.¹¹ This should apply to refurbishments, extensions and new build proposals.</u></p> <p>Decision flow charts added in section 5</p> <p>Insert a new paragraph after paragraph 2.41 (4.25): <u>If an existing organisation such as a sports club or school is proposed to receive money from contributions towards specific facility provision, then the recipients should usually be expected to enter into a binding</u></p>

¹¹ Published facility design guidance notes are regularly produced and updated, including by Sport England and the National Governing Bodies for Sports. Developers should check that they are using the latest available guidance relevant to their proposals.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
					<u>agreement with the Council securing appropriate community use. Where a new facility is proposed, then the requirement for a Community Use Agreement should one of the planning conditions relating to the facility. For schools, the terms of the agreement and as appropriate, the planning condition, should be based on the Sport England recommended models.¹²</u>
59- Ethos Environmental Planning on behalf of Pigeon Investment Management Ltd.	Section 4.2 Standards of Provision, para 4.16		The statement in para 4.12 that standards of provision should not be used in isolation, but must be used in tandem with actual assessed need and other robust evidence is welcomed. Our previous comments in respect of a decision making flowchart/process for considering quality, quantity and access to determine where facilities are required on or off-site is also relevant to this paragraph.	Approval welcome and the Council agrees decision making flow charts should be included,	Insert decision making flow charts (figures2-4) into Section 5.7 of the final SPD. See proposed modification document.
60- Ethos Environmental Planning Ltd on behalf of	Section 4.2 Standards of Provision, para 4.16 and Table 1		The clear setting out of the different standards in one table is useful, although the Council may wish to consider whether	The Green Flag standards are for Parks and Gardens, Amenity Green Space and Natural and Semi Natural	Table 1 amended- below this schedule

¹² Sport England CUA Template Full Agreement, Sport England Model Planning Conditions March 2017, <https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport/community-use-agreements>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
Pigeon Investment Management Ltd.			reference to 'Green Flag Standards' is appropriate for all of the typologies. For example, the creation of amenity space for informal play/visual amenity would be unlikely to meet many of the criteria set out in the Green Flag Standards. It is therefore suggested that the reference to the Green Flag Standards is removed and reference is instead made to paragraph 4.19.	Green Space, as in the Open Spaces Assessment (2017). The 2017 report notes that some but not all of the Green Flag elements standards will be appropriate for N&SNGS and AGS. The Allotments are incorrectly identified needing to reach Green Flag requirements. Table 1 amended to include the quality standards for each facility and open space, from the relevant strategies	
88-Turley on behalf of Ptarmigan	Section 4.2 Standards of Provision, Table 1	Object	Table 1, sets out the required standards of provision for different types of facility in East Herts and footnote 15 of the SPD explains where the standards have been derived. However with regard to 'Amenity Green Space, Parks and Gardens', Ptarmigan considers it very important that there is recognition within the SPD of the clear potential for the SuDs provision on strategic scale developments to meet some of	In principle some SuDS can be used/count as semi-natural open space, and occasionally amenity greenspace. However the Local Authority will need to be persuaded that design of such areas (e.g. accessibility, attractiveness, safety) and the amount and regularity of flooding, do not significantly impact on its ability to operate as such open space.	Amend paragraph 4.18 (5.62): The following land uses do not count towards public open space: SuDS ⁷ , structural and peripheral landscaping, footpaths and cycleways, and small areas of incidental land. Some smaller areas of land that are largely surrounded by roads may not be suitable for reason of amenity and safety, or where the adjacent use leaves the location unattractive to use, so will also be discounted. Delete footnote 7:

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			the 1.4ha per 1,000 population standard. This is particularly relevant to existing usable semi-natural greenspace, which is also able to be used for SuDs provision (see objection to para 4.18)	It is agreed that footnote 17 referring to SUDs being considered as open space for 90% of the time is overly prescriptive.	<p>Sustainable Urban Drainage. NB Exceptionally where the SUDS is also a semi-natural greenspace that is likely to be dry and useable as public open space for 90% or more of the time, then the council may choose to allow this to count as public open space.</p> <p>Insert a new paragraph following 4.18 (5.66):</p> <p><u>(5.67) In relation to sustainable urban drainage (SUDS) areas, some of these areas may be possible to use as Natural and Semi-Natural Green Space or even Amenity Green Space. However, the Council will need to be persuaded that the design of such SUDS is safe, attractive to use for informal recreation, and easily accessible. Furthermore, the area of the SUDS to be counted as public open space, should be dry and usable for a significant majority of the time.</u></p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
75- David Lock Associates on behalf of Tarmac	Section 4.2 Standards of Provision, Table 1	Support	Tarmac supports the proposed 'Children and Young People Provision' standard of 0.25 hectares/1,000 population and associated accessibility standards, as set out in Table 1. This standard is consistent with the benchmark guideline for equipped/designated play areas set out in the Fields in Trust guidance; Outdoor Sport and Play: Beyond the Six Acre Standard (2018). The Fields in Trust guidance provides recognised best practice on open space provision.	Support noted	No amendment in response to this issue.
17- Sport England	Section 4.2 Standards of provision Table 1	Object	Concern is made about the reference to 'standards' in relation to sports facilities. The individual quantity per 1000 figures in table 1 for the sports facilities are considered robust for the purposes of calculating demand as they are taken from the Council's Open Spaces and Sports Facilities Assessment Technical Study (Built Facilities Strategy) which Sport England supported.	<p>The term "standards" is used in the SPD because of the need to encompass all built sports facilities as well as open space typologies. The concerns of Sport England are acknowledged, but there is no appropriate alternative word that is widely understood.</p> <p>The word "standard" provides a clear starting</p>	<p>Paragraph 3.5 (5.3)</p> <p>The quantity requirements are based on the demand generated by the development in relation to the existing supply. This is derived from the relevant strategies/frameworks. This can be expressed for example as the facility need per 1,000 people <u>for built facilities and open space, and the quantity standards for each built facility type⁶ and open space are summarised in Table 1. The quantity of demand for pitch sports is more complex and Sport England has therefore developed a</u></p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<p>However, there is a concern about the terminology because the NPPF does not advocate the use of local 'standards' for assessing the needs or providing for sporting provision (unlike PPG17 (2002) which it replaced). Sport England's generic concerns about the use of standards for this purpose are set out in Sport England's CIL and Planning Obligations Advice Note. Chapter 13 of the Built Facilities Strategy which covered this matter intentionally did not refer to 'standards'.</p> <p>It should be emphasised that the approach to quantifying the need for sports facilities in the SPD is supported; it is just the terminology in this section which is of concern. For consistency with the evidence base, it is therefore requested the terminology is reviewed.</p>	<p>point for negotiations for developers' contributions. The other sections of the SPD require the contributions to be CIL compliant, set within the wider context, and justified.</p> <p>The derivation of the "standards" in Table 1 is needed to ensure consistency with the Built Facilities Strategy.</p> <p>Draft SPD paragraph 3.5 amended to acknowledge Sport England concerns and to explain why the term "standard" has been used in the SPD, via accompanying footnote.</p>	<p><u>Pitch Calculator to help assess the demand for these sports.</u>⁷</p> <p><u>Ftnote 6: In relation to the Built Facilities Strategy (2017) the "standards" in Table 1 are the same as the "Provision Guide for new developments (Fig 48). The term "standards" has been used in this SPD because of the need to encompass all sport, recreation and open space developers' contributions and the terminology is most easily understood.</u></p> <p><u>Ftnote 7: Sport England Active Places Power website https://www.activeplacespower.com/</u></p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
90 -Turley on behalf of Ptarmigan	Section 4.3 Calculating contributions- Open Space and Play, para 4.18		<p>SPD makes reference to the need for public open spaces and play, including combined typologies, to be publicly accessible at all times.</p> <p>However, facilities such as MUGA's and Skate Parks are not particularly good neighbours and so will need very careful siting if they are to be made publicly accessible at all times. In some instances, these facilities will not be suitable.</p>	<p>Provision for teenagers and young people should follow current best practice and be designed following local consultation, including with young people and local residents. The recommended buffer zones for these types of facility are given in the FiT guidance and this is the same as for a NEAP.</p> <p>All play and teenage provision will require careful siting to ensure that they are suitably accessible and sited.</p> <p>There is some scope for flexibility as set out in the draft SPD. If there is a genuine local issue (e.g. use of a skateboard park late at night that affects local residents, or where vandalism occurs) then sensible and reasonable time restrictions may be applied.</p>	See response to comment ID 32 for the expanded flexibility text in section 5.5 (4.7)

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
89- Turley on behalf of Ptarmigan	Section 4.3 Calculating contributions for open space and play – para 4.19	Object	<p>The general use of SuDs for public open space is expressly excluded under paragraph 4.18 of the SPD, although footnote 17 does infer that, exceptionally, where a semi-natural greenspace is likely to be dry and useable as public open space for 90% or more of the time then the Council may choose to allow this to count as public open space. However, there is no supporting evidence in the SPD to qualify where this prescription comes from and we are not aware of any other LPA's who operate such an onerous formula, given that significant storm events generally only occur up to 3% of the time.</p> <p>Suggest that Paragraph 4.18 is reworded to remove reference to SuDs as part of the list of exclusions and for SuDs use to be incorporated within a revised paragraph 4.18 as follows:</p> <p>'Where land proposed for SuDs is proposed for open space provision, such as semi-natural</p>	<p>See response to comment ID 88.</p> <p>The Council agrees a less prescriptive approach to SuDs is more appropriate.</p>	Amend paragraph 4.18 (5.66) in accordance with amendments proposed in response to comment ID 88:

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			greenspace, the Council will allow this to count as open space provided that the land is usable for most of the time and is not liable to flood under normal expected conditions’.		
74- David Lock on behalf of Tarmac	Section 4.3 Calculating contributions for open space and play – para 4.18	Object	<p>Tarmac has concerns in relation to paragraph 4.18 of the Draft Open Space, Sport and Recreation SPD and the proposed exclusion of SuDS, footpaths and cycleways from the calculation of public open space provision.</p> <p>In the case of Outline planning applications, it would not be practical to calculate open space provision in this way, without the benefit of detailed layouts. Tarmac has concerns about footnote 17 and its prescription that SUDs can’t be included in open space provision. This undermines the many benefits which SuDS provide, including those related to enhanced biodiversity and habitat creation. It is contrary to the definition of ‘Natural and Semi-Natural Green</p>	<p>See response to comment ID 88.</p> <p>The Council agrees a less prescriptive approach to SuDs is more appropriate.</p> <p>Biodiversity benefits can be part of the benefits of a scheme, but where areas do not qualify as public open space they cannot be counted towards this requirement.</p> <p>Footpaths and cycleway may be included within Open Spaces except where there is effectively just a very narrow cycle/path corridor that really only serves a transport function. In this event, these routes are not considered to</p>	See response to Comment ID 88 and amend paragraph 4.18 (5.66).

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			Space' within the Fields in Trust Guidance: "Natural and semi-natural greenspaces: Woodland, scrub, grassland, wetlands, open and running water and open access land" (Outdoor Sport and Play: Beyond the Six Acre Standard (2018), Annexe A: Glossary). Therefore, the proposed standard of 3.2 hectares/1,000 population for 'natural and semi-natural green space' should be amended to include SuDS, footpaths and cycleways.	be public open space meeting the requirements of this SPD.	

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
107 - Hertfordshire County Council	Section 4.3 Calculating contributions for open space and play – 4.19		Would like to see secure cycle parking and secure parking for other sustainable modes of transport (e.g. scooters) included in the list of public open spaces infrastructure. This is to encourage active travel as a means of transport to the open spaces in line with Hertfordshire County Council Local Transport Plan 4 (LTP4).	<p>Secure cycle and similar parking would seem to be appropriate for parks and gardens, country parks and possibly the largest amenity greenspace areas depending upon their location and anticipated use. Draft SPD amended to add in cycle parking.</p> <p>There are currently about 140 amenity green space sites in East Herts. Research from other local authorities show that almost all visits to amenity green spaces are by foot as they are very close to home. The accessibility standard is 480m. It seems unlikely that more people would travel by cycle to these spaces even if parking was provided. Additionally, the capital and revenue costs of cycling parking can be high and it is not realistic to provide this at most open space sites.</p>	<p>Amend paragraph 4.19 (5.69) as follows:</p> <p>Public open space will also need to be laid out with appropriate infrastructure, which typically will include: good walking access and/or parking, paths, fences, benches, signage, dog and waste bins, <u>cycle parking</u>, watering points and car parking. Parks <u>and</u> Gardens and Amenity Green Space may have all of these, whilst Natural/semi-natural Greenspace may have less. Allotments can be expected to have all the facilities suggested by the National Allotments Society, including parking, sufficient water, fencing/security, toilets, and communal shed. It will be the Council's decision as to what is reasonable and relevant to be required for open space facilities provision.</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
62- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	4.3 Calculating contributions for open space and play, para 4.19		The summary of the types of infrastructure expected within open space is welcomed. However, it would be useful to have more detailed guidance provided as an appendix which developers could use in designing open space. The Council may wish to consider including this within the SPD.	The Council references quality guidelines in the SPD but does not think it is necessary to provide detailed guidance, when there is specialist advice from industry experts. The Council will cross reference good practice.	Insert a new footnote to paragraph 4.16 (5.13) to cross reference guidance: Footnote 8: Published facility guidance notes are regularly produced and updated, including by Sport England and the National Governing Bodies for sports. Developers should check that they are using the latest available guidance to their proposals.
63 – Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	4.3 Calculating contributions for open space and play, para 4.20		Considers a commuted management sum period of not less than 20 years is onerous and without justification. The commuted management sum is intended to cover the initial establishment of a facility and should not be used as an alternative to revenue that will be generated by Council tax receipts once new homes are fully occupied and new facilities are established. It is considered that if the Council intend to prescribe a minimum period, then 5 years would be more appropriate. It should also be clear that in many instances facilities will be transferred to a management	The maintenance cost is to cover the lifespan of the facility. Where there is a management company approach the request is “in perpetuity”, where a Local Authority manages the site the request is for 20 years.	No amendment in response to this issue.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			company the sum will not be required.		
91 -Turley on behalf of Ptarmigan (Ware2)	Section 4.3 Calculating contributions for open space and play -4.23- Calculations	Object	<p>Concerned that a predominant reliance upon Spon's for calculating costs does not necessarily reflect prevailing local market conditions for materials and labour. Generally speaking, Spon's calculations are considered to be a conservative reference by the industry and not necessarily reflective of actual tenders received under competitive conditions.</p> <p>The latest 2019 edition of the Spon's Landscape Price Book acknowledges that work construction output has been on a falling trend since 2017. Spon's also identifies that whilst higher level contractors 'are generally busy, middle tier contractors are 'working hard to win work on very competitive rates.' With regard to products, Spon's has updated its</p>	<p>Spons costs are industry standard costs and reasonable to use as a basis, and based on 'real world' prices.</p> <p>However, to allow flexibility, other local costs can be used, but where used, need to be robust and confirmed by an independent and appropriately qualified person. This work may be undertaken on the behalf of a developer and proposed to the Council, which should properly consider them.</p> <p>Paragraph 4.1 makes this clear but additional text added to clarify that alternative costs can be used.</p>	<p>Amend paragraph 4.1 (5.26) as follows:</p> <p>The facility costs identified in this SPD sports built facility costs set out in appendix D c and incorporated into the Built Facilities Calculator available on the council's web site and used in the in the worked examples in this SPD (Section 6) are based on: Sport England's latest facility costs guidance¹³; costs from National Governing Bodies of Sport (NGBs) and, where relevant, other latest industry figures, including sourced from SPONS Construction and Landscape Price Books¹⁴. These costs calculate automatically on inputting of the number of dwellings or anticipated population. The costs will be indexed (see Section 4.10). Should robust local costs be available, e.g. from a project cost identified by an architect, these can provide useful accurate figures.</p> <p>Insert new paragraphs after 4.1 (5.26):</p> <p><u>(5.27) The playing pitch contribution costs, both capital and lifecycle, for a given</u></p>

¹³ Sport England Facility Costs Q2/2018/2019, Life cycle costs (2012 costs, but expressed as percentages of capital costs)

¹⁴ SPONS External Works and Landscaping Costs 2019

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<p>database by indexation but acknowledges that prices are 'often negotiable at the price of purchase'.</p> <p>Accordingly, it is quite clear that the Spon's approach alone is not sufficient to make a robust assessment of the required level of developer contributions for a given facility and that 'real world' pricing should also be used by way of essential cross reference to ensure that open space obligations have been fairly and reasonably calculated.</p>		<p><u>population are generated automatically in the Sport England Playing Pitch Calculator, and these are regularly updated by Sport England.</u></p> <p><u>(5.28) For open space, the capital costs per area of each typology (see appendix D) are based on relevant and up to date cost sources. This includes SPONS External Works and Landscape Price Book (2019). An open space calculator is available on the website to assist calculations.</u></p> <p><u>(5.29) Alternatively, locally assessed capital costs can be used, but these need to be robust and confirmed by an independent and appropriately qualified person. This work may be undertaken on the behalf of a developer and proposed to the Council, which should properly consider them.</u></p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
64- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 4.3 Calculating contributions for open space and play, para 4.24		This approach is welcomed again it would be useful if the Council set out priority sites for where these contributions are most needed, this would provide transparency to demonstrate that contributions are relevant to a particular scheme.	Developers are expected to undertake local consultation including with the relevant town or parish council. It will be the findings from this consultation which will need to be taken into account in the consideration of provision on-site or off-site for the open space typologies, set within the wider context of the strategy. The need for local consultation is confirmed in draft SPD paragraph 3.2 (5.1) and included in the new decision flow charts in section 5.7.	Decision flow charts inserted in section 5.7- see proposed modification document.
65- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 4.3 Calculating contributions for open space and play, para 4.25		Sets out thresholds for provision for play. It is considered that these provide a useful starting point to inform master planning. However, a more flexible approach would allow site specific matters to be addressed. For example, a development of 10 units (generating 23 people), would require an onsite LEAP.	Table 2 formatting became corrupted when the SPD was printed and was therefore incorrect. Table 2 is now correct. The Council accepts that the thresholds were inconsistent with the standard of 0.25ha/1000, so has revised	Table 2 replaced with revised table 2- see below this schedule or the proposed modification document. Amend paragraph 4.25 (5.77) as follows: In some cases, such as play provision, there Play provision has is a trigger based on the number of houses, so as to provide an appropriate level of facility(ies) for the development, see Table 2. This is as follows:

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<p>Using the standard of 0.25ha/1000 this would result in a play area of 57.5 square metres. This raises questions over the proposed thresholds as applying this rigidly could result in proliferation of small play areas, which may not be desirable and potentially contradicts other parts of the SPD (paragraph 2.20). The Council may therefore wish to reconsider the thresholds at table 2 and re-word this paragraph to allow a more flexible approach.</p>	<p>the on-site requirements for LEAPS on smaller developments.</p> <p>The Council has also revised the table to apply the 67% approach that is also relevant to other facilities and pitches. For example, this means that a development of 47 dwellings which does not have access to a LEAP within the accessibility catchment, need to provide on-site.</p> <p>Supporting text to table 2 revised.</p>	<p><u>The 67% approach set out in Section 4.5 also applies to play provision. For example, this means that a development of 47 dwellings which does not have access to a LEAP within the accessibility catchment, needs to provide sufficient land on-site plus the population-related proportion of the capital, maintenance and life cycle costs. The 67% threshold for NEAP and teenage provision is 269 dwellings.</u></p> <p>Insert new paragraphs subsequent to 4.25 (5.77):</p> <p><u>(5.78) Any variations to this approach will need to be adequately justified by the applicant and agreed by the Council.</u></p> <p><u>(5.79) The Council will only consider the provision of a Local Area for Play (LAP) in exceptional circumstances, such as for development of 10-46 houses where there is no appropriate accessible play provision.</u></p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
2 - Hertfordshire County Council,	Section 4.3 Calculating contributions, paragraph 4.26 maintenance costs	Support	Whilst we support the inclusion of natural / semi-natural Greenspace within the maintenance costs, we would like to point out that these fixed costs may in fact vary depending upon the nature of the Greenspace created / managed and the management aspirations – such as the difference between woodland and semi-natural grassland. Not all natural greenspace is the same and different habitats / circumstances will generate different costs.	It is not practical to cost every type of natural/semi-natural space. Should a specific local habitat type be offered (e.g. a woodland) then a local cost can be used, but where used, needs to be robust and confirmed by an independent and appropriately qualified person. This work may be undertaken on the behalf of a developer and proposed to the Council, which should properly consider them. Addressed by amendment to draft SPD paragraph 4.23	See response to comment ID 91 for amendment to paragraph 4.1 (5.26).

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
66- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd. (East of Stevenage, ES01)	Section 4.3 Calculating contributions for open space and play, para 4.26		<p>As per the issues raised at 4.1, it is unclear how the maintenance costs in table 3 have been derived. The Council may wish to consider publishing worked costings for each typology to provide transparency. In the context of Maintenance Contributions.</p> <p>The SPD states a reasonable contribution can be required to cover the cost of setting the specifications and monitoring them. It would be helpful if the SPD clarified what specifications/monitoring are.</p>	<p>In January 2020 the Council signed a new grounds maintenance contract. Given this new evidence available it is considered prudent to take it into account. Therefore, locally derived maintenance figures based on the contract have been included in the SPD.</p> <p>These replace the nationally derived figures and are more competitive so costs have reduced.</p>	Delete Table 3 and replace with Appendix C- see Proposed modification document.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
67- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	4.3 Calculating contributions for open space and play, para 4.27 Figure 2		Figure 2 shows worked examples of how to calculate Open Space Contributions. The inclusion of these examples is welcomed and provides a useful tool to enable developers to understand the contributions that are likely to be required. However, the Council may need to revisit these worked examples in light of our comments in respect of paragraphs 4.1 and 4.26.	<p>Note the support for the use of worked examples.</p> <p>As noted above maintenance costs are now locally derived. However, for capital costs, SPONS costs are industry standard costs and reasonable to use as a basis, and based on 'real world' prices.</p> <p>Other local costs can be used, but where used, need to be robust and confirmed by an independent and appropriately qualified person. This work may be undertaken on the behalf of a developer and proposed to the Council, which should properly consider them.</p> <p>Worked example amended to include 2019 SPONS costs and revised maintenance costs.</p>	<p>See amendments proposed in response to comment ID 91.</p> <p>See revised worked example (figure 8) in proposed modification document.</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
76 - David Lock on behalf of Tarmac	Section 4.3 Calculating contributions for Built Facilities . para 4.28, Figure 2	Object	<p>Tarmac has concerns in relation to paragraph 4.28 of the Draft Open Space, Sport and Recreation SPD and the high contributions sought towards the provision of built facilities, particularly in relation to the following:</p> <ul style="list-style-type: none"> • Swimming pools at £15,792/sqm (plus costs towards lifecycle/replacement and maintenance) • Gyms at £11,122/sqm (plus costs towards lifecycle/replacement and maintenance) • Outdoor tennis at £155,000/1 tennis court (plus costs towards lifecycle/replacement and maintenance). <p>These proposed contributions are particularly onerous and not considered to be fairly and reasonably related in scale to new development, which could jeopardise the implementation of the District Plan allocations, contrary to Policy DEL2 of the adopted District Plan (2018).</p>	<p>Developments need to contribute to mitigate the relevant costs they cause, in a manner that is compliant with CIL regulations. All costs are directly based on the development's estimated population.</p> <p>The SPD is based on the three strategies listed in the draft SPD paragraph 2.12 and Council is satisfied that the strategies provide a robust evidence base. The methodology followed the guidance set out by Sport England in relation to the Built Facilities Strategy and Playing Pitch Strategy. Each of the strategies were widely consulted upon including with clubs, local facility providers, national governing bodies of sport and parish and town councils.</p> <p>However, as set out in section 5, the calculations are the starting point and need</p>	No amendments in response to this issue.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
				<p>to be applied to the local context using the flow charts. Not every contribution may be applicable or relevant.</p> <p>Equally as set out above local derived costs can be applied if agreed by the Council and the SPD includes flexibility to take account of site specific issues and viability.</p>	
16, Sport England	Section 4.3 Calculating contributions for open space and play, figure 3- Built facilities calculation worked example		<p>In the worked example in figure 3, the following comments are made:</p> <ul style="list-style-type: none"> • The source of the facility costings for each of the facilities should be identified for transparency. The table identifies that sports halls and swimming pool costs derive from Sport England costs but it is unclear where the costings for the other facilities derive from i.e. SPONS or Sport England? • The demand for 3G artificial 	<p>In relation to the capital and lifecycle costs for which Sport England publishes information, the latest costs should be used, access via the web link https://www.sportengland.org/facilities-and-planning/design-and-cost-guidance/cost-guidance/</p> <p>Other costs sources have been added as footnotes.</p>	<p>Figure 3 AGP calculations deleted. Added to Playing Pitch Figure 4 (6)</p> <p>3G_AGP (Artificial Grass Pitch)</p> <ul style="list-style-type: none"> • The Playing Pitch Strategy identifies a need for new full-sized floodlit 3G AGPs across the District. • The demand is based on 0.26 AGPs (Hertford and Ware sub area) per 1,000 people¹⁵. • The need from the development is 0.42 AGPs • The capital cost is £965,000 per AGP; • The contribution will be £405,268;

¹⁵ This is based on the housing growth in the Hertford & Ware sub area, and the Team Generation Rates for this sub area. At the time of the PPS there were of 4,524 dwellings and an identified need for 1.17 AGPs (PPS fig 119) in the sub area; giving 0.2586 AGPs/1,000.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			grass pitches should now be calculated by using the Playing Pitch Calculator. Since 2017 when the Council's Playing Pitch Strategy was completed, Sport England have refined the Playing Pitch Calculator so that it can now calculate the demand for 3G AGPs using the team data in a local PPS. This is considered more robust than using a 0.26 AGP per 1000 standard which derives from Sport England's Sports Facility Calculator which uses national demand parameters. It is therefore suggested that 3G AGPs are removed from figure 3 and included in section 4.5 of the SPD.	3G AGP pitches will be removed from the built facilities example (figure 3) and assessed using the playing pitch model Figure 4 (6) replaced based on output of latest Sport England Playing Pitch Calculator.	<ul style="list-style-type: none"> — To this will be added the lifespan cost at 0.5% per annum for 25 years, being £50,658; and then the maintenance cost at 1% per annum for 25 years, being £101,317. — The total AGP contribution will be £557,243 <p>Paragraphs 4.43-4.43 deleted as relate to previous version of the playing pitch model: Typical costs for football facilities improvements¹⁶ are: Piped drainage: £35,100 per adult pitch (7,420sqm); £29,400 for an average youth pitch (5,542sqm) and £9,500 for an average mini pitch (1,200sqm). Regrading and improvement of playing surface: £23,500 per adult pitch (7,420sqm); £19,000 for an average youth pitch (5,542sqm); and £5,700 for an average mini pitch (1,200sqm). Cost for new pitch and pavilion provision are: A new adult pitch will cost about £95,000 to provide, assuming no significant abnormal costs; youth pitch costs £75,000 and mini pitch costs £25,000). A typical football pitch will cost £0.578/sqm</p>

¹⁶ SpE Q2/2017 costs for all football, rugby, cricket improvements

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
					<p>(£4,592 for a 7,420sqm adult pitch) to maintain.</p> <p>A 2-team changing pavilion at 75sqm will cost about £3,280/sqm being £246,000, and a 4-team pavilion being 245sqm at about £2,636/sqm will cost £645,750.</p> <p>Example costs for rugby facilities are: Piped drainage: £62,905 per adult pitch (7,420sqm); £26,803 for an average junior pitch (2,580sqm). Regrading and improvement of playing surface: £41,353 per adult pitch (7,420sqm); £16,410 for a junior pitch (2,580sqm).</p> <p>Cost for new pitch and pavilion provision are:</p> <p>A new adult pitch will cost about £135,000 to provide (10,400sqm). A typical football pitch will cost £0.621/sqm (£6,460 for a 10,400sqm adult pitch) to maintain.</p> <p>A 2-team changing pavilion at 75sqm will cost about £3,400/sqm being £255,000, and a 4-team pavilion being 245sqm at about £2,714/sqm will cost £665,000.</p> <p>Example costs for cricket facilities are: Improved cricket square: £22,974 Piped drainage (outfield): £67,390. Regrading and improvement of outfield:</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
					<p>£44,963.</p> <p>A new pitch (13,543sqm outfield + 619sqm) will cost about £199,500 to provide. Cost for new pitch and pavilion provision are:</p> <p>A new pitch will cost £0.74/sqm or £10,438 per pitch to maintain. A 2-team changing pavilion at 75sqm will cost about £3,400/sqm being £255,000, and a 4-team pavilion being 245sqm at about £2,714/sqm will cost £665,000.</p> <p>Hockey Hockey is based on the costs for a hockey compliant AGP, for example a mat replacement at about £200,000</p> <p>Figures 3 (5) and 4 (6) amended to reflect revised costs and changes to the assessment of artificial pitches- see proposed modification document</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
15 Sport England	Section 4.4. - Sports halls, swimming pools, gyms and studios, outdoor bowls, outdoor tennis and community halls		It should be made explicit to avoid potential misinterpretations that if a development is located in one of the sub-areas it does not mean that any required contribution has to be spent in the same sub-area as there will be strategic facilities (located in another sub-area) that serve the whole district that a development may need to contribute to or it may be appropriate for the contribution to be used towards a project at a facility in a neighbouring sub-area because this is the closest facility of its type to the development site or the closest facility that has the capacity to expand if additional facilities were provided.	<p>Table 1 of the SPD provides the relevant catchment distances for each sport and recreation facility. These should be used to determine whether a facility can be funded from a development. Strategic sites (listed in draft SPD paragraph 4.7 as amended) should however be able to attract funds from across the whole district.</p> <p>Draft SPD paragraphs 4.3 (3.4-) amended for clarity.</p>	<p>Amend paragraph 4.3 (3.4) as follows:</p> <p><u>These sub-areas best divide the main urban areas along with a rural catchment, and are also the same sub-areas as used in the playing pitch strategy. The sub-areas(see figure 1) help identify where strategic facilities are located in relation to new housing, and contributions from housing for the strategic and satellite facilities can then be directed to the relevant sections below. Updates of all, or part, of the relevant strategies may identify a need for other facilities. Strategy sub areas were designed to take account of the current main centres of population, housing growth and drive times across the district. They were used to inform the built facilities and playing pitch strategies to help identify where strategic facilities are located in relation to new housing and what the future facility needs are, both at the district wide (strategic) and sub area level. This means that contributions from housing for the strategic, satellite and local facilities can then be directed appropriately. The sub-areas are illustrated in Figure 1 and are:</u></p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
68- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 4.4. - Sports halls, swimming pools, gyms and studios, outdoor bowls, outdoor tennis and community halls		Whilst these worked examples are helpful, on the sports and facilities side, there are no reference sources for several of the unit costs. For example, community/village halls, outdoor tennis courts, health and fitness gyms, studios etc. The Council may wish to consider setting out justification for these costs to provide transparency.	Schedule of costs outlined in appendix D. Further information can be sourced from Sport England as relevant.	Include a schedule of costs in Appendix D

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
92 -Turley on behalf of Ptarmigan	Section 4.5 Calculating contributions for playing pitches, para 4.32	Object	<p>Paragraph 4.32 states that demand for new pitches generated by development is best calculated using Sport England's Playing Pitch Calculator. In this regard we concur and Ptarmigan accepts, in principle, that new pitches also require ancillary areas to support their provision.</p> <p>However Paragraph 4.33 sets a highly unrealistic prescription for the total land area to be provided as being 150% of the area of the new pitch required. The net playing pitch area is therefore expected to be expanded to include the playing fields within which the pitches are located. This is not a reasonable requirement and is unsubstantiated by any robust evidence and so needs to be reviewed.</p> <p>Ptarmigan agrees that reasonable ancillary areas do need to be provided. However the SPD does not provide any clear guidance on the requirements for pavilions or</p>	<p>A discussion with Sport England concluded that a 150% approach is not unreasonable.</p> <p>The area required for ancillary facilities will depend on the particular site, but 150% is a good rule of thumb and can be used, for example, for high-level masterplanning of a new site. If later, detailed masterplanning shows that the pitches club house access and other required ancillary facilities can be achieved in less space (or possibly requires a larger space) then that can be agreed on a site specific basis. This is already allowed in the SPD by the wording "normally need to be" in draft SPD paragraph 4.33 (5.56). No amendment is required on this point.</p> <p>The SPD (and the Playing Pitch and the Built Sport Facilities Strategies) refer to</p>	No amendment in response to this issue

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<p>changing facilities, nor does it provide any clarity on the required level of parking, both of which would be beneficial to those from whom obligations are to be sought.</p> <p>Therefore an amendment to Paragraph 4.32 is required and we suggest the entire deletion of the last sentence, to be replaced by: 'The land area to be provided will also need to make adequate provision for access, parking, landscaping, spectator and pavilion space'.</p>	Sport England, National Governing Body of Sport and other detailed guidance on the requirements for ancillary facilities for pitch sites.	

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
18 Sport England	Section 4.5 Calculating contributions for playing pitches , para 4.34 Off-site playing pitch provision.	Object	<p>The advice in paragraph 4.34 that usually an off-site contribution would be sought where the calculated pitch amount is less than 67% of two adult football pitches etc. is considered to be too crude and it is unclear what the justification is for setting the threshold at two adult football pitches, two adult rugby pitches and one 8-wicket cricket pitch. Sport England is supportive of off-site contributions being made from most developments where the demand generated would not be sufficient to justify a sustainable playing pitch facility being provided on-site within a development.</p> <p>However, based on the example calculation scenario in Appendix C for instance you would need a development of around 2,000 homes before on-site provision could be considered which would rule out the majority of the residential allocations in the local</p>	<p>Issue has since been discussed directly with Sport England</p> <p>The key issue for Sport England is that there may be occasions where, for example, a smaller pitch area is justified, so some flexibility in response to local circumstances should be enabled, for example where a pitch could be developed which would adjoin an existing (or planned) playing field area or where there is insufficient (reasonably potential) capacity at existing sites within the acceptable catchment distance of the development.</p> <p>Sport England's general policy is to favour multi-pitch and preferably multi-sport hub sites.</p> <p>The principle of 4.34 (5.58) is</p>	<p>Paragraph 4.34 (5.62)</p> <p>If the calculated pitch amount is less than 67%¹⁷ of: two adult pitches for football, or two adult pitches for rugby, or one 8-wicket pitch for cricket, or one AGP, then usually an off-site contribution will be required.</p> <p><u>However, this is dependent upon demonstration to the Council's satisfaction, that there is sufficient accessible capacity elsewhere to meet the new demand arising from the development.</u></p> <p>This is because playing fields of less than these numbers of pitches usually struggle to be viable. The preference is usually to support large club sites, and/or multi-pitch grass sports hubs with two or more sports and other recreation activities.</p> <p>New paragraph below 4.34 (5.62)</p> <p><u>(5.63) Sport England advises that developers should contact them for early advice about playing pitch provision proposals, whether this is on-site or off-site.</u></p> <p>Table 1 - Accessibility times for pitch sports added (see</p>

¹⁷ As set out elsewhere in this SPD if a development generates 67% or more of a facility, then it will normally be required to provide this facility in full on-site.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<p>plan from making any on-site provision which may be undesirable in practice. Furthermore, in relation to football, even if a development generated demand for less than 67% of two adult football pitches, it may generate a need for at least one junior and mini football pitches on site</p> <p>Whilst no Sport England guidance on on-site provision considers that any development which generated a demand for less than one junior and one mini football pitch (i.e. two football pitches of different sizes) would not usually be suitable for making on-site provision. Any development not generating this demand would not generate demand for a whole pitch for the other sports. Also recommends consulting Sport England.</p>	<p>acceptable with an appropriate caveat. Need to demonstrate capacity of existing sites within accessibility criteria for each pitch sport. Table 1 amended to add pitch catchments.</p> <p>The offer of early advice by Sport England is welcomed and has been added as a new paragraph.</p>	<p>back of this document)</p> <p>For clarity also add a paragraph about seeking advice from Sport England in Section 2.13 (4.8) Is there early advice available for developers?</p> <p><u>(4.31) It is further recommended that early guidance about the provision, design and delivery of open space, sport and recreation should be sought from the relevant agencies, such as Council's Environment team, Sport England, the national governing bodies of sport and Hertfordshire County Council.</u></p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	4.3 Calculating contributions for playing pitches, para 4.35 Figure 4		Whilst Sport England references are included, these should be set out as a guide so that in each circumstance there is an opportunity to demonstrate if provision of an acceptable specification can be delivered for lesser cost than some of the unit costs used in the draft SPD would suggest.	Schedule of costs outlined in appendix D. Further information can be sourced from Sport England as relevant.	Include a table of costs in appendix D – see proposed modification document.
19- Sport England	Figure 4- playing pitch provision calculation example	Object	<p>The worked example in figure 4 is welcomed in principle as this transparently shows how the demand for pitches can be calculated.</p> <p>However, uses the 2017 version of Sport England's Playing Pitch Calculator and therefore have the following omissions:</p> <ul style="list-style-type: none"> • The demand and costs for 3G pitches is omitted (see comments on section 4.4) 	Sport England confirmed that the new Playing Pitch Calculator is available in April 2020. Figure 3 has been updated by deletion of 3G AGP. This is because this provision is now better addressed under Section 4.5 (section 5.13) (playing pitches) since the new Sport England calculator provides a 3G pitch figure.	<p>Paragraph 4.32 (5.59) amended as follows:</p> <p><u>The decision flow chart (see section 5.7) refers to Sport England Playing Pitch Calculator which is hosted on their Active Places Power website. This uses the District's local population profile, team numbers and sports club membership information and is pro rata for the population of the proposed new development, the Team Generation Rates (TGRs) from the PPS, and is pro rata for the population of the proposed new development.</u></p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<ul style="list-style-type: none"> • The demand and costs for pavilions is omitted. This is pertinent in view of the preceding paragraphs 4.44-4.48 setting out the costs of providing pavilions for the different sports but the costs not being included in the worked example. • The hockey data inputs have been refined in relation to the inclusion of junior hockey member data. <p>To address these matters, it is advocated that the current (2019) version of Sport England's Playing Pitch Calculator is used as a basis for the worked example in figure 4 and appendix C in the adopted version of the SPD.</p> <p>It is also unclear why reference has been made in figure 4 to the Playing Pitch Calculator not correctly calculating hockey demand, this is not the case.</p>	<p>Figure 4 has been replaced based on output of latest Sport England Playing Pitch Calculator (now April 2020).</p> <p>Draft SPD paragraph 4.32 (5.59) amended for clarification.</p>	<p>Figure 4 amended, see proposed modification document.</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
5. Other Calculation Information					
93- Turley on behalf of Ptarmigan	How are contributions costed for upgrades and extensions to existing facilities? Para 5.1	Object	<p>Paragraph 5.1 makes reference to the various sources of other calculation information and again, there is a reference to the use of Spon's, which we consider should not be treated as being definitive or determinative for the reasons given previously. Welcome however the recognition that local market estimates or quotes can be treated as 'other' robust costs, but further emphasis needs to be placed on these real world assessments for the reasons given at 4.9 above.</p> <p>With specific regard to WARE2 a high number of playing pitches are required on land which, due to the topography, will require grading works to facilitate the standards necessary. In addition, the locations for the playing pitches may require more complex drainage provision. These exceptional costs are however not reflected in the standard templates used for the</p>	<p>SPONS costs are a real-world, market tested and yearly updated, nationally approved basis of costs.</p> <p>Other local costs can be used, but where used, need to be robust and confirmed by an independent and appropriately qualified person. This work may be undertaken on the behalf of a developer and proposed to the Council, which should properly consider them. Draft SPD paragraph 5.1 amended.</p> <p>The costs do not consider the required on-site cost of provision by a developer, which in this case is set in Local Plan Policy for the site and detailed in the relevant strategies.</p> <p>As noted by the various strategies and the SPD, sport</p>	<p>No amendment to the use of national costs but for additional clarity paragraph 5.1 (5.52) amended as follows:</p> <p><u>In addition to new facilities, where a whole new facility is not required but an assessed need for an extension or major refurbishment of an existing facility has been identified, other robust costs can be used from various sources including: Sport England's Facilities Cost Guidance, Sport England's Playing Pitch Calculator, National Governing Bodies of Sport, Spons SPONS Architects Built Construction and SPONS Landscape Cost Books, local market estimates or quotes. It is also acceptable to use the costs for new facilities, especially for extensions and major refurbishments.</u></p> <p>New paragraphs added after paragraph 5.1 (5.52):</p> <p><u>(5.53) The Built Facilities and Playing Pitch Calculator both use the cost of new provision to estimate the costs of meeting demand from a development. The costs of meeting and maintaining different open space typologies is based on SPONS External Work</u></p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			worked examples in Section 4 of the SPD. We therefore do not accept the standard cost assumptions made in Figures 2, 3 and 4, by reason of the formulaic source of the materials and labour costs used and the presumption that full lifecycle and maintenance costs will be required in every case (see our 2.6 – 2.7 above).	and recreation facilities are vitally important to the health and well-being of the population. Should the total cost of all required infrastructure be robustly proven to the Council's satisfaction as affecting scheme viability, then negotiations around all contributions would be appropriate and flexibility is provided in the draft SPD Section 5.5 (4.7)	<u>sand Landscape Price Book (2019) and locally derived maintenance costs from contract prices.</u> <u>Alternatively local costs can be used, for example on a £ per sqm basis, but these need to be robust and confirmed by an independent and appropriately qualified person. This work may be undertaken on the behalf of a developer and proposed to the Council, which should properly consider them.</u>
70 -Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management	5.1 How are contributions costed for upgrades and extensions to existing facilities?		Refers to the assessed needs for extensions or refurbishment of facilities and maintenance and sinking funds. However, as already identified at paragraphs 4.1, 4.26, 4.30 and 4.35, these paragraphs may need to be revised.	See response to comment ID 93.	See response to comment ID 93

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
71 – Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	5.3 Appropriate Land, para 5.8		Provides land provision examples. Our comments in respect of paragraph 2.37 above are applicable.	<p>The wording of draft SPD paragraph 2.37 (4.17) provides a clear steer on the provision requirements and is the starting point for the consideration of whether on-site or off-site investment is likely to be required for each development. However, the SPD recognises that each site must be assessed on its own merits and there is flexibility in the process, as set out in the draft SPD section 5.5 (section 4.7).</p> <p>Decision flow charts have been added in section 5.7 to aid the decision making process at the site level, including whether on-site or off-site provision may be required.</p>	No amendment in response to this issue.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
72- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	5.4 How is inflation dealt with? Para 5.11		Makes reference to Spons and Landscape Costs. The Council may wish to re-word paragraph 5.11 to reflect our comments at paragraph 4.23.	Where Sport England costs are proposed these are updated by Sport England on a regular basis. The latest costs should be used. Local costs, where used, need to be robust and confirmed by an independent and appropriately qualified person. This work may be undertaken on the behalf of a developer and proposed to the Council, which should properly consider them. However these would also need to be subject to an appropriate inflation index.	No amendment in response to this issue.
94- Turley on behalf of Ptarmigan	Appropriate Land, paras -5.3-5.5	Object	The text provided in this section reflects typical good practice. However the reality is that some provision in the form of Multi-Use Games Areas, floodlit Artificial Grass Pitches and Skate Parks etc. will require enlarged areas within which residential development would not be appropriate as such land uses are not complementary with each other.	Provision for teenagers and young people should follow current best practice and be designed following local consultation, including with young people and local residents. The recommended buffer zones for these types of facility are given in the FiT guidance and this is the same as for a	See response to comment ID 32 for the expanded flexibility text in section 5.5 (4.7)

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<p>Accordingly a careful balance needs to be struck in terms of the public interest, when assessing land use priorities, with the sensitive siting of any recreational uses with the potential to adversely impact upon residential amenity. Where noise generating uses are overly prioritised this may negatively impact upon the remaining net developable area available to deliver other required public objectives, including affordable housing.</p>	<p>NEAP.</p> <p>All play and teenage provision will require careful siting to ensure that they are suitably accessible and sited. This can be considered using masterplanning.</p> <p>There is some scope for flexibility as set out in the draft SPD. If there is a genuine local issue (e.g. use of a skateboard park late at night that affects local residents, or where vandalism occurs) then sensible and reasonable time restrictions may be applied.</p>	

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
20 - Sport England,	Appropriate land- paras 5.4	Object	It is requested that paragraph 5.4 specifically refer to ball strike as an issue to be considered as the siting of cricket grounds in new residential development is increasingly becoming an issue where new cricket grounds are in close proximity to new or existing residential.	<p>It needs noting that if there is a requirement to have a facility on-site (e.g. a cricket pitch) then the buffer zones need to be planned in such that housing doesn't encroach on the use of the facility (e.g. it is planned outside the ball-strike zone, or has an acceptable ball-stop net in mitigation. Nor must it offer opportunity for justified objection from a new house owner due to poor master planning.</p> <p>Equally new housing adjacent to an existing facility (e.g. a cricket pitch) needs to be master planned far enough away to avoid ball-strike.</p> <p>Draft SPD paragraphs 5.4 and 5.5 amended.</p>	<p>Paragraph 5.4 (5.46) and 5.5 (5.47) amended as follows:</p> <p>It is also important to ensure that the function of the land is not compromised by adjacent development. For example a sports or recreation use does not significantly impact on residential amenity (noise, light, traffic, parking, <u>cricket ball strike</u>, etc.).</p> <p>It is equally important that new housing (and other) development must not cause the use, function or enjoyment of an existing sports or recreation use to be compromised, <u>for example by leaving a sufficient area around a cricket pitch to prevent ball strike issues.</u> There is case law on this matter.¹⁴</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
21 – Sport England	Section 5.5, paragraph 5.12 Flexibility	Object	<p>As the example in Appendix C demonstrates, in scenarios where all or most of the demand for built facilities, open space and playing pitches has to be met by the development, the total costs of making contributions are likely to be significant. While paragraph 5.12 advises that housing scheme viability may reduce the amount being requested, as this scenario is likely to be relatively common, the SPD should provide some generic guidance about the approach taken to securing contributions. For example, assuming viability constraints can be satisfactorily demonstrated it may be appropriate to:</p> <ul style="list-style-type: none"> • Reduce all of the contributions by a pro rata amount; or • Only secure contributions for facilities that are determined by the Council as being high priority in the local area accounting for the evidence base conclusions; or • Only secure contributions towards off-site projects that are the most accessible to the 	<p>The Council is satisfied its approach to viability in the SPD is in line with national guidance and robust.</p> <p>The Council don't consider it necessary to set out a rigid framework for flexibility the approach will depend on the site specific context. The SPD makes it clear contributions should be CIL compliant. The new flow charts in section 5 will help developers and applicants</p> <p>Flexibility has been moved upfront in the SPD. Addressed in Introduction and in Section 5.5 (4.7), which has been amended to add more detail.</p>	Section 5.5 (4.7) amended as set out in response to comment ID 96.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			development site. Providing such guidance would provide more transparency about how the Council will approach the matter where viability is a genuine consideration.		
95-Turley on behalf of Ptarmigan	Section 5.3, paragraph 5.8 Land Provision	Object	<p>This requirement for developments to provide all land associated with a new facility, at zero cost, will only be justifiable and CIL compliant (in terms of scale and kind) if the generated need is close to 100%. In practical terms this requirement for zero cost land would also still be reasonable at levels of generated need close to and over 90%.</p> <p>However there can be no</p>	<p>It is considered reasonable for the land to be provided at no cost if the development generates 67% or more of the justified demand. However, the SPD recognises that each site must be assessed on its own merits and there is flexibility in the process, as set out in the draft SPD section 5.5 (section 4.7).</p>	<p>No amendment in response to this issue.</p> <p>Decision flow charts have been added in section 5.7 to aid the decision making process at the site level, including whether on-site or off-site provision may be required.</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<p>justification for the entirety of the land to be provided at zero cost, when the demand generated by the development may in some instances be only two thirds (67%) of that actually required. This is particularly relevant as the population-related costs are not similarly rounded up and are chargeable on a pro-rata basis.</p> <p>The intention of seeking 100% free land provision against an assessed need of less than 90% will have the net effect of a)Developments being required to provide considerably more land than policy requires (in some instances up to 50% more) and b)Creating an over provision of recreational space.</p>	<p>The actual construction contribution will be pro-rata to the facility need with additional funding from other developments/other sources.</p> <p>If viability is an issue then the Council will take that into account.</p> <p>It is to be noted that the Local Plan Evidence Base Playing Pitch Strategy which has been through the Local Plan process and not challenged (para 6.14) states that if the demand is for 50% of the facility, all the land should be provided at no cost. This SPD reduces the requirement to 67%.</p>	

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
96- Turley on behalf of Ptarmigan	Section 5.5, paragraph 5.14- Flexibility	Object	<p>Paragraph 5.12 sets out three principal scenarios where the Council may choose to be flexible in how it applies the relevant policies. These relate to the how partial needs may be dealt with, whether or not to seek a sinking fund and a broader recognition of housing viability. However no detail of the Council's approach to these matters is provided in the SPD.</p> <p>The final two-line (Paragraph 5.14) of the document simply ends with a commitment to flexibility, but only allowing variations where they 'fit into a wider planned approach that ensures deliverability and is CIL compliant'. In addition to the required policy amendments the commitment to broader flexibility needs to be better explained, with appropriate detail provided. This will ensure that all strategic developments are assessed on a site-specific, case by case, basis taking into account the need to create a sustainable community,</p>	<p>The Council don't consider it necessary to set out a rigid framework for flexibility the approach will depend on the site specific context. The SPD makes it clear contributions should be CIL compliant. The new flow charts in section 5 will help developers and applicants</p> <p>Flexibility has been moved upfront in the SPD. Addressed in Introduction and in Section 5.5 (4.7), which has been amended to add more detail.</p>	<p>Section 5.5 (4.7) amended to provide more detail and examples:</p> <p><u>(4.26) The contributions outlined in this document provide consistency and transparency in the planning obligation process. However, as each application is considered on its own merits, there may be variations in requirements for similar developments, taking into account the local context and specifics at the time the planning application is considered. The provision and cost calculations are the starting point for negotiations, but need to be used in conjunction with the local evidence base to ensure the site specific context is taken into account.</u></p> <p>(4.27) In all cases, there may be reasons for the Council to choose to be flexible in how it applies this guidance these policies. As examples:</p> <ul style="list-style-type: none"> Where the required need is for part of a facility, the Council may request all of the land but not ask for a contribution to the facility's provision or maintenance. The Council may request all of the provision of a facility but none of the maintenance or sinking fund

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<p>rather than applying a mandatory district-wide prescription in every case.</p> <p>The SPD should therefore provide an overarching framework to assist in delivering this flexibility with the following additional wording to the concluding paragraph (5.14) of the SPD below: 'Notwithstanding the general provisions of this SPD the Council will be flexible in its approach to obligations for open space, sport and recreation and variations will be acceptable where they are supported by evidence and are reasonably necessary to ensure high quality place-making, viability and deliverability. All obligations sought by the Council will be necessary and proportionate to the needs generated by the development and fully compliant with the CIL Regulations.'</p>		<p>life cycle costs.</p> <ul style="list-style-type: none"> • <u>Where the nature of the recipient of the funds means that a request for life cycle and maintenance costs would not be appropriate, for example where the funds are to be used towards a facility which is owned/managed by a profit-distributing body.</u> • <u>Where a new village hall or community centre is built to support a new community, life cycle and maintenance costs may be appropriate up until the time that the new community is fully established, but thereafter the facility is expected to be financially self-sustaining.</u> • <u>Where new provision is proposed but there is very significant local concern about the times that a new facility may be used, then reasonable time restrictions may be considered.</u> • Housing scheme viability may reduce the amount being requested. <p>(4.28) The Council may include a clause in a Planning Condition or Obligation agreement</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
					<p>to provide for an alternative CIL-compliant facility, to cater for unforeseen circumstances. This might include when there is some uncertainty in securing the delivery of the preferred facility. For example, at the time of signing a S106 there may be a need for new sports facility at a club site, but <u>either the facility is subsequently funded by other sources ahead of the time that the contribution is due to be paid, or the club ceases to operate, then the alternative may be required to be provided. In these situations, an appropriate alternative facility that can deliver the same or similar sports, recreation and/open space outcomes should be substituted.</u> This would still need to be CIL compliant provision.</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
22- Sport England	Section 5.5, paragraph 5.14- Flexibility -Annual Infrastructure Funding Statements	Object	In line with the new CIL Regulations, can section 5 of the SPD or another section provide advice on how the Council will use the proposed annual Infrastructure Funding Statements (that will come into place from the end of 2020) to publish information on developer contributions that are secured and how contributions have been spent. This will provide the community with transparency on how the developer contributions collected as a result of the application in practice of the SPD will be used in their local areas.	The Council accepts this is a legal requirement so will include reference to infrastructure funding statements in the SPD. To provide more transparency and clarity about monitoring, a new section 4.11 has been added to the SPD.	Insert a new section 4.11 Monitoring and Enforcement into the SPD (see proposed modification document), including the following wording: <u>(4.39) The Council will monitor and report annually on the section 106 contributions received in the Authority Monitoring Report and Infrastructure funding statements.</u>
Appendix B					
7- Ramblers Association	Appendix B	Support	Refers to the 10 principles of Active Design but omits a key reference to NPPF para 98 relating to walkable communities. Suggests adding reference to this paragraph because many of the connections between the open spaces are via a public right of way, so their protection is important.	This is not directly relevant and is not critical to the SPD.	No amendment in response to this issue.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
23- Hertfordshire Garden Trust	Appendix B	Object	Should include policies where sports and recreation facilities affect historic landscapes. NPPF, Section 16, has policies regarding harm to, or loss of significance of a designated heritage asset (194). Provision of infrastructure can cause such harm within a designed landscape. This needs to be highlighted in this document as many of the developments proposed in the Local Plan affect historic parks and gardens or their setting, and therefore their significance, contrary to NPPF Section 16.	<p>This issue relates to land allocation, rather than the provision of open space, sport and recreation contributions from new development</p> <p>District Plan Policy HA8 Historic Parks and Gardens, seeks to protect historic parks and gardens within the planning application process.</p>	No amendment in response to this issue.

Table 1: standards of provision

Facility	Measurement		Accessibility	Quality	Source
Sports halls	0.29	Badminton courts per 1,000 people	About 20 mins drive time, fully available at peak time	<u>Design and quality to meet Sport England or the relevant national governing body guidance</u>	<u>BFS</u>
Swimming pools	11.31	sqm of water space per 1,000 people	About 20 mins drive time, fully available at peak time	<u>Design and quality to meet Sport England or the relevant national governing body guidance</u>	<u>BFS</u>
Gyms	7.17	Fitness stations per 1,000 people	Up to 15 mins drive time fully available at peak time	<u>Design and quality to meet Sport England guidance</u>	<u>BFS</u>
Studios	0.13	Studios (140sqm) per 1,000 people	Up to 15 mins drive time, fully available at peak time	<u>Design and quality to meet Sport England guidance</u>	<u>BFS</u>
Outdoor tennis	0.32	Courts per 1,000 people	Up to 10 mins by car, available at all times	<u>Design and quality to meet Sport England and national governing body guidance</u>	<u>BFS</u>
Outdoor bowls	0.59	Rinks per 1,000 people (provided as a 6-rink facility)	Up to 15 mins drive time, available at all times	<u>Design and quality to meet Sport England or the relevant national governing body guidance</u>	<u>BFS</u>
Village/community halls	120	Sqm/1,000 people	Up to 800m walk	<u>Design to be agreed with Council.</u>	<u>BFS1</u>
<u>Football grass pitch</u>	<u>Quantity of demand generated by Sport England Playing Pitch Calculator</u>		<u>About 15 mins drive time</u>	<u>Design and quality to meet Sport England and national governing body guidance</u>	<u>PPS</u>
<u>Football 3G artificial grass pitch (3G-AGP)</u>			<u>About 20 mins drive time, fully available at peak time</u>	<u>Design and quality to meet Sport England and national governing body guidance</u>	<u>PPS</u>
<u>Rugby grass pitch</u>			<u>About 20 mins drive time</u>	<u>Design and quality to meet Sport England and national governing body guidance</u>	<u>PPS</u>
<u>Cricket pitch</u>			<u>About 15 mins drive time</u>	<u>Design and quality to meet Sport England and national governing body guidance</u>	<u>PPS</u>
<u>Hockey artificial grass pitch</u>			<u>About 20 mins drive time, fully available at peak time</u>	<u>Design and quality to meet Sport England and national governing body guidance</u>	<u>PPS</u>
Children's play and provision for teenagers	0.25	Ha of designated equipped playing space	100m for LAPs; 400m for LEAPs; 1000m for NEAPs and youth/teenage	<u>New LEAPs and NEAPs should meet FiT guidelines.</u> <u>Teenage provision should follow best practice and be designed following consultation with young people.</u>	<u>OSS</u>

		per 1,000 people ¹⁸			
Amenity green space, parks & gardens	1.4	Ha per 1,000 people	710m for parks & gardens and 480m for either parks and garden or amenity green space	<p>Parks: Green Flag Award Sites should be kept well maintained with well-kept grass, planting and vegetation. High quality and appropriate ancillary facilities should be provided.</p> <p>AGS: Green Flag standard</p> <p>Sites should be well maintained with appropriate vegetation and planting. Appropriate ancillary facilities, such as litter bins and seating should be provided.</p>	<u>OSS</u>
Natural/ semi-natural greenspace	3.2	Ha per 1,000 people	720m	<p><u>Green Flag standard</u></p> <p><u>Natural and semi-natural green spaces should have natural features (including water where appropriate). If provided, Public Rights of Way, footways and cycle paths should be clear and unrestricted and conservation areas should be identified. Sites should be maintained to an appropriate conservation standard.</u></p>	<u>OSS</u>
Allotments	0.30	Ha per 1,000 people	1000m	<u>Allotments should, where appropriate, have parking, toilets, a water supply, access pathways and good signage.</u>	<u>OSS</u>

¹⁸ A full network of LEAPs and NEAPs and Teenage facilities is to be provided in towns and 'Group 1 villages'. A full network of LEAPs is to be provided in the 'Group 2 villages' and other settlements where the population is greater than 200 people and there is an identified local need.

Table 2:

On-site provision required for: Scale of development	Locally Equipped Area for Play (LEAP)	Neighbourhood Equipped Area for Play (NEAP)	Youth Sport (MUGA; Skate park; adventure play)
1-9 Dwellings	No contribution		
10-90 Dwellings	✓		Contribution
91-330 Dwellings	✓	Contribution	✓
331+ Dwellings	✓	✓	✓
✓ means a required provision on-site to F.I.T. specifications			

On-site provision required for: Scale of development	Locally Equipped Area for Play (LEAP)	Neighbourhood Equipped Area for Play (NEAP)	Provision for Teenagers e.g. (MUGA; Skatepark; adventure play)
1-9 Dwellings	No contribution or provision	No contribution or provision	No contribution or provision
10-46 Dwellings	Contribution off-site	Contribution off-site	Contribution off-site
47-69 Dwellings	Provide on-site if no accessible facility	Contribution off-site	Contribution off-site
70-268 Dwellings	Provide one LEAP per 70 dwellings	Contribution off-site	Contribution off-site
269-399 Dwellings	Provide one LEAP per 70 dwellings	Provide on-site if no accessible facility	Provide on-site if no accessible facility
400+ Dwellings	Provide	Provide	Provide
Note 1: 0.25ha/1,000 (FIT standard) = 2500sqm/1,000. A LEAP is 400sqm equipped play, so this equates to 160 people or an average of 69 dwellings. A NEAP is 1,000sqm so equates to 400 dwellings. Teenage provision provided on similar basis to NEAP.			

On-site provision required for: Scale of development	Locally Equipped Area for Play (LEAP)	Neighbourhood Equipped Area for Play (NEAP)	Provision for Teenagers e.g. (MUGA; Skatepark; adventure play)
<p><u>67% threshold for LEAP: 47 dwellings</u></p> <p><u>67% threshold for NEAP and teenage provision: 269 dwellings</u></p> <p><u>On larger sites, where a number of LEAPs and possibly NEAPs are needed, consideration should be given to the best mix of LEAPs and NEAPS, taking into account the required accessibility. For example, if the demand is for say, 4 LEAPS, but three LEAPs can fill the catchment needs, then one or more of the LEAPs or the NEAP may have a larger equipped area to compensate.</u></p>			

Additional minor changes

Para. ref (draft SPD)	Proposed change	Reason for change
1.1	<u>The provision of accessible, safe and attractive public open space and facilities for sport and recreation underpins people's quality of life and helps create sustainable communities</u>	To add context about the benefits of open space and sports facilities in the introduction to the SPD
1.2	Draft Supplementary Planning Document	Delete the word draft
1.8	The Government has already introduced changes by reforming the approach to viability	Unnecessary wording
3.3	Other factors such as the District's <u>overall</u> aging population are also relevant <u>as set out in the Part 1 Background and Context report which underpins each of the strategies (see Section 3).</u> At a District level, t There is expected to be a decrease..... However at a more local level, <u>new housing developments, particularly strategic sites, bring in young families. The evidence for this is provided within the Part 1 Background and Context report, and justifies the provision of play and facilities for teenagers, such as skate parks, multi-use games areas and other facilities</u>	Revise paragraph 3.3 to provide more context about the conclusions of the evidence base.
1.15 and	This document sets out local facilities'	Paragraphs replaced with clear

1.16	<p>requirements and, where appropriate, the standards for the provision for open space, play, sport, recreation and community halls. It provides information on the level of contributions that will be sought from these from new residential developments and information on the planning policy justification.</p> <p>1.16 — The SPD, once adopted, will be a material consideration in the determination of planning applications and will have been prepared in accordance with the necessary regulations.</p> <p>NP Section 1: is an introduction to the <u>open space, sport and recreation supplementary planning document (SPD).</u></p> <p>NP Section 2: provides a summary of the <u>justification and planning policy context for the SPD</u></p> <p>NP Section 3: Provides an overview of the <u>strategies that form the evidence base for the SPD and the requirements of developers</u></p> <p>NP Section 4: Sets out how to apply this SPD by outlining the process to follow <u>when assessing the required provision of open space, sport and recreation for new development. This includes where appropriate, standards of provision relating to quantity, accessibility and quality, cost bases and further details about how the policies will be interpreted</u></p> <p>NP Section 5: Provides worked examples of the <u>demonstrating how the calculations should be undertaken for different open space typologies, built sport and recreation facilities and playing pitches.</u></p>	overview of the structure of document inserted for clarity
Section 2.3	<p>2.3 4.1 Does the SPD cover everything? What is the scope of this SPD?</p>	Reworded for clarity.

2.9	the SPD will need to be updated	Unnecessary wordings
Section 2.4	2.4.4.3 When will the SPD be used? When will we require open space, sport and recreation contributions?	Reworded for clarity
2.12	The latest Council endorsed strategies include: <u>Open Spaces and Sports Facilities Assessment Technical Study</u> Part 1: Background and Context (June 2017) Part 2: Built Facilities Strategy (July 2017) Part 3: Playing Pitch Strategy (August 2017) Part 4: Open Spaces Assessment (July 2017). (The Open Spaces and Sports Facilities Assessment Technical Study	Repetition- addressed by new section 3.
2.13	and other relevant Local Development Plan Documents.	No other relevant LDP documents
2.14	Whilst this SPD is based on the outputs from the three sports and open space strategies, Where there are strategies and policies in the Local Development District Plan that precede this SPD, then the strategies and policies in this SPD as the most recent policy base, supersede them.	Confusing sentence as SPD content supplements District Plan policy, it doesn't supersede, it provides more detail.
Section 2.8	2.8 5.8 Is it just the provision and/or enhancement of a facility that will be required? What costs are justified in relation to maintenance and life cycle	Reworded for clarity
Section 2.9	New sub-headings inserted	Added for clarity, to aid navigation of document
Added after 2.35	<u>Provision on-site will generally be required where the development itself generates the whole or the majority of demand for an open space typology, sports facility or playing field. The process for determining the expected provision on-site and the demand generated by the development is set out in Section 5.</u>	To add more clarity about on-site provision, reiterates section 4.5
2.41	The operator (including a school or a club) will need to be supportive of this and comfortable <u>both</u> with the timescales for payment of contributions, and on delivering the outputs required.	Grammatical correction
2.42	There should be flexibility in the allocation of such a contribution in case the improvement or provision at such a facility becomes implemented through other funding	Replicates para 5.13 (4.28 in final SPD)
2.45	Following any decision to grant planning permission, that is subject to the finalisation of a <u>Section 106 deed, whether a S106 agreement</u>	Additional clarity about how the Council's legal requirements/ processes.

	<p>or a unilateral undertaking agreement, and/or discharge of Conditions, the legal representatives of the Council and the applicant will confirm any necessary obligations in the form of a binding legal agreement and agree and pay relevant fees. The agreement will contain the necessary planning obligations, including any trigger points for the provision of facilities or payment of the contributions, and any other commitments to be undertaken by the developer and the Council. It is to be noted that the agreements run with the land, rather than with a particular developer, and the originator of the planning obligation will be required to advise the Council if a site is sold on with the benefit of the planning permission and obligation. The Council will charge for the cost of any subsequent Deed of Variation, or discharge of an obligation when agreed by all parties, and will agreed on an individual basis, and is not to be used as a means to backtrack on agreed obligations where needs as a result of the development still arise.</p>	
3.1	<p>Yes, as stated, the actions plans from the relevant sport, recreation and leisure strategies (or their latest updates), and other robust sources, will help identify prioritised and costed facilities. These plans include: the Infrastructure Delivery Plan (IDP 2017); The Harlow Garden Town IDP (2019); Playing Pitch Strategy (2017); Built Sports Facilities Strategy (2017); Open Spaces Strategy (2017); and other relevant evidence base from the Local Plan.</p> <p><u>In addition to the facility priorities identified in the action plans of the relevant strategies (Section 3 and East Herts Council website).</u></p>	<p>Wording replicates previous text. New wording more sufficient reference to the evidence base.</p>
Section 3.2	<p>3.2 5.2 What assessment is made to ensure the contributions are needed by a development? What demand will there be for facilities and open spaces from residents of a new development; quantity, accessibility, quality?</p>	<p>Reworded for clarity</p>
3.9	<p>. This won't apply to pPublic open spaces and play facilities etc, which will should be available at all times, unless exceptional circumstances are agreed with the relevant Council (see also paragraph 4.17)</p>	<p>Simplified sentence</p>
3.14	<p>the fFacilities that are provided should reflect current best practice in design, layout and specification, including current quality guidance</p>	<p>Grammatical changes</p>

3.14	Insert new footnote 8: <u>England and the National Governing Bodies for sports. Developers should check that they are using the latest available guidance relevant to their proposals</u>	Signposting good practice design guidance
Section 3.3	3.3-5.4-What assessment is made to ensure the contributions are fair and justified?population figure should be used in assessment of demand?	Reworded for clarity
3.19	<p>The need arising from the housing development sites allocated in the District Plan, and other sites that come forward, should be calculated for built leisure facilities, open spaces, playing pitches and other recreation and community facilities. The calculations should take account of:</p> <p style="padding-left: 40px;"> The latest demographics of the District up to the end of the District Plan period (2033); The latest expected future demand for each sport/facility type for the District; Current patterns of demand; The feedback from clubs, consultees, stakeholders and district and other local council officers; Published guidance from national bodies such as Fields in Trust, Sport England and National Governing Bodies of Sport on specifications and catchments; and Local identified priorities for certain facilities, such as playing pitches. </p>	More clearly explained using the flowcharts in section 5.7
Section 3.4	3.4 How is the need arising from a development, and the cost of that demand, calculated? 5.5-What is the process for assessing demand	Reworded for clarity
4.5/4.6	<p>New housing developments in each sub-area will usually be required to contribute to the identified strategic, satellite and local facilities as follows: (e.g. a new leisure centre) and specialist facilities (e.g. where they may be only one in the district, such as a gymnastics centre).;</p> <p>Whilst all developments are expected to pay towards all facilities (where there is an</p>	Restructured sentences to simplify and explain more succinctly.

	identified need and contributions are CIL compliant), the Council may put an emphasis on larger housing developments funding strategic facilities (including specialist facilities) and local developments funding local facilities. The average contribution per dwelling will be about the same so as to be fair and reasonable. This SPD distinguishes between 'local facilities', 'satellite facilities', and 'strategic facilities' as follows:	
Section 4.2	4.2 5.3 What are the standards of provision	Additional wording for clarity
4.16	How these standards are applied is shown in both the 'Worked Examples' below, and in the Calculation Example in Appendix 3.	Repetition of reference to the worked examples. Calculators no longer in appendix 3. This was for consultation purposes. The calculators are not part of the SPD but help people calculate more efficiently. They are available on the website.
4.26	As well as the provision of open space and play facilities, their maintenance and life cycle costs will be required to be met. unless, with the agreement of the Council, a suitable management company is set up to manage the land in perpetuity, to a Council agreed specification/standard. Maintenance contributions will be given to the relevant body, such as the District, Parish or Town Council	Sentence re-worded and incorporated into
Figure 2	Revision of open space worked example- see proposed modification document: Capital cost of play provision reduced from £158 per sqm to £148	To reflect a split between LEAP and NEAPs- Capital costs assume the 2,500 sqm of equipped play space is split 1,500sqm of LEAP provision and 1000sqm of NEAP provision. Total weighted cost for 2,500sqm of play equipment is £371,250, giving a cost per sqm of £148.50.
Section 4.3	4.3 5.12 How will Calculating contributions for built sports facilities be used? Sports Halls, Swimming Pools, Gyms and Studios, Outdoor Bowls, Outdoor Tennis, and Community Halls	Section title shortened for clarity.
4.28-4.30	The standards of provision for sports hall, swimming pools and gyms, outdoor bowls, outdoor tennis and community halls is set out in figure 4, taken from the Infrastructure Delivery Plan 2017 (IDP) and Open Spaces and	Repetition of text now included in new sections 3, 5 and 6. New text in Section 5.12 cross-referencing flowcharts in section 5.7

	<p>Sports Facilities Assessment Technical Study (2018)</p> <p>In most circumstances maintenance costs and lifecycle costs are also required. The calculations for these are set out in worked examples.</p> <p>Figure 3 shows worked examples of how swimming pools, sports halls and gym/studios contributions are calculated</p> <p><i>Sports hall, swimming pools, gyms and studios</i></p> <p><u>The contributions will be towards strategic and satellite facilities. East Herts Council will decide which facility will be funded, guided by the Built Facilities Strategy action plan latest version, which is available on the EHC web site.</u></p> <p><i>Outdoor tennis, outdoor bowls and community/village halls</i></p> <p><u>The Built Facilities Strategy action plan latest version, which is available on the EHC web site, will provide some guidance about requirements, but this should be supplemented by local consultation to identify local needs and how these should be met.</u></p>	
4.31	<p><u>The justification for contributions need for playing pitches is identified in the Playing Pitch Strategy (PPS 2017) and its key strategic actions plan sections. The PPS identifies five sub areas, the same sub areas as identified in this SPD (Figure 1). For each of the sub areas the PPS has a detailed strategic action plan covering football, cricket, rugby, hockey and artificial grass pitches (AGPs). It The PPS was undertaken in line with Sport England's guidelines and t. The needs are as set out in the PPS and include quality improvements to current facilities, as well as significant new provision¹⁹. There is a particularly large need for 3G-AGPs (football specification artificial grass pitches) and for Strategic Football Hubs. The PPS's action plan will be updated, including the investment</u></p>	<p>New text cross-referencing strategy action plans</p>

¹⁹In the worked examples (Figure 4) the Sport England Playing Pitch Calculator (PPC) is the advised method of calculating need (and contributions) As at the time of writing this SPD (July, 2019) there are problems with the PPC calculations for AGPs. As an interim method, using the Sport England facility Calculator (SFC) for AGPs can be recommended. This issue should be resolved in the Autumn.

	<u>priorities and updated costs for specific projects. The update will be available on the Council's website and will ensure the list of projects requiring s106 contributions is up to date so the most appropriate way of meeting the demand from the new development can be met.</u>	
4.33	approximately 150% of the area of the new pitch space required <u>needed</u>	Replacement word
4.35-4.41	Summary of Playing Pitch Strategy findings, moved to section 3, see proposed modification document.	Collate all strategy information into section 3 for clarity
4.41-4.48	2017 cost information deleted, see proposed modification.	Replaced by more up to date costs as set out in the worked example, section 6.
5.14	Flexibility and variations will be acceptable so long as they fit into a wider planned approach that ensures deliverability and is CIL compliant.	Unnecessary sentence, addressed by additional detail in section 5.5 (4.7)
Section 4.5	4.5 <u>5.13 How will contributions be calculated</u> Calculating Contributions for playing Pitches fields	Reworded for clarity
Section 5.2	5.2 <u>5.9 How are maintenance and life cycle-, sinking funds and land costs calculated</u>	Reworded for clarity
Section 5.3	5.3 <u>5.10-What is meant by the term 'Appropriate Land'-and how will the costs be calculated?</u>	Reworded for clarity
Section 5.5	5.5 <u>4.7-What is there flexibility is there in requesting contributions?</u>	Reworded for clarity
Section 5.12		New text cross-referencing flowcharts in section 5.7
	Delete footnote 22	Refers to the Built Facility sub areas, which are not relevant to calculations now AGP calculations have been moved to the Built Facilities calculator.
Appendix B	24 Restrictions on the 'pooling' of Section 106 planning obligations to fund infrastructure have been removed by MHCLG (2019). Local authorities are currently allowed to pool no more than five developer Contributions to fund a single infrastructure project. The revised regulations remove any upper limit on the number of developer Contributions that can be pooled.	Amendment to reflect changed to the CIL regulations 2019.
Appendix C	Removed example calculators	Calculators are available on the website to assist in calculations, but they are not part of SPD.

		Examples only included in consultation document to enable comments.
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APPENDIX A: CONSULTEES

The following organisations were directly notified of the draft Retail Frontages: Design and Signage SPD in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). It should be noted that individuals on the planning policy consultation database were also consulted, but are not listed.

Specific Consultation Bodies and/or Duty to Cooperate Bodies

- Affinity Water
- Anglian Water
- The Civil Aviation Authority
- Communication Operators
- EDF Energy Networks
- Environment Agency
- Essex County Council
- Great Anglia
- Hertfordshire Constabulary
- Hertfordshire County Council
- Highways England
- Hertfordshire Local Enterprise Partnership
- Historic England
- Homes and Communities Agency
- Lee Valley Regional Park Authority
- National Grid
- Natural England
- Network Rail
- NHS East and North Hertfordshire CCG
- NHS West Essex
- Neighbouring Authorities: Broxbourne Borough Council, Epping Forest District Council, Harlow District Council, North Hertfordshire District Council, Stevenage Borough Council, Uttlesford District Council

- Police and Crime Commissioner
- Stansted Airport
- Thames Water
- The Coal Authority
- The Princess Alexandra Hospital NHS Trust
- Veolia Water

East Herts Town and Parish Councils	
Bishop’s Stortford Town Council	Hertford Heath Parish Council
Buntingford Town Council	Hertingfordbury Parish Council
Hertford Town Council	High Wych Parish Council
Sawbridgeworth Town Council	Hormead Parish Council
Ware Town Council	Hunsdon Parish Council
Albury Parish Council	Little Berkhamsted Parish Council
Anstey Parish Council	Little Hadham Parish Council
Ardeley Parish Council	Little Munden Parish Council
Aspenden Parish Council	Much Hadham Parish Council
Aston Parish Council	Sacombe Parish Meeting
Bayford Parish Council	Standon Parish Council
Bengeo Rural Parish Council	Stanstead Abbots Parish Council
Benington Parish Council	Stanstead St Margarets Parish Council
Bramfield Parish Council	Stapleford Parish Council
Braughing Parish Council	Stocking Pelham Parish Council
Brent Pelham and Meesden Parish Council	Tewin Parish Council
Brickendon Liberty Parish Council	Thorley Parish Council
Buckland and Chipping Parish Council	Thundridge Parish Council
Cottered Parish Council	Walkern Parish Council
Datchworth Parish Council	Wareside Parish Council
Eastwick and Gilston Parish Council	Watton-at-Stone Parish Council
Furneux Pelham Parish Council	Westmill Parish Council
Great Amwell Parish Council	Widford Parish Council
Great Munden Parish Council	Wyddial Parish Meeting
28 Other Parish Councils outside of East Herts	

General Consultation Bodies and Other Organisations	
Aldwyck Housing Group Ltd	Hertfordshire Community Health Services
Bat Conservation Trust	Hertfordshire Gardens Trust
Bellway homes	Hunsdon Eastwick and Gilston Neighbourhood Plan Group
Beds and Herts Local Medical Committee	Hutchinson 3G UK Limited
Bishops Stortford Methodist Church	Ian Baseley Associates
Bishop’s Stortford District Footpath	Jarvis Homes Ltd

Association	
Bishop's Stortford Chamber Of Commerce	Labour Party
Bishop's Stortford Liberal Democrats	Layston Pre-School and Nursery
Bishop's Stortford Mencap	Leach Homes
Bishop's Stortford Town Centre Management Partnership	Leaside Church
British Horse Society	Leaside Under 5's Kindergarten
British Telecommunications plc	Lee Valley Regional Park Authority
British Waterways	Linden Homes
Building Research Establishment	Linden Homes Eastern
Buntingford Chamber of Commerce	McMullen & Sons Ltd
Buntingford Civic Society	Mobile Operators Association
Buntingford Town Partnership	Molewood Residents Association
CABE	National Express East Anglia
Canal & River Trust	National Farmers Union
Carers in Hertfordshire	National Federation of Gypsy Liaison Groups
CBI East of England	Network Homes
CDA for Herts	North East Herts Labour Party
Chaldean Estate	North Hertfordshire Homes
Christ Church C of E (VA) Primary & Nursery School	Openreach Newsites
Church Commissioners	Orange Personal Communications Services
Circle Anglia	Origin Housing Association
Coke Gearing Consulting	PACE
Community Safety & Crime Reduction Department, Herts Constabulary	Paradigm Housing Group
Countryside Management Service	Paradise Wildlife Park
CPRE Hertfordshire	Parsonage Residents Association
Croudace Homes	Parsonage Surgery
Department for Transport Rail Group	Pelham Structures Ltd
Diocese of St Albans	Persimmon Homes
DPDS Consulting Group	Pigeon Investment Management Ltd
East Herts Ramblers	Plainview Planning Ltd
East of England Ambulance Service NHS Trust	Planning Potential
East of England Development Agency	RSPB
East of England Local Government Association	Salvation Army Bishop's Stortford Corps
Essex County Cricket Board	Sanctuary Carr-Gomm
Fairview New Homes	Sanctuary Hereward
Fields In Trust	Savills
First Capital Connect	Shelter
Forebury Estates Ltd	South Anglia Housing Association
Forewind Ltd	Sport England

Framptons	St Joseph's RC Primary School
Freight Transport Association	St Michaels Church
Friends, Families and Travellers and Traveller Law Reform Project	Standon and Puckeridge Surgery
Garden History Society	STANDonA120 campaign
Gascoyne Cecil Estates	Stevenage Liberal Democrats
Gladman Developments	Stewart Ross Associates
Good Architecture/ Transition Hertford	STOP Harlow North
Grange Builders	Strategic Planning Research Unit, DLP Planning Ltd
Granta Housing Society Ltd	Strutt & Parker
Hanover Housing Association	Sustrans
Hastoe Housing Association Ltd (East)	Telefonica O2 UK Ltd
Hatfield Town Council	Tesni Properties Limited
Haymeads Residents' Association	Thakeham Homes
Hazel End Farm	The Bishop's Stortford High School
Hertford Disability Support Group	The Canal and River Trust
Hertford Heath Primary School	The Gallery at Parndon Mill
Hertfordshire Action on Disability	The Georgian Group
Hertfordshire Association of Parish and Town Councils	The Gypsy Council
Hertingfordbury Conservation Society	The Lawn Tennis Association
Herts & Middlesex Badger Group	The Princess Alexandra Hospital NHS Trust
Herts & Middlesex Wildlife Trust	The Theatres Trust
Hertfordshire Building Preservation Trust	The Traveller Law Reform Project
Hertfordshire Chamber of Commerce & Industry	The Ware Society
Hertfordshire Community Health Services	The Woodland Trust
Hertfordshire Gardens Trust	Theatres Trust
Hertfordshire Police Authority	Wallace House Surgery
Herts & North Middlesex Area of the Ramblers	Ware Town Partnership
Herts Sports Partnership	Wareside C of E Primary School
Hightown Praetorian and Churches Housing Association	Watermill Estate Residents' Association
Hill Residential	Wates Developments
Hockerill Residents Association	Wattsdown Development Limited
Home Builders Federation	Welwyn Garden City Society
Home Farm Trust Herts & Essex	Wodson Park Sports Centre
Housing 21	Woodhall Estate
Hertfordshire Building Preservation Trust	Hertfordshire Football Association
Hertfordshire Chamber of Commerce & Industry	Hertfordshire Cricket
Hockey England	Rugby Football Union

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East Hertfordshire Council

SUPPLEMENTARY PLANNING DOCUMENT

PLANNING OBLIGATIONS FOR OPEN SPACE, SPORT AND RECREATION

Proposed modifications: April 2020

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TABLE OF CONTENTS

TABLE OF FIGURES

Figure 1: East Hertfordshire: Sub-areas and population.....	24
Figure 2: Play and Open Space, including Allotments Calculations Examples	35
Figure 3: Swimming pools, halls, gyms and studios calculations examples	38
Figure 4: Pitches and pavilions typical costs.....	
Figure 5: Playing Pitch Calculations worked examples.....	44

List of Tables

Table 1: Table of Standards of Provision of Sport and Recreation Facilities & Open Space	
Table 2: Play Provision Required Provision per Size of Development	
Table 3: Open Space Maintenance Costs	

1 Introduction

- 1.1 Sport, recreation, open space, leisure and other community facilities are key infrastructure that must be provided to support development in East Herts, with existing facilities protected and enhanced. The provision of accessible, safe and attractive public open space and facilities for sport and recreation underpins people's quality of life and helps create sustainable communities.
- 1.2 With a minimum of 18,458 new homes being built in the District by 2033, the provision and funding of this infrastructure needs to be planned and supported. This ~~draft~~ Supplementary Planning Document (SPD) sets out detailed guidance on the type and scale of open space, sport and recreation developer contributions that will be sought to support new development.
- 1.3 The SPD supplements policies in the District Plan (2018) and will replace the previous open space, sport and recreation SPD adopted in 2009. It will be a material consideration in the determination of planning applications and will be used when securing S106 agreements and unilateral undertaking.

1.1 The Purposes of the SPD

The main purpose of this SPD is to provide more detailed guidance on how to comply with policy CFLR1 Open Space, Sport and Recreation of the East Herts District Plan 2018. The SPD explains when the Council will seek planning obligations to balance the impact of development on local open space, sport and recreation. It shows how calculations for the provision and cost of new and improved open space, sport and recreation provision are worked out, improving transparency and consistency in the planning obligation process. The procedures identified in this SPD aim to assist applicants and decision makers in the planning application process. A systematic approach means the contribution of new development to open space, sport and recreation facilities is more coherent, whilst still allowing the site specific consideration and flexibility that underpins the S106 process. It has been prepared and will be operated in accordance with national legislation and guidance.

The ~~purposes~~ broader aims of this SPD are to:

- Deliver a wide range of high quality open space, sport and recreation across the district that is fit for purpose, with an appropriate balance between the provision of new facilities and the enhancement of existing ones, so as to improve the health and wellbeing of the district's population;
- Retain and improve access for all to open space, sport and recreation facilities so as to support increased participation in sport and leisure, particularly amongst groups and individuals with greatest social disadvantage;

1.4 — In addition, this SPD will help:

- Explain how the Council uses planning obligations to residents, applicants, developers and the wider community;
- Reduce crime, anti-social behaviour and the fear of crime through increased participation in sport and recreation.

Consider the cumulative impact of housing development in the District and explain how this will be dealt with, in relation to sport and leisure, through the use of planning obligations

4.2 Policy context (section to be moved to become section 2.3 in final SPD)

2.16 National and local planning policies that are relevant to and support the developer contribution guidance in this SPD are more fully set out in Appendix B. (insert text moved from section 2.6, para 2.16)

4.5 National Policy

- 4.6 The National Planning Policy Framework (NPPF) says that Local Plans should set out the contributions expected from development. These policies should not undermine the deliverability of the plan.
- 4.7 Local planning authorities should consider whether other unacceptable development can be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 4.8 The Government ~~has already~~ introduced changes by reforming the approach to viability, which is set out in the revised National Planning Policy Framework and in associated national planning practice guidance. This new approach ensures that local plans clearly set out the contributions that developers are expected to make towards infrastructure; introduces a standard approach to establishing land value; and increases transparency and accountability through the publication of viability assessments and through improvements to the monitoring and reporting of Section 106 planning obligations¹.

NP Planning Practice Guidance on Planning Obligations² states that where a standardised approach may have informed the identification of needs and costs and the setting of plan policies, each planning obligation sought must still meet the statutory tests set out in regulation 122 of the CIL regulations.

¹ <https://www.gov.uk/guidance/viability>

² Planning Practice Guidance- Planning Obligations

~~1.9~~ Local Policy

The District Plan, adopted October 2018, provides the context for this SPD. The vision sets out that by 2033 new and existing infrastructure will have been delivered to support the increased population of the district, improving health and well-being. Section 19 'Community Facilities, Leisure and Recreation' details the importance of delivering appropriate and accessible open space, sport and recreation to improve residents' quality of life and increase participation in sport, to help promote healthy and active communities.

~~1.10 Policies CFLR1 Open Space, Sport and Recreation, DEL1 Infrastructure and Service Delivery and DEL2 Planning Obligations of the Local Plan provide the main policy 'hook' for this SPD. However other policies in the District Plan have further requirements for open space, sport and recreation developer contributions. The key policies are set out in appendix B.~~

2.17 Key District Plan policies include: (insert text -moved from section 2.6, para 2.17)

- CFLR1- Open Space, Sport and Recreation: ~~Residential development will be expected~~ Expects new residential development to provide open spaces, indoor and outdoor sport and recreation facilities. Provision should either be made on-site, or if appropriate in certain circumstances, through contributions towards off-site provision or the enhancement of facilities. Facilities should be provided in accordance with the Council's latest evidence and in consultation with Sport England and the Council's Leisure and Environment team.
- CFLR7- Community Facilities, Leisure and Recreation: The provision of adequate and appropriately located community facilities will be sought in conjunction with new development. Developers are expected to provide on-site provision, or where appropriate, a financial contribution towards off-site provision, or the enhancement of ~~an~~ existing off-site facilitiesies.
- DEL1 Infrastructure and Service Delivery: provide necessary on-site and off-site infrastructure, suitably phased, at an acceptable specification and with management arrangements in place; and
- DEL2 Planning Obligations: CIL compliant planning obligations will be sought including: open space and recreation facilities; community, education and health facilities; and others.

- 1.11 Developer contributions may also be required by policies set out in Neighbourhood Plans and applicants should have regard to such policies when formulating development proposals.

~~1.3 The SPD's objective and scope~~ 1.2 Structure of the SPD

- ~~1.12 Taking its lead from the District Plan, the main objective of this Open Space, Sport and Recreation Supplementary Planning Document (SPD) is to:~~
~~"Support the improvement of the health and well-being of the whole community, through the provision of new or improved sports, leisure, community and other facilities linked to, and funded by, new housing and other developments".~~
- ~~1.13 This SPD will include indoor and outdoor sports facilities (including playing fields), play, youth provision, open space (including allotments), and village/community halls.~~
- 1.14 This SPD will provide information and guidance to developers regarding the relevant types of infrastructure and/or amount of contributions needed. This can support land negotiations, master planning, and early viability assessments.

NP **Section 1:** is an introduction to the open space, sport and recreation supplementary planning document (SPD).

NP **Section 2:** provides a summary of the justification and planning policy context for the SPD

NP **Section 3:** Provides an overview of the strategies that form the evidence base for the SPD and the requirements of developers

NP **Section 4:** Sets out how to apply this SPD by outlining the process to follow when assessing the required provision of open space, sport and recreation for new development. This includes where appropriate, standards of provision relating to quantity, accessibility and quality, cost bases and further details about how the policies will be interpreted

NP **Section 5:** Provides worked examples of the demonstrating how the calculations should be undertaken for different open space typologies, built sport and recreation facilities and playing pitches.

- ~~1.15 This document sets out local facilities' requirements and, where appropriate, the standards for the provision for open space, play, sport, recreation and community halls. It provides information on the level of contributions that will be sought from these from new residential developments and information on the planning policy justification.~~
- ~~1.16 The SPD, once adopted, will be a material consideration in the determination of planning applications and will have been prepared in accordance with the necessary regulations.~~

2 Planning obligations context

2.1 What are planning obligations?

- 2.1 Developer obligations are normally secured through planning obligation agreements under Section 106 of the Town and Country Planning Act 1990. The terms 'planning obligations', 'developer contributions' and 'Section 106' (s106) are used interchangeably but generally refer to the same things. Agreements may be used to ensure that the impacts arising as a result of a new development can be addressed. They are also a valuable way of ensuring that a development complies with planning policies contained in the District Local Plan and any Neighbourhood Plans.
- 2.2 Planning obligations may be set out in an agreement between the Council and the developer (and any other relevant parties), or in a unilateral undertaking offered by the developer. Either is an individual, scheme-specific legal document. These documents are used to ensure developments are acceptable in planning terms. Such agreements or undertakings can contain a number of planning covenants or obligations and can relate to both financial and non-financial contributions.

2.2 Why are obligations important?

- 2.3 Planning obligations for open space, sport and recreation are important because they help ensure that new development provides adequate infrastructure, and this is particularly helpful on large sites where there are complex infrastructure needs. Obligations identified in the SPD reflect District Plan Objectives and support identified needs for new and improved community, leisure and recreation and open space facilities. The wider benefits also include: encouraging safe and vibrant mixed communities that provide for the needs of all East Herts residents including the young, the elderly and vulnerable; improving access to

facilities so minimising the need to travel by car; improving the health and wellbeing of all East Herts' communities and reducing health inequalities; and reducing energy consumption and carbon dioxide where new or upgraded facilities can be more energy efficient. The provision of open space can also contribute towards addressing climate change, support biodiversity and ecosystems.

3.3 Other factors such as the District's overall aging population are also relevant as set out in the Part 1 Background and Context report which underpins each of the strategies (see Section 3). At a District level, tThere is expected to be a decrease in 15-30 year olds (already below the England average) and of 40 to 55 year olds, and an increase in 55-65 year olds and 70-75 year olds. These demographic factors suggest an increased relative importance and priority for gyms, studios, cycle and walking routes, community halls and joint health/sports centres. However at a more local level, new housing developments, particularly strategic sites, bring in young families. The evidence for this is provided within the Part 1 Background and Context report, and justifies the provision of play and facilities for teenagers, such as skate parks, multi-use games areas and other facilities. (insert paragraph, moved from para 3.3)

2.4 Public Health for Hertfordshire's publication 'Health Profile East Herts Health and Wellbeing Strategy 2019-2023' identifies that, while by many measures a relatively affluent district, East Herts does have its health challenges, including:

- Deprivation – the health of people in East Herts is generally better than the England average, however this tends to mask pockets of deprivation. Five of the most deprived wards account for 16% of the population, representing around 23,000 individuals.
- Weight – in East Herts, around two thirds of adults are classed as overweight and/or obese. For children around one fifth of reception children and one quarter of year 6 children are classed as overweight and/or obese. Being overweight or obese is connected with a range of lifestyle conditions which can impact health significantly. Additionally certain medical interventions, if required, can be more difficult to carry out safely if someone is overweight or obese thus multiplying the negative impact on health. Balanced, healthy eating and regular physical activity can help maintain a good body composition.
- Physical inactivity – while there have been clear improvements in adult activity and exercise levels, 20.5% of the East Herts adult population are still classified as inactive. Physical activity is one of the most important protective factors in supporting a healthy lifestyle and preventing those who already have long term conditions from

worsening health. Physical activity is well evidenced in contributing to overall health and wellbeing and therefore requires a strategic focus to help support individual, community and population increases in physical activity levels. Leisure facilities, open spaces and community partner projects can help to increase physical activity participation and encourage a range of health benefits. These are reflected in the council's Physical Activity Strategy.

- Isolation and loneliness – are becoming increasingly influential in the health outcomes to residents. National Quality of Life data published in 2018 indicates that the main challenges for older people when seeking to maintain or enhance their quality of life are lower satisfaction with their health and lower engagement with an art or cultural activity. Health challenges or bereavement can lead to or exacerbate social isolation. Equally for many younger people, challenges include unemployment, loneliness, not having someone to rely on and a lack of sense of belonging to their neighbourhood. Recent research notes that: “Feelings of loneliness are most strongly associated with poor mental health, but are also associated with long-term problems of stress, anxiety and depression. The risk associated with social isolation and loneliness is comparable with well-established risk factors for mortality (e.g. physical activity, obesity, substance abuse)”.
- Dementia – in Hertfordshire figures show that 4.4% of those people registered with a GP practice over 65 years old have dementia. In Hertfordshire Social Care's East and North Herts area, which includes the East Herts district, there are over 580, 000 people and 60 GP practices.
- Mental health and wellbeing - recognising the importance and value of this to our residents, staff and client organisations in enabling a healthy lifestyle.
- Smoking – East Herts adult smoking prevalence has fluctuated within a small range between 14.6% and 17.5% from 2012 to 2016, however in 2017 there was a noticeable reduction to 9.5%. This mirrored national and regional trends although the reduction in East Herts was more sizeable.
- Sustainable transport – Department of Transport 2016 East Herts figures show that among adults aged 16 and over, 15% cycle for work or leisure once a week and 76% walk. The Cole Green Way along with a number of circular routes around Hertford, Ware and Bishop's Stortford represent great opportunities for cycling. Public footpaths and bridleways provide plenty of opportunity for walking across the largely rural district. Although outside the scope of this document, the Council recognise that the cycle network could be improved in East Herts. The District Plan emphasises that new development creates

opportunities for improving cycling provision. Policy TRA1 Sustainable Transport outlines that development should create new routes and could extend existing infrastructure.

- Public transport – while every ward is served with a bus service, there is great variation in frequency. Added to this the timetable frequencies do not necessarily suit working age commuting times with some return services finishing by 4pm.

2.5 Hertfordshire County Council Public Health has as an identified strategic priority: “Keeping Well - encouraging and supporting people to live healthy lives, getting them to take responsibility for their own health and helping them make positive choices about their weight, diet and mental health”.

2.6 The local priorities for the District include: reducing excess weight in adults; reducing smoking; and helping the growing older population maintain their health. Sport and recreation have a key part to play in delivering these priorities.

2.7 It is clear the provision of high quality, accessible sports and leisure facilities, and opportunities to be physically active, have a significant role to play in addressing local health and well-being inequalities and this SPD can significantly assist in this delivery.

2.3 Does the SPD cover everything? What is the scope of this SPD? (section to be moved to become section 4.1 in final SPD)

2.8 This SPD covers the most likely requirements for open space, sport and recreation facilities as set out in the Council’s latest evidence base³. It should be noted that the planning obligations outlined in this SPD are not however exhaustive. There may be some limited occasions when unanticipated demands arise which are sport/recreation/open space related and which need to be taken into account on a specific site to make the proposed development acceptable. In some areas additional planning obligations, outside the scope of this SPD, may be sought. The exact type and range of planning obligations sought for an individual site will depend on the development proposed and its impacts on the local environment, local services and facilities, in accordance with the National Planning Policy Framework (NPPF 2019), the CIL Regulations (2010 as amended) and other relevant National and District policies.

³ Open Space Strategy 2017, Built Facility Strategy 2017 and Playing Pitch Strategy 2017

Np The average contribution per dwelling will be about the same so as to be fair and reasonable.

2.9—As new policy requirements emerge and change, the SPD will need to be updated and revised to reflect these changes

2.3 Policy context (insert new section, previously section 1.2- see relevant text above)

2.4 When will the SPD be used? When will we require open space, sport and recreation contributions? (section to be moved to become section 4.3 in final SPD)

2.10 The SPD will generally be applied to planning applications for any new residential development that results in a net gain of 10 or more in residential units. This is because a requirement for all sizes of development to undertake a planning obligation to secure open space and sports provision is unreasonable and impractical. It would require numerous applicants to enter legal agreements which, on balance, would be costly and delay the decision making process for small applications.

NP In villages, where a specific need has been identified, the threshold for contributions may be lowered. Specific need may be identified through Neighbourhood Plans or through local consultation, including with parish councils. This approach recognises that new development is likely to be less frequent and of a smaller scale in villages but could contribute towards local facilities and the vitality of the village in which the development is proposed to take place. For example, this could include a contribution towards the enhancement of play provision. Such contributions will be considered on a site specific basis and will need to comply with the CIL regulations.

2.11 The SPD will not be applied to extra-care, replacement dwellings, residential extensions and annexes, or renewal of planning permission that has not expired at the time of submission of the application.

2.4 Is there a restriction on what the Council can ask for? (insert new section 2.4, previously 2.7- see relevant text below)

**2.5 What type of sport, recreation and open space facilities can be required?
(section to be moved to become section 4.2 in final SPD)**

2.12 The Council will normally require the provision of on-site or off-site contributions to all the sport, recreation and open space facilities/typologies. The need for these is evidenced by the relevant strategies, and any subsequent updates of them (see Section 3). ~~The latest Council endorsed strategies include:~~

- ~~Open Spaces and Sports Facilities Assessment Technical Study~~
 - ~~Part 1: Background and Context (June 2017)~~
 - ~~Part 2: Built Facilities Strategy (July 2017)~~
 - ~~Part 3: Playing Pitch Strategy (August 2017)~~
 - ~~Part 4: Open Spaces Assessment (July 2017). (The Open Spaces and Sports Facilities Assessment Technical Study)~~

2.13 ~~Other relevant policies where facility needs, planning obligation requirements and/or master plan needs are set out include the District Plan, Infrastructure Delivery Plan (IDP) and Neighbourhood Plans. and other relevant Local Development Plan Documents.~~

2.14 ~~Whilst this SPD is based on the outputs from the three sports and open space strategies, Where there are strategies and policies in the Local Development District Plan that precede this SPD, then the strategies and polices in this SPD as the most recent policy base, supersede them.~~

2.15 ~~This list of facilities in the current strategies is not exhaustive. For example: a new or growing sport may need to be supported (such as the rise of parkour); or there may be a major change in an existing sport such as the move to more AGPs and growth in youth and girls' football). There will be a need to evidence such additions.~~

NP To help ensure compliance with the CIL regulations, the action plans for the built facilities and playing pitch strategies will be reviewed and updated on a regular basis. These reviews will update the project investment lists and priorities, taking into account emerging issues and costs information for specific projects, confirmation of delivery, or the identification of alternative projects should these be required. These action plan updates will not revise the standards of provision summarised in this SPD nor generally the scope of the developers' contributions being sought.

NP EHC is committed to full review and updating of the strategies approximately every 5 years. These extended reviews may then result in amended requests for developers' contributions generally, including

potentially different standards and different sports facilities. In this case, the SPD will be updated and be subject to further consultation.

NP It is expected that a developer's local consultation including with the relevant Parish or Town Council, local sports clubs and other local organisations and consultee, may identify an additional local need that it is not within a strategy but still can be justified and requested as a contribution.

2.5 Cross local authority boundary opportunities insert new section 2.5, previously section 3.5- see relevant text below

~~2.6 What is the policy justification for provision of improvement of these facilities?~~ (section 2.6 deleted and para 2.16 and 2.17 moved to combine with policy context paragraphs and become new section 2.3 Policy context- see above)

2.16 National and local planning policies that are relevant to and support the developer contribution policies in this SPD are fully set out in Appendix B.

2.17 Key District Plan Policies include the following:

- DEL1 Infrastructure and Service Delivery: provide necessary on-site and off-site infrastructure, suitably phased, at an acceptable specification and with management arrangements in place; and
- DEL2 Planning Obligations: CIL compliant planning obligations will be sought including: open space and recreation facilities; community, education and health facilities; and others.
- CFLR1- Open Space, Sport and Recreation: Residential development will be expected to provide open spaces, indoor and outdoor sport and recreation facilities. Provision should either be made on-site, or if appropriate in certain circumstances, through contributions towards off-site provision or the enhancement of facilities. Facilities should be provided in accordance with the Council's latest evidence and in consultation with Sport England and the Council's Leisure and Environment team.
- CFLR7- Community Facilities, Leisure and Recreation: The provision of adequate and appropriately located community facilities will be sought in conjunction with new development. Developers are expected to provide on-site provision, or where appropriate, a financial contribution to off-site provision, or the enhancement of an existing facility.

2.7—Is there a restriction on what the Council can ask for? (section 2.7 moved to become section 2.4 in final SPD)

2.18 The Council will be seeking contributions via S106 but only where they meet the three CIL tests set out in CIL Reg 122 and NPPF para 56:

- *Necessary to make the development acceptable in planning terms;*
- *Directly related to the development;*
- *Fairly and reasonably related in scale and kind to the development.*

2.19 It will therefore be important to ensure that any obligations sought are based on a tailored approach to each development, using up-to-date strategies (and subsequent updates) as an evidence base (and/or other robust up-to-date planning policy) to justify the needs arising from the development, and how these are to be met. Flow charts to aid the decision process are provided in section 5.7.

2.20 ~~A proactive approach should be taken to the use of planning obligations in the context of the current CIL ‘pooling restrictions’, whilst these are in still force up to September 2019. After that date these national pooling restrictions will not apply as the New Community Infrastructure Levy Regulations (2019) come into force. Until September the restrictions limit the number of Contributions from developments that can be secured and apply with or without an adopted CIL. This approach can be achieved by, as far as is practical, matching specific developments to identified projects. This should be supported through land use needs set out in master-plan requirements, development briefs in the Local Plan, Neighbourhood Plan or other policy approaches, where these are appropriate to the proposed development.~~

2.21 ~~For example, it may be better for a small local housing development to contribute to an extension to a village hall so that indoor sport can be played here, rather than to a large sports hall in a proposed new leisure centre, as the larger more strategic housing developments may be better placed to help fund such strategic facilities.~~

2.22 ~~As at 2019~~2020, The Council does not yet have Community Infrastructure Levy in place but will give consideration to introducing a CIL as part of the review of the District Plan, in order to support the provision of future infrastructure schemes (see Appendix A).

2.8 Is it just the provision and/ or enhancement of a facility that will be required? What costs are justified in relation to maintenance and life cycle? (Section 2.8 moved to section 5.8 in final SPD)

NP In addition to the development of a new facility or open space, it is important that provision is made for the future maintenance and life cycle needs, otherwise the value of the new provision will deteriorate.

~~2.23—In accordance with District Plan policies CFLR1 and CLFR7, in addition to the capital cost (or provision) of a new/extended facility, there will usually be additional costs. These include the cost for maintenance, and in some cases also life cycle costs for long term replacement. For example, towards the carpet on an artificial grass pitch or play equipment. This applies both to contributions, contribution towards replacement ('life cycle costs'). should be sought for both on-site and off-site provision. An exception may be where it can reasonably be argued that normal operational income should cover these costs, or other factors such as viability of the development become important, having first been robustly evidenced to the District's satisfaction. (Policy CFLR1 and CFLR7). These contributions recognise that local authorities may be unable to cover any additional costs and will help to ensure that new facilities remain operationally viable. The contributions would need to be reasonable and fair, and not used to subsidise a commercial i.e. profit-distributing body. Similarly, maintenance and life cycle costs would not be appropriate where it can be argued that normal facility operational income should cover these costs.~~

~~2.24—As facilities need to be operationally viable, if they are to be sustainable in the long term, then in some cases a contribution to a sinking fund, to cover life cycle costs, should be requested. For example, replacing the carpet on an artificial grass pitch. This however would need to constitute a reasonable and fair amount, and not be used to subsidise a commercial (i.e. profit-distributing) body. It must also be needed, for example a few clubs could reasonably be expected to earn enough income to recover replacement, but most will not. It is also the case in the light of diminishing resources available to Local Authorities that even they may struggle to plan ahead and cover life cycle replacement costs. The life span and maintenance costs are therefore calculated as part of the contributions requests. (for examples see Appendix C~~

~~2.25—On-site provision will, in all but exceptional circumstances, also require the provision of appropriate on-site land, at no cost, and suitably serviced⁴.~~

⁴ Suitably serviced land means land with access to normal services at the boundary of the land, such as potable water, electricity, sewage, communications etc, as well as good physical access.

NP In recognition of the wide range of different factors and the need to consider each development site separately to accord with the CIL tests, the SPD provides the Council flexibility in the seeking of developers' contributions, as set out in Section 4.7.

2.26 ~~There may be exceptional circumstances where the Council agrees that land for a needed facility cannot be provided on-site. The District the Council can then require the applicant/developer to find, secure and fund appropriate alternative off-site land, or provide a sufficient contribution such that it is very likely the Council District will be able to identify and secure such land. The cost of such land should be based on its intended leisure use.~~ (move to section 4.5 of final SPD)

2.9 Does this SPD affect masterplans and phasing for larger housing developments? (Section 2.9 moved to become section 4.4 in final SPD)

District plan strategic sites policies

~~2.27 A large or strategic facility may be required on a specific development site or allocation, as set out in Yes it can, notably where a facility is required on-site, which may require delivery through a planning policy and a masterplan approach for the whole area. For example, some of the strategic site policies in the District Plan (2018) specify facility needs within the site (e.g. provision of playing pitches at WARE2). This can ensure that suitable land is planned from the outset, and provided at no cost to the community. This is particularly important where, for example, there is a need for a large sports land-take for playing fields, or a leisure centre.~~

2.34 For new strategic facilities, the District's future planning policies will ~~should~~ identify: where that facility is to be located; how sufficient land is to be secured, and (where known) the individual developments that need to contribute to it. (moved from para 2.34 of draft SPD)

Provision where new demand generates need

NP Provision on-site will generally be required where the development itself generates the whole or the majority of demand for an open space typology, sports facility or playing field. The process for determining the expected provision on-site and the demand generated by the development is set out in Section 5.

Co-ordinating phased developments

- 2.28 Where housing sites are developed in phases or through multiple applications, and where the sports provision is required on-site for the wider development, this provision is required to be masterplanned, co-ordinated and delivered, on an allocation-wide basis, by the ~~landowners/developers~~ promoters, landowners and/or developers working together. This also applies to unallocated sites where an early phase may not deliver a full need for a facility, but two or more phases do. In these circumstances, a single site for sports facilities including playing pitches serving all the development, or all its phases, may be required. Ideally if this were known ahead of land purchase agreements, the land need can be factored into land calculations. However, this may not always be the case, so in all such circumstances it is recommended that early Pre-Application discussions are sought by the applicant, landowner and developers. This is in line with District Plan Policy DEL1(ii)b and supporting paragraphs, as well as IDP paragraphs 5.2 to 5.4 and housing site specific policies.
- NP The proposals for open space provision on-site or off-site should similarly be co-ordinated and delivered on an allocation-wide basis by the landowners/developers working together to ensure that the provision fits within the overall Green Infrastructure Plan, in line with District Plan Policy NE4(II)(a) and (b).

Developments within a close geographical area

- 2.32 Where there are separate developments in a close geographical area, e.g. around a town, that taken together generate a need for a whole facility, contributions need to be made from them to that new facility provision (or towards improving and/or extending an existing facility provision) which can meet the anticipated demand. (moved from para 2.32 of draft SPD)
- 2.33 Such a facility may need to be located on land on one of these housing development sites. Through early engagement with East Herts Council and the masterplanning of such sites, opportunities should be sought to secure delivery into the largest housing site, or on new unallocated sites, or on sites with an existing leisure provision and available space. Developers should cooperate locally to identify a solution which is acceptable to the Council. (moved from para 2.33 of draft SPD)

Phasing contributions

- ~~2.29~~ The required timing and delivery of the sports, recreation, community and/or open space facilities should be considered in relation to the housing development phasing. This can help to achieve a balance between ensuring the facility is in place in time to meet the needs of the new residents and/or avoid excessive pressure being placed on existing facilities, and/or be fair and reasonable in relation to a development's cash flow. This is in line with Local Plan Policy CLFR 7 including CFLR7(III)(d). (moved from para 2.29 of draft SPD)
- 2.30 Where necessary, a one-off early commuted sum from the developer can be requested to support the early years operation of a facility, where otherwise this would not be viable. The type of facility envisaged here is a community centre or sports facility which should become increasingly self-sustaining as the community it serves grows. It is not appropriate to delay delivery of these types of facility until the development has grown to its full extent unless there is, in the short term, sufficient capacity within existing off-site facilities for a period, which are also within the relevant accessibility standard, e.g. 800m for community centres. (moved from para 2.30 of draft SPD)
- ~~2.31~~ There may also be specific facility needs identified in the reviews/updates of relevant strategies, which are required to be provided on a development site, as this may be the most deliverable, and/or best located, opportunity. This may include a new leisure centre or other facilities that have a wide catchment area, or where the development itself generates the whole or the majority⁵ of the facility need. Note, requests for financial, land or other contributions would still need to pass the three CIL tests.
- ~~2.10~~ Does land need to be provided and if so how? (section 2.10 moved to become section 4.5 in final SPD)**
- ~~2.35~~ This section should be read with section 2.9 above on "Does this SPD affect masterplans and phasing for larger housing developments?"

⁵ The definition of majority is 67% or more of a facility, as this is a reasonable threshold above which on-site provision should be required.

2.36 The District Plan recognises that provision of new open space and recreation facilities within new development contributes towards the creation of sustainable communities and high quality design. Therefore, on-site contributions are important. Full details of the layout, landscaping and phasing of all on-site open space and facility provision will be secured by conditions attached to the planning permission. Requirements for the type of contribution will vary by the type of provision and on a site specific basis. More detail for different types of open space, sport and recreation is provided in Section 5 of this SPD. However, as a rule, suitable land needs to be provided at no cost by developers need to provide appropriate land at no cost, suitably serviced⁶. This is supported by the Infrastructure Delivery Plan, particularly in the section on 'Funding Infrastructure' e.g. paragraph 5.2 where:
~~"... developers will often be required to deliver infrastructure on site in order to serve that development. The developers will fund the complete cost of infrastructure as part of the overall development scheme".~~ Suitable

2.37 Appropriate land will be expected to be provided where:

- The investment need is for a new facility to meet the demand directly generated by the population of the new development(s). In this case the developer is expected to meet all of the costs. These can include capital for provision, maintenance and life cycle costs in addition to ~~→, in some cases replacement, and~~ land costs.
- If the demand generated by the development is for the large majority (67% or more⁷) of a facility, then it needs to be provided on-site, and all necessary land will be provided by the developer at no cost, as well as the population-related proportion of the capital, maintenance and life cycle costs of the facility.
- If the demand is for less than 67% of a facility that needs to be or is to be provided on-site, then enough suitable land for the whole facility needs to be planned into the development. However only a proportionate amount of this land will be provided at no cost in line with the demand generated, and the value of the remainder will need to be funded from other sources but at a price that reflects its leisure use. ~~(e.g. from pooled contributions from other developments, from grants or other sources). The developer will be required to meet the~~ population-related proportion of the capital, maintenance and life cycle costs of the facility

⁶ Suitably serviced land means land with access to normal services at the boundary of the land, such as potable water, electricity, sewage, communications etc, as well as good physical access.

⁷ Where there is a need of 67% or more for a facility generated by a development, it is a reasonable threshold above which on -site provision should be required. Comments as previous footnote

- If the land cannot be provided for on-site because of proven and acceptable masterplanning constraints, financial viability or other relevant reasons, then the local authority if the Council agrees, they may negotiate an appropriate alternative contribution., ~~where this is CIL compliant.~~ Again, this should take into account what would otherwise be required on site in relation to the land area plus the population-related proportion of the capital, maintenance and life cycle costs of the facility

NP Insert the paragraph that was previously 2.26 (see above) in draft SPD.

~~2.11 Do smaller developments need to contribute?~~ (section deleted as replicates section 2.4 that has been moved to section 4.3 in final SPD)

2.28 Although the population of a single development (e.g. on a small site or an individual stage of a larger site) may not itself generate the needs for a full facility, it may still generate additional demand which should be quantified and then be met.

~~2.39 Where there is flexibility, the largest developments may be better targeted for certain more strategic facilities (e.g. a Leisure Centre), and smaller developments can typically be better targeted for very local needs (e.g. a village hall extension, an improved local play area or lights for a MUGA).~~

~~2.12 Can contributions be made to existing facilities?~~ (section 2.12 moved to become section 4.6 in final SPD)

~~2.40~~ Where there is an assessed deficit in the provision of a facility, and there is an existing facility with appropriate community access that could potentially meet the demands generated by the development, but it needs to be upgraded or extended, then contributions may be sought towards such improvements. This is in line with District Plan Policies CFLR1 (I) and CFLR7(II). The Built Facilities Strategy and Playing Pitch Strategy (see Section 3) have action plans which identify the larger facility investment needs. These action plans will be regularly updated by the Council and be made available online. There may also be more local facilities or open spaces such as a village hall or children's playground where this situation potentially exists. The flow charts in Section 5 will aid the decision making.

~~2.41~~ Contributions need to meet the CIL tests, and should not exceed or cover what could reasonably be expected to be paid for by normal operational income. The operator (including a school or a club) will need to be

supportive of this and comfortable both with the timescales for payment of contributions, and on delivering the outputs required.

NP If an existing organisation such as a sports club or school is proposed to receive money from contributions towards specific facility provision, then the recipients should usually be expected to enter into a binding agreement with the Council securing appropriate community use, which could be included as one of the planning conditions relating to the facility. For schools, the terms of the agreement and as appropriate, the planning condition, should be based on the Sport England recommended models.⁸

~~2.42 There should be flexibility in the allocation of such a contribution in case the improvement or provision at such a facility becomes implemented through other funding sources ahead of the time the contribution is due to be paid. If appropriate, the wording of the planning obligation/contribution should allow for the monies to be paid to an appropriate alternative facility that can deliver the same or similar sports, recreation and/or open space outcomes.~~

2.13 Is there early advice available to developers? (section 2.13 moved to become section 4.8 in final SPD)

2.43 It is recommended that discussions on planning obligations should take place as early as possible in the planning process, for example through pre-application discussions. This can be used as the first opportunity for discussion on the layout, design and overall acceptability of a scheme and to establish the likely mitigation that will be required through a planning agreement.

2.44 It is also advised that, during the development of relevant future planning policies and new site allocations and/or masterplans, then all concerned (landowners, developers and the Council) should make an early consideration of what might be needed, even ahead of the start of an application. This will both support the delivery of required strategic facilities is so as to be strategic in planning needs and also allow enable the developer/landowner to take into consideration the potential impacts on to factor land costs better into the site values.

NP It is further recommended that early guidance about the provision, design and delivery of open space, sport and recreation should be sought from

⁸ Sport England CUA Template Full Agreement, Sport England Model Planning Conditions March 2017, <https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport/community-use-agreements>

the relevant agencies, such as Council's Environment team, Sport England, the national governing bodies of sport and Hertfordshire County Council.

2.14-How are the legal agreements made? (section 2.14 moved to become section 4.9 in final SPD)

2.45 Following any decision to grant planning permission, that is subject to the finalisation of a Section 106 deed, whether a S106 agreement or a unilateral undertaking agreement, and/or discharge of Conditions, the legal representatives of the Council and the applicant will confirm any necessary obligations in the form of a binding legal agreement and agree and pay relevant fees. The agreement will contain the necessary planning obligations, including any trigger points for the provision of facilities or payment of the contributions, and any other commitments to be undertaken by the developer and the Council. It is to be noted that the agreements run with the land, rather than with a particular developer, and the originator of the planning obligation will be required to advise the Council if a site is sold on with the benefit of the planning permission and obligation. The Council will charge for the cost of any subsequent Deed of Variation, or discharge of an obligation when agreed by all parties, and will agreed on an individual basis, and is not to be used as a means to backtrack on agreed obligations where needs as a result of the development still arise.

3. Calculating Contributions Understanding the Evidence Base (New Section)

3.1-Is there a list of what facilities are needed? (Section moved to become section 5.1 in Final SPD)

3.1 ~~Yes, as stated, the actions plans from the relevant sport, recreation and leisure strategies (or their latest updates), and other robust sources, will help identify prioritised and costed facilities. These plans include: the Infrastructure Delivery Plan (IDP 2017); The Harlow Garden Town IDP (2019); Playing Pitch Strategy (2017); Built Sports Facilities Strategy (2017); Open Spaces Strategy (2017); and other relevant evidence base from the Local Plan.~~

3.2 In addition to the facility priorities identified in the action plans of the relevant strategies (Section 3 and East Herts Council website), consultation with National Governing Bodies of Sport, Parish or Town Councils, sports clubs, other local organisations and consultees may identify an additional local need that it is not in a strategy but still can be justified and requested as a contribution.

~~3.3 Other factors such as the District's aging population are also relevant as set out in the Part 1 Background and Context report which underpins each of the strategies. There is expected to be a decrease in 15-30 year olds (already below the England average) and of 40 to 55 year olds, and an increase in 55-65 year olds and 70-75 year olds. These demographic factors suggest an increased relative importance and priority for gyms, studios, cycle and walking routes, community halls and joint health/sports centres. However at a more local level, new housing developments, particularly strategic sites, bring in young families and justifies the provision of play and facilities for teenagers, such as skate parks, multi-use games areas and other facilities.-~~
(paragraph moved into section 2.2 in Final SPD)

3.1 The Open Space Sport and Sports Facilities Assessment (2017) (New section :insert following new text):

NP Developers' contributions requirements in the SPD are based on the Open Space and Sports Facilities Assessment Technical Study (2017), which forms part of the evidence base to the District Plan. There are four parts to this assessment:

- Open Spaces and Sports Facilities Assessment Technical Study
- Part 1: Background and Context
- Part 2: Built Facilities Strategy
- Part 3: Playing Pitch Strategy
- Part 4: Open Spaces Assessment

NP Part 1 provides the context which underpins each of the other three strategies by looking at the policy background and purpose of the study and at the evidence and strategies of neighbouring authorities and of this Council. The demographic forecasts are up to 2033 and these are used to assess the future requirements within Part 2 and 3 of the study.

NP These Part 2 and Part 3 studies have been endorsed by Sport England and developed in consultation with national governing bodies and local providers.

NP The strategies are available to view on the Council's website.

3.2 What assessment is made to ensure the contributions are needed by a development? What demand will there be for facilities and open spaces

from residents of a new development; quantity, accessibility, quality?
(Section moved to become section 5.2 in Final SPD)

NP The justification for contributions is based around the assessment of demand generated by a development's expected population compared to the availability and quality of the existing network of open spaces, sport and recreation facilities. Standards of provision guide this assessment of need and relate to quantity, accessibility and quality of facilities and open spaces, as set out in Table 1. These have been derived from the relevant strategies (see Section 3).

~~3.4 The following tests will be used to assess whether the existing provision within an area can provide for the demand generated by a development, or whether a new facility may be needed. (NB: The facilities' needs identified in the relevant strategies have already used these tests, and the outputs are identified in the relevant 'action plans', which also have prioritised projects). The tests help confirm the needs arising from a particular development, and relate to Quantity, Accessibility and Quality.~~

Quantity and Accessibility

~~3.5 The quantity requirements are based on the demand generated by the development. in relation to the existing supply. This is derived from the relevant strategies/frameworks. This can be expressed for example as the facility need per 1,000 people for built facilities and open space, and the quantity standards for each built facility type⁹ and open space are summarised in Table 1. The quantity of demand for pitch sports is more complex and Sport England has therefore developed a Playing Pitch Calculator to help assess the demand for these sports.¹⁰~~

Accessibility

~~3.6 The accessibility requirement includes the acceptable travel distance (catchments) to a facility or open space, based on known travel patterns for different sports and its availability. the hours that it is available to the community, that it is open to 'pay and play', and is likely to be available for community use in the long term.~~

⁹ In relation to the Built Facilities Strategy (2017) the "standards" in Table 1 are the same as the "Provision Guide for new developments" (Fig 48). The term "standards" has been used in this SPD because of the need to encompass all sport, recreation and open space developers' contributions and the terminology is most easily understood.

¹⁰ Sport England Active Places Power web site <https://www.activeplacespower.com/>

- 3.7 This ~~quantity and~~ accessibility information can be used to guide whether provision should be on-site or off-site, and to guide the maximum distance to existing facilities which potentially have capacity to meet the new demand generated from the development. For example, there may be an overall surplus of one facility or open space typology type in the District, but none located within the appropriate catchment area of a development, so a new facility or open space may need to be provided.

Catchment distances

- NP The facility catchments set out in Table 1 are based on the recommendations from the relevant strategy and are justified by the detailed assessments undertaken. The catchments vary from up to 20 minutes' drive to facilities such as swimming pools, sports halls and 3G-AGPs, down to a 400m walk for a LEAP.

Other accessibility considerations

- 3.8 The accessibility requirement also needs to consider the facility ownership, management and availability for community use. The 'availability' must be sufficient for the expected community's needs and include hours of use, pricing policy ~~and~~, any exclusions. There should be, ~~and has~~ legally secure community use for at least 25 years, or preferably longer.
- 3.9 Certainty of public access, typically for paid facilities, includes if it is affordable and fully available for sufficient hours to the community at evenings and weekends. Typically, these should not be less than for 5pm to 10pm for Monday to Friday, 8am to 10pm on Saturday, 8am to 8pm on Sunday. ~~This won't apply to public open spaces and play facilities etc, which will~~ should be available at all times, unless exceptional circumstances are agreed with the relevant Council (~~see also paragraph 4.17~~) (last sentence moved to NP at end of the section)
- 3.10 For example, there may be a sports hall at a local private school that is used by some members of the community, but its hours of use may be too limited, and the future community use may be able to be terminated at any time. Such a facility would not be considered to have secure community use.
- 3.11 Alternatively, a commercial gym may offer enough peak time hours for community pay and play at an affordable price (be it cheap membership

or pay-as-you-play), and so would count as a community accessible facility, so any spare capacity there would need to be taken into account.

~~3.12 Facility catchments are based on strategy standards:~~

- ~~• 20 minutes' drive for swimming pools, sports halls, 3G AGPs and indoor bowls~~
- ~~• 15 minutes' drive, for fitness studios and gyms;~~
- ~~• 15 minutes' walk drive for grass pitches; and outdoor bowls;~~
- ~~• Play and open spaces¹¹ :
 - ~~• LEAPs: 400m;~~
 - ~~• NEAPs 1000m;~~
 - ~~• Youth & teenage provision (MUGAs/skateparks and other such youth facilities) 1000m~~~~

Quality

3.13 The quality requirement relates to the quality, design, layout and specification of facilities.

3.14 ~~the f~~Facilities that are provided should reflect current best practice in design, layout and specification, including current ~~quality~~ guidance from Sport England, National Governing Bodies of Sport, and Fields in Trust, as relevant¹². This should apply to refurbishments, extensions and new build proposals.

3.15 The age and overall condition of a facility will impact upon its quality as generally, the older the facility is, the less attractive it is to users. Resultantly such a facility may have less capacity to meet the demand generated from a development.

3.16 Quality guidelines will include:

- Quality appropriate to the intended level of performance, designed to appropriate technical standards.
- Located where they are of most value to the community to be served.
- Is appropriately designed to enable ~~Sufficiently diverse~~ recreational use by for the whole community, including for those people with disabilities or cultural restrictions.
- Appropriately landscaped.

¹¹ ~~Guidance for Outdoor Sport and Play; Fields In Trust - April 2018.~~

¹² Published facility design guidance notes are regularly produced and updated, including by Sport England and the National Governing Bodies for sports. Developers should check that they are using the latest available guidance relevant to their proposals.

- Maintained safely and to the highest possible condition with available finance.
- Positively managed taking account of the need for repair and replacement over time as necessary.
- Provision of appropriate ancillary facilities and equipment.
- Provision of footpaths and cycleways/cycle access.
- Designed so as to be free of the fear of harm or crime
- Designed to the relevant tTechnical standards produced by Sport England, national governing sporting bodies or professional or trade organisations, such as the Institute of Groundsmanship and the Sports and Play Construction Association should also be used.

3.2 Sub areas and the strategies (Insert new section 3.2- moved from section 4.2 in draft SPD, see below)

3.3 ~~What assessment is made to ensure the contributions are fair and justified? population figure should be used in assessment of demand?~~ (section moved to become section 5.4)

3.17 The contributions must meet the three CIL regulations tests, that they are necessary, directly related and fairly and reasonably related in scale and in kind, to the scheme in question. ~~This is regardless of whether a CIL has been adopted or not. To do this an initial assessment of the quantity, accessibility and quality, as described above, is undertaken.~~

~~3.18 Such assessments were undertaken in the relevant sports, recreation and open space strategies. The process to ensure contributions comply with the tests include the following steps:~~

- ~~• Identifying the development's expected population~~
- ~~• assessing the demand and cost of meeting the demand arising from the development, for different typologies and/or facility types, based on the additional population;~~
- ~~• identifying whether the location of a facility to be funded lies within an accessible catchment (e.g. within a drive time or walking distance that relates to the relevant facility and the development);~~
- ~~• identifying if the demand can be met by existing facilities (where these have a sufficient capacity, are accessible, and acceptable quality);~~
- ~~• if the demand cannot be met by existing facilities, then using the local evidence base and consulting with relevant stakeholders to help identify the best approach to meeting these needs;~~
- ~~• identifying the costs of the new or extended facility, or other quality improvements to increase an existing facility's capacity.~~

3.20 ~~To generate the population figures, a '2.32 people per house' multiplier has been used. The average number of people per household in the District is 2.32, derived from MHCLG/ONS Census data.¹³ This figure will need to be updated from time to time as national and local population statistics change.~~ (moved from paragraph 3.20)

4.10 ~~Standards of provision are useful tools to determine a proportionate contribution from a set number of houses or number of people, in a development. As described above the average number of people per household in the District is 2.32. The estimated population of a development, for both outline and full applications will be based on 2.32 persons per dwelling. Thus, a development of 100 dwellings will be assessed as generating a population of 232 people. However, if it can be demonstrated to the Council's satisfaction that an alternative population figure should be used for a proposed development because of site specific circumstances, then this will be acceptable.~~ (moved from paragraph 4.10)

NP ~~In the case of a change in the proposed population of a development, for example by increased density, then the developers' contributions will need to be recalculated and the implications for provision be masterplanned appropriately.~~

3.3 Facilities Hierarchy (Insert new section 3.3- moved from section 4.1 in draft SPD, see below)

3.4 How is the need arising from a development, and the cost of that demand, calculated? What is the process for assessing demand? (section moved to section 5.5 in final SPD)

NP ~~The CIL test of ensuring any contributions are 'fairly and reasonably related in scale and kind to the development' require that any contributions sought are directly proportional to the anticipated population of the development.~~

NP ~~The EHC built facility and open space Contribution Calculators and the Sport England Playing Pitch Calculator are designed to automatically calculate the demand based on the number of dwellings or population~~

¹³ ONS population base

from a development, applying the quantity standards set out in Table 1. These in turn are based on the relevant District strategies (see Section 3). The Sport England Playing Pitch Calculator can be used to assess the demand for playing pitches. East Herts Council is able to provide this information as required.

NP The outputs help to inform the decision process, summarised by decision flow charts in Section 5.7.

NP In addition, there may be justified local needs which the developer identifies through local consultation, including with the District and parish council.

~~3.19 The need arising from the housing development sites allocated in the District Plan, and other sites that come forward, should be calculated for built leisure facilities, open spaces, playing pitches and other recreation and community facilities. The calculations should take account of:~~

- ~~• The latest demographics of the District up to the end of the District Plan period (2033);~~
- ~~• The latest expected future demand for each sport/facility type for the District;~~
- ~~• Current patterns of demand;~~
- ~~• The feedback from clubs, consultees, stakeholders and district and other local council officers;~~
- ~~• Published guidance from national bodies such as Fields in Trust, Sport England and National Governing Bodies of Sport on specifications and catchments; and~~
- ~~• Local identified priorities for certain facilities, such as playing pitches.~~

3.20 To generate the population figures, a '2.32 people per house' multiplier has been used, derived from MHCLG/ONS Census data¹⁴. This figure will need to be updated from time to time as national and local population statistics change. (paragraph moved to new section 3.3 above/ 5.4 in Final SPD)

3.4 Part 2: Built Facilities Strategy (New: insert new text below)

NP This strategy considers both the current supply and demand for built sport and recreation facilities and the future needs for the period up to 2033 taking into account the planned population growth across the District.

¹⁴ ONS population base

Methodology

NP This strategy considers the following built facilities used by the community for sport and physical activity:

- Sports halls
- Swimming pools
- Health and fitness
- Athletics
- Indoor and outdoor bowls
- Indoor and outdoor tennis
- Squash
- Gymnastics
- Village and community halls
- Other sport and recreation activities

NP The assessment of each facility draws on the findings from the site audits, user information supplied by operators, conditions surveys where available, outputs from Sport England modelling tools, results of consultation and national governing body strategic requirements.

Findings

NP There is an extensive built facilities network in East Herts, run by a range of providers including East Herts Council, The Woodson Park Community Trust, schools, commercial operators, sports clubs and town and parish councils. Section 2 provides an overview of the facilities and section 3 to 12 details the current and future need for each built facility type. At the end of each section a text box summarises the priorities for the facility type – facilities which should be; protected; enhanced; or provided.

NP Section 13 focuses on delivering the strategy. This section discusses ways of maximising health and wellbeing outcomes, maximising cost-effectiveness and working across authority boundaries. Figure 48 sets out the *Provision Guide for new housing developments* which summarises the facility specific recommendations arising from the assessment. This table is replicated within Table 1 of this SPD.

NP Figure 50 of the strategy is the action plan. It identifies site specific proposals, with estimated costs, delivery timescales, the priority projects and likely partners. The latest version of the action plan is available on the Council's website.

3.5 Cross Boundary (Section moved to section 2.5 in Final SPD)

- 3.21 In some cases, the nearest current or potential new facility may be across the local authority boundary. In this case it is appropriate for the Council to consider cross-boundary co-operation, perhaps offering S106 funding to such a facility, or by finding another way to fairly share the infrastructure burden between them.
- 3.22 The strategic importance of larger such facilities for the health and wellbeing of the population in the catchment area is clear. It is important that strategic sport, recreation and open space facilities that serve populations in neighbouring authorities are identified by the relevant authorities, and are agreed to be co-operatively provided. Good locations will be accessible to the users, perhaps in town centres and other places with good public transport links¹⁵. This approach is endorsed by the 'duty to co-operate' with neighbouring authorities¹⁶. For example, a large leisure centre that will provide for residents in two districts may be funded through S106 (or CIL) by both authorities.

¹⁵ NPPF Paras 86-89,

¹⁶ NPPF Paras 21, 27 and 35

3.5 Part 3: Playing Pitch Strategy (New section: insert new text below and, incorporate paragraphs 4.35- 4.42 of draft SPD)

NP This strategy considers both the current supply and demand for playing pitches and the future needs for the period up to 2033 taking into account the planned population growth across the District.

Methodology

NP This strategy comprises an assessment of outdoor pitches:

- Football:
 - Grass pitches of different sizes catering for different age groups:
 - adult
 - youth 11v11
 - youth 9v9
 - mini 7v7
 - mini 5v5
 - '3G' football turf pitches
- Cricket:
 - natural turf pitches (grass)
 - artificial turf cricket pitches
- Rugby grass pitches
- Hockey artificial grass pitches

NP The strategy looks at the current use and capacity of pitches and considers the impacts of additional demands arising from the forecast population and changes over time across the different sports, to determine the need for new pitches or improvements to the existing stock.

Findings

Move paragraphs 4.35 to 4.42 of draft SPD to this section

3.6 Part 4: Open Spaces Assessment (New section: insert new text below)

NP This Open Spaces Assessment, referred to for consistency in this SPD as the Open Space Strategy, considers the current provision of open space across the District.

Methodology

NP This strategy comprises an assessment of the following types of open spaces across East Herts:

- Amenity Green Space
- Parks and Gardens
- Natural and Semi-Natural Green Space
- Allotments
- Cemeteries and Churchyards
- Children and Young People

NP In total, 437 different sites were assessed. Each space was mapped and assessed against a number of qualitative factors as appropriate to the typology, such as whether it was well maintained, safe, and the condition of play equipment. Many open space sites are multi-functional, and this is recognised in the way in which they were assessed.

NP The assessment uses benchmark authorities and the Fields in Trust standards as a way of comparing quantity and accessibility standards with those in East Herts.

Findings

NP Figure 6 of the open space strategy maps all of the open spaces included in the strategy. It provides a valuable overview of the extent and purpose of the existing open space network.

NP Sections 3 to 9 of the strategy examines the current provision of each type of open space for each of the towns and group 1 villages. Typology specific maps are also provided within these sections. Recommendations are developed for each typology, including revised standards of provision. The recommendations included a combined quantity standard for parks and gardens and amenity green space, though with separate accessibility and quality standards.

NP Figure 55 of Section 10 of the strategy summarises the recommended standards for open space. These are contained within Table 1 of this SPD.

NP There is no project specific action plan for open spaces, but the detail within the strategy and the quality assessment database for sites held by EHC, provides a good starting point for assessing the potential local needs of a development site.

3.5 Part 3: Playing Pitch Strategy (moved from section 4.5 of draft SPD)

This strategy considers both the current supply and demand for playing pitches and the future needs for the period up to 2033 taking into account the planned population growth across the District.

Methodology

This strategy comprises an assessment of outdoor pitches:

- Football:
 - Grass pitches of different sizes catering for different age groups:
 - adult
 - youth 11v11
 - youth 9v9
 - mini 7v7
 - mini 5v5
 - '3G' football turf pitches
- Cricket:
 - natural turf pitches (grass)
 - artificial turf cricket pitches
- Rugby grass pitches
- Hockey artificial grass pitches

The strategy looks at the current use and capacity of pitches and considers the impacts of additional demands arising from the forecast population and changes over time across the different sports, to determine the need for new pitches or improvements to the existing stock.

Findings

Football

All sub areas have a deficit in football pitches over the plan period (see PPS Fig 117), which can be mitigated by new provision, enhancing existing sites, and securing community access to school sites, where site planning, suitable ancillary facilities (such as car parking, access and changing) safeguarding and carrying capacity allow.

As well as smaller club sites some larger Strategic Football Hubs are needed, with ideally two new full size 3G-AGPs with football turf, grass pitches and

clubhouse facilities. These hubs should be considered to support: Bishop's Stortford Community FC; Bengoe Tigers and Hertford Town FC; Buntingford Cougars FC; Wodson Park Sports Trust/North & East Ware extension; and Gilston Garden Village.

Cricket

There is a deficit in all sub areas (PPS Fig 175) and a need to reinstate un-used pitches and secured community use of 16 school sites, as well as enhancing other sites. All developments in all sub areas need to make contributions to cricket, guided by the site specific action plan (PPS Figs 177-181).

Rugby

There is a deficit of rugby pitches across the District (PPS Fig 207) that needs to be addressed through new pitch provision, community access to education pitches and enhancements of current pitches. The site specific action plan is to be used to guide to spending contributions (see PPS Fig 208).

Hockey

There is deficit across the district and a need for two new hockey-AGP pitches, securing and improving education sites so as to allow community use, and enhancement of current sites. The site specific action plan (PPS Fig 232) is to be used to guide contributions spend.

The action plan within the relevant sport sections of the PPS identifies projects based on the needs evidenced by the strategy. The latest version of the consolidated action plan is available on the Council's website.

The PPS recommends that the Sport England Playing Pitch Calculator is used to assess the demand and potential cost contributions arising from any development.

Section 4 – Calculations for Sport and Leisure Applying the SPD

4.1 Context

- 4.1 The facility costs identified in this SPD sports built facility costs set out in appendix D and incorporated into the Built Facilities Calculator available on the council's web site and used in the worked examples in this SPD (Section 6) are based on: Sport England's latest facility costs guidance¹⁷; costs from National Governing Bodies of Sport (NGBs) and, where relevant, other latest industry figures, including sourced from SPONS Construction and Landscape Price Books¹⁸. These costs calculate automatically on inputting of the number of dwellings or anticipated population. The costs will be indexed (see Section 4.10). Should robust local costs be available, e.g. from a project cost identified by an architect, these can provide useful accurate figures. (paragraph 4.1 of draft SPD moved to section 5.6)

Sub areas (section moved to become section 3.2 in final SPD)

- 4.4 These sub-areas best divide the main urban areas along with a rural catchment, and are also the same sub-areas as used in the playing pitch strategy. The sub-areas(see figure 1) help identify where strategic facilities are located in relation to new housing, and contributions from housing for the strategic and satellite facilities can then be directed to the relevant sections below. Updates of all, or part, of the relevant strategies may identify a need for other facilities. Strategy sub areas were designed to take account of the current main centres of population, housing growth and drive times across the district. They were used to inform the built facilities and playing pitch strategies to help identify where strategic facilities are located in relation to new housing and what the future facility needs are, both at the district wide (strategic) and sub area level. This means that contributions from housing for the strategic, satellite and local facilities can then be directed appropriately. The sub-areas are illustrated in Figure 1 and are:
- 4.3 In order to best meet accessibility, relate to sensible catchment areas, take account of current main centres of population and housing growth, and best meet the 'CIL Tests', the District has been divided in this SPD into the following sub-areas: (

¹⁷ Sport England Facility Costs Q2/2018-2019, Life cycle costs (2012 costs, but expressed as percentages of capital costs)

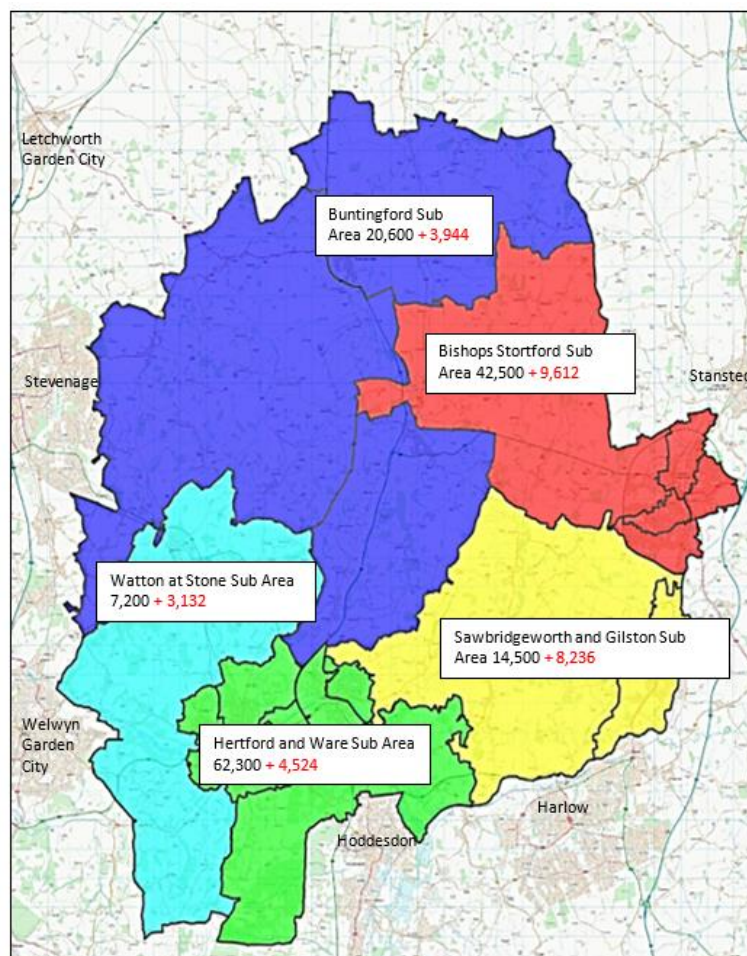
¹⁸ SPONS External Works and Landscaping Costs 2019

- Bishop's Stortford
- Buntingford
- Hertford/Ware
- Sawbridgeworth/Gilston
- Watton at Stone

4.2 Figure 1 shows the different sub-areas in East Herts, represented by different colours. The red numbers on the map in Figure 1 relate to the forecast increase in population are the additional population due to growth at the time the sports strategies were written in 2017.

Figure 1: East Hertfordshire: Sub-areas and population.

Key: The different colours represent different sub areas. The red numbers are the additional population due to growth at the time the sports strategies were written (moved to section 3.2 of final SPD)



3.3 Facilities hierarchy (new section)

4.5 New housing developments in each sub-area will usually be required to contribute to the identified strategic, satellite and local facilities as follows: (e.g. a new leisure centre) and specialist facilities (e.g. where they may be only one in the district, such as a gymnastics centre).

4.6 Whilst all developments are expected to pay towards all facilities (where there is an identified need and contributions are CIL compliant), the Council may put an emphasis on larger housing developments funding strategic facilities (including specialist facilities) and local developments funding local facilities. The average contribution per dwelling will be about the same so as to be fair and reasonable. This SPD distinguishes between 'local facilities', 'satellite facilities', and 'strategic facilities' as follows:

4.7 Strategic facilities are those that serve the whole District or two or more of the five sub areas (see Figure 1). Typically these are larger facilities (e.g. a leisure centre) or a specialist facility (e.g. a hub facility for a specific sport) that serve the whole, or a large part, of the District. The current key strategic facilities as identified in the strategies to be provided and/or funded via contributions (and other sources) include for example:

- Grange Paddocks Leisure Centre (Bishop's Stortford): replace and extend
- Wodson Park Trust
- Gilston Area leisure centre: new facility
- Hartham Leisure Centre (Hertford): extension
- Bishop's Stortford Lawn Tennis Club strategic centre improvements¹⁹
- Legends Tennis Club
- Bishop's Stortford Squash and Racquets Club

4.8 Satellite facilities typically serve one sub-area and include, for example:

- Fanshawe pool and gym (Hertford & Ware Area)
- Leventhorpe pool and gym (Sawbridgeworth & Gilston Area)
- Freman College swimming pool and potential gym addition²⁰ (Buntingford Area)
- Birchwood High School (Bishop's Stortford Area)
- Haileybury and Imperial Service College (Hertford & Ware Area)
- Drill Hall (Hertford & Ware Area)

¹⁹ Built Facilities Strategy: cover courts and/or convert grass courts to hard courts.

²⁰ Built Facilities Strategy recommendation

- Bishop's Stortford Bowling Club
- Mercury Gymnastics Club
- Stortford Gymnastics Club

4.9 Local facilities mainly serve the locality around the development and include, (for example):

- play, open space, tennis courts, MUGAs,
- village playing field,
- community centre/village hall

4.1 What is the scope of this SPD? (Insert new section 4.1, previously section 2.3- see relevant text above under section 2.3)

4.2 What are the standards of provision (moved to section 5.3 of final SPD)

4.10 Standards of provision are useful tools to determine a proportionate contribution from a set number of houses or number of people, in a development. As described above the average number of people per household in the District is 2.32. Thus a development of 100 dwellings will be assessed as generating a population of 232 people. (paragraph moved to new section 3.3 above/ 5.4 in Final SPD)

4.11 ~~This SPD takes its standards of provision from existing robust evidence bases such as the Infrastructure Delivery Plan (IDP 2017), Harlow Garden Town IDP, sports and recreation strategies (e.g. Playing Pitch Strategy (2017), Built Facilities Strategies (2017) and the Open Space Strategy (2017) and CIPFA²¹, and other robust standards.~~

4.12 ~~It should be noted that **NB: S standards of provision should not be used in isolation, but must be used in tandem with actual assessed need and other robust evidence.** For example, there may be an assessed potential if there is a current and future assessed surplus of a facility or specific open space typology which has secure community use and is accessible during the peak period (evenings and weekends), then a contribution should be directed towards the quality improvements of that facility. (within the catchments given in Table 1 and accessible as defined by Section 5.2), but its quality is poor. In this situation contributions may be towards investment in the quality of the facility or open space in order~~

²¹ CIPFA Nearest Neighbours Model is the nationally recognised method used to find the most similar 'comparator' local authorities.

to increase its capacity, so that it can meet the development's assessed demand. (paragraph moved to section 5.3 of final SPD)

- 4.13 Standards of Provision for East Herts Council are set out in table-1. (paragraph moved before paragraph 4.12 of the draft SPD). They are referred to in the flow charts in Section 5. The quantity standards underpin the Calculators available on the East Herts Council's website. Examples of their application are given in the 'Worked Examples' in Section 6.
- 4.14 ~~The standards assume that the facilities are fully available at peak time, as defined by Sport England and set out in the EHC sports strategies, e.g. typically 45.5 hours per week (pools), and 52 hours per week (halls), including weekday evening and weekends.~~ Issue addressed in section 5.2 of final SPD)
- 4.15 ~~The facilities that are provided should reflect current best practice in design layout and specification, including current specification and design and quality must meet Sport England or the relevant National Governing Body of Sport guidance from Sport England, National Governing Bodies of Sport, Fields in Trusts, as relevant²². This should apply to refurbishments, extensions and new build proposals.~~ (paragraph moved to section 5.2 of final SPD)
- 4.16 ~~How these standards are applied is shown in both the 'Worked Examples' below, and in the Calculation Example in Appendix 3.~~ Issue addressed in section 5.2 of final SPD/see paragraph 4.13 of draft SPD above)

²² Published facility design guidance notes are regularly produced and updated, including by Sport England and the National Governing Bodies for Sports. Developers should check that they are using the latest available guidance relevant to their proposals.

Table 1: Table of Standards of Provision of Sport and Recreation Facilities & Open Space (table moved to section 5.3 of final SPD)

Facility	Measurement		Accessibility	Quality	Source
Sports halls	0.29	Badminton courts per 1,000 people	About 20 mins drive time, fully available at peak time	<u>Design and quality to meet Sport England or the relevant national governing body guidance</u>	<u>BFS</u>
Swimming pools	11.31	sqm of water space per 1,000 people	About 20 mins drive time, fully available at peak time	<u>Design and quality to meet Sport England or the relevant national governing body guidance</u>	<u>BFS</u>
Gyms	7.17	Fitness stations per 1,000 people	Up to 15 mins drive time fully available at peak time	<u>Design and quality to meet Sport England guidance</u>	<u>BFS</u>
Studios	0.13	Studios (140sqm) per 1,000 people	Up to 15 mins drive time, fully available at peak time	<u>Design and quality to meet Sport England guidance</u>	<u>BFS</u>
Outdoor tennis	0.32	Courts per 1,000 people	Up to 10 mins by car, available at all times	<u>Design and quality to meet Sport England and national governing body guidance</u>	<u>BFS</u>
Outdoor bowls	0.59	Rinks per 1,000	Up to 15 mins drive time,	<u>Design and quality to</u>	<u>BFS</u>

		people (provided as a 6-rink facility)	available at all times	<u>meet Sport England or the relevant national governing body guidance</u>	
Village/community halls	120	Sqm/1,000 people	Up to 800m walk	<u>Design to be agreed with Council.</u>	<u>BFS1</u>
<u>Football grass pitch</u>	<u>Quantity of demand generated by Sport England Playing Pitch Calculator</u>		<u>About 15 mins drive time</u>	<u>Design and quality to meet Sport England and national governing body guidance</u>	<u>PPS</u>
<u>Football 3G artificial grass pitch (3G-AGP)</u>			<u>About 20 mins drive time, fully available at peak time</u>	<u>Design and quality to meet Sport England and national governing body guidance</u>	<u>PPS</u>
<u>Rugby grass pitch</u>			<u>About 20 mins drive time</u>	<u>Design and quality to meet Sport England and national governing body guidance</u>	<u>PPS</u>
<u>Cricket pitch</u>			<u>About 15 mins drive time</u>	<u>Design and quality to meet Sport England and national governing body guidance</u>	<u>PPS</u>

<u>Hockey artificial grass pitch</u>			<u>About 20 mins drive time, fully available at peak time</u>	<u>Design and quality to meet Sport England and national governing body guidance</u>	<u>PPS</u>
Children's play and provision for teenagers	0.25	Ha of designated equipped playing space per 1,000 people ²³	100m for LAPs; 400m for LEAPs; 1000m for NEAPs and youth/teenage	<u>New LEAPs and NEAPs should meet FiT guidelines.</u> <u>Teenage provision should follow best practice and be designed following consultation with young people.</u>	<u>OSS</u>
Amenity green space, parks & gardens	1.4	Ha per 1,000 people	710m for parks & gardens and 480m for either parks and garden or amenity green space	Parks: Green Flag Award Sites should be kept well maintained with well-kept grass, planting and vegetation. High quality and appropriate ancillary facilities should be	<u>OSS</u>

²³ A full network of LEAPs and NEAPs and Teenage facilities is to be provided in towns and 'Group 1 villages'. A full network of LEAPs is to be provided in the 'Group 2 villages' and other settlements where the population is greater than 200 people and there is an identified local need.

				<p>provided.</p> <p>AGS: Green Flag standard</p> <p>Sites should be well maintained with appropriate vegetation and planting. Appropriate ancillary facilities, such as litter bins and seating should be provided.</p>	
Natural/ semi-natural greenspace	3.2	Ha per 1,000 people	720m	<p><u>Green Flag standard</u></p> <p><u>Natural and semi-natural green spaces should have natural features (including water where appropriate). If provided, Public Rights of Way, footways and cycle paths should be clear and unrestricted and conservation areas should</u></p>	<u>OSS</u>

				<u>be identified. Sites should be maintained to an appropriate conservation standard.</u>	
Allotments	0.30	Ha per 1,000 people	1000m	<u>Allotments should, where appropriate, have parking, toilets, a water supply, access pathways and good signage.</u>	<u>OSS</u>

Source key:

BFS Built Facilities Strategy 2017

BFS1 Built Facilities Strategy (also see footnote for provision in large developments/Garden Towns)

PPS Playing Pitch Strategy 2017

OSS Open Spaces Strategy 2017

4.2 What type of sport, recreation and open space facilities can be required? (insert new section 4.2, previously 2.5- see relevant text above)

4.3 Calculating contributions for open space and play What is considered to be open space (moved to section 5.14 in final SPD)

- 4.17 Public open spaces and play include; the combined typologies of Parks & Gardens with Amenity Greenspace; Natural and Semi-Natural Greenspace; allotments; youth facilities (e.g. MUGA/skatepark); and, children's and youth play. All open spaces are required to be publicly accessible at all times. They should also be safe, attractive and of a functional size. Allotments may have some restriction on public access due to security needs. ~~These are all referred to below under the collective words 'open space'.~~

- 4.18 The following land uses do not count towards public open space: ~~SUDS~~²⁴, structural and peripheral landscaping, footpaths and cycleways except where integral to a large area of public open space, and small areas of incidental land. Also discounted will be some smaller areas of land that are largely surrounded by roads which are ~~may~~ not be suitable for reasons of amenity and safety, or where the adjacent use leaves the location unattractive to use. ~~so will also be discounted.~~

NP In relation to sustainable urban drainage (SUDS) areas, some of these areas may be possible to use as Natural and Semi-Natural Green Space or even Amenity Green Space. However, the Council will need to be persuaded that the design of such SUDS is safe, attractive to use for informal recreation, and easily accessible. Furthermore, the area of the SUDS to be counted as public open space, should be dry and usable for a significant majority of the time.

NP Whilst not included in calculations for open space provision, canals have important recreational value. As such, development sites within 50 metres of inland waterways will be expected to make contributions towards the improvement or re-naturalisation of the waterway, and improvements and enhancements of the canal environment and its towpath. Developers are advised to seek early pre-application discussions with the Canal and River Trust. Contributions will be assessed on a site by-site basis in consultation with relevant agencies.

- 4.19 Public open space will also need to be laid out with appropriate infrastructure, which typically will include: good walking access and/or parking, paths, fences, benches, signage, dog and waste bins, cycle parking, watering points and car parking. Parks and Gardens and Amenity Green Space may have all of these, whilst Natural and Semi-Natural Green Space may have less. Allotments can be expected to have all the facilities suggested by the National Allotments Society, including parking, sufficient water, fencing/security, toilets, and communal shed. It will be the Council's decision as to what is reasonable and relevant to be required for open space facilities provision.

- 4.20 Should the new provision be adopted by the East Herts Council or by a Town or Parish Council, then a commuted management sum would be payable for a period of not less than 20 years. Appendix C identifies the average cost of maintaining different open space typologies based on

²⁴ Sustainable Urban Drainage. NB Exceptionally where the SUDS is also a semi natural greenspace that is likely to be dry and useable as public open space for 90% or more of the time, then the council may choose to allow this to count as public open space.

locally derived maintenance costs .As set out in Section 5.4, these costs will be indexed to take account of inflation. (moved from para 4.20 to Section 5.16)

- 4.21 Other costs could be used, but these need to be robust and confirmed by an independent and appropriately qualified person. This work may be undertaken on the behalf of a developer and proposed to the Council, which should properly consider them. The Council will be willing to consider other management approaches put forward by developers on a case by case basis. Nevertheless, the Council will always need to ensure each arrangement is effective and viable. For example, an alternative approach could be a management company. In this case there would need to be a Planning Condition that sets out specifications and quality standards for provision and maintenance. These alternative arrangements will require open space management in perpetuity (see paragraph 3.16). (moved from para 4.21 to Section 5.16)

Calculations

- 4.22 Where there is a need for new or upgraded open space, the amount is calculated using the standards of provision, in Table 1. Where there is an existing facility off-site, the contributions may be pro-rata. to the development population. (moved to section 5.16 of final SPD)
- 4.23 The costs per area of each typology for, are based on relevant and up to date cost sources. Appendix C identifies the average cost of maintaining different For open space typologies based on this includes SPONS External Works and Landscape Price Book (2019)²⁵ and other robust sources. These are then applied to the need assessed above. As set out in Section 5.4, these costs will be indexed to take account of inflation. (moved to Section 5.16 of final SPD)
- 4.24 On development sites generating less than 0.2ha of any one of: the combined Parks and Gardens and Amenity Green Space typology; Natural and Semi-Natural Green Space; or Allotments, the Council will accept a commuted sum towards provision of new off-site open space of the relevant typology, or towards the enhancement of an existing open space of the relevant typology which is within the accessibility thresholds

²⁵ The most recent SPONS

specified in Table 1, and meets the requirements for accessibility given in Section 5.2. (paragraph moved to section 5.15 of final SPD)

4.25 ~~In some cases, such as play provision, there Play provision has is a trigger based on the number of houses, so as to provide an appropriate level of facility(ies) for the development, see Table 2. This is as follows:.~~ The 67% approach set out in Section 4.5 also applies to play provision. For example, this means that a development of 47 dwellings which does not have access to a LEAP within the accessibility catchment, needs to provide sufficient land on-site plus the population-related proportion of the capital, maintenance and life cycle costs. The 67% threshold for NEAP and teenage provision is 269 dwellings. (moved into section 5.17 of final SPD)

NP ~~Any variations to this approach will need to be adequately justified by the applicant and agreed by the Council.~~

NP ~~The Council will only consider the provision of a Local Area for Play (LAP) in exceptional circumstances, such as for development of 10-46 houses where there is no appropriate accessible play provision.~~

Table 2: Play Provision Required Provision per Size of Development (replace with revised table moved to section 5.17 of final SPD)

On-site provision required for: Scale of development	Locally Equipped Area for Play (LEAP)	Neighbourhood Equipped Area for Play (NEAP)	Youth Sport (MUGA; Skatepark; adventure play)
1-9 Dwellings	No contribution		
10-90 Dwellings	✓		Contribution
91-330 Dwellings	✓	Contribution	✓
331+ Dwellings	✓	✓	✓
✓ means a required provision on-site to F.I.T. specifications			

On-site provision required for:	Locally Equipped Area for Play (LEAP)	Neighbourhood Equipped Area for Play (NEAP)	Provision for Teenagers e.g. (MUGA; Skatepark; adventure play)
Scale of development			
<u>1-9 Dwellings</u>	<u>No contribution or provision</u>	<u>No contribution or provision</u>	<u>No contribution or provision</u>
<u>10-46 Dwellings</u>	<u>Contribution off-site</u>	<u>Contribution off-site</u>	<u>Contribution off-site</u>
<u>47-69 Dwellings</u>	<u>Provide on-site if no accessible facility</u>	<u>Contribution off-site</u>	<u>Contribution off-site</u>
<u>70-268 Dwellings</u>	<u>Provide one LEAP per 70 dwellings</u>	<u>Contribution off-site</u>	<u>Contribution off-site</u>
<u>269-399 Dwellings</u>	<u>Provide one LEAP per 70 dwellings</u>	<u>Provide on-site if no accessible facility</u>	<u>Provide on-site if no accessible facility</u>
<u>400+ Dwellings</u>	<u>Provide</u>	<u>Provide</u>	<u>Provide</u>
<p><u>Note 1: 0.25ha/1,000 (FIT standard) = 2500sqm/1,000. A LEAP is 400sqm equipped play, so this equates to 160 people or an average of 69 dwellings. A NEAP is 1,000sqm so equates to 400 dwellings. Teenage provision provided on similar basis to NEAP.</u></p> <p><u>67% threshold for LEAP: 47 dwellings</u> <u>67% threshold for NEAP and teenage provision: 269 dwellings</u></p> <p><u>On larger sites, where a number of LEAPs and possibly NEAPs are needed, consideration should be given to the best mix of LEAPs and NEAPS, taking into account the required accessibility. For example, If the demand is for say, 4 LEAPS, but three LEAPs can fill the catchment needs, then one or more of the LEAPs or the NEAP may have a larger equipped area to compensate.</u></p>			

4.26 As well as the provision of open space and play facilities, their maintenance and life cycle costs will be required to be met. unless, with the agreement of the Council, a suitable management company is set up to manage the land in perpetuity, to a Council agreed specification/standard. Maintenance contributions will be given to the relevant body, such as the District, Parish or Town Council. (sentence-reworded and incorporated into section 5.9) Reasonable contributions can be requested to cover the cost of setting the specifications and monitoring them can be asked. Table 3 identifies the average cost of maintaining different open space typologies. (moved into section 5.17 of final SPD)

Table 3: Open Space Maintenance Costs (revised table moved to appendix x)

Typology	Maintenance costs per sqm for 20 years ²⁶
Amenity Greenspace/ Parks and Gardens	£25.17
Natural/semi-natural Greenspace	£6.50
Children's Play and Provision for Youth	£6.84
Allotments	£3.89

4.27 Figure 2 below shows worked examples of how to calculate open space contributions Figure 5: Open space worked example (Moved into section 6 'worked examples,' in final SPD)

Figure 2 8: Worked Example Development for calculating open space provision- development of 70 houses.

Population: 70 houses x 2.32 per dwelling = 162.4 people [Outline application]

Children's Play and Provision for Teenagers Young people

- There is an identified local need for both children's play and teenage provision from new developments (Open Spaces Strategy 2017 para 7.44). There is an identified need for youth and teenage provision (different from the provision of an older children's play NEAP). Provision may include a

²⁶ All these figures are based on Spons External Works and Landscape Price Book as at 2019, except for the youth play which is based on a 782sqm MUGA at £150k x 0.4%/yr x 25yrs. Sport England costs Q2/2018.

wheels park, MUGA, youth shelter etc. Type and specification of teenage facilities should be developed in consultation with young people

- The standard of provision, of designated equipped play space excluding buffer zone, is 0.25ha/1,000 people (being 2,500sqm/1,000 people).
- The need is: $162.4/1000 \times 0.25\text{ha} = 0.0406\text{ha}$ (406 sqm) of children's play.
- The play is to be provided on-site with the provision of a LEAP (406sqm), noting the minimum LEAP size is 400sqm (excluding buffer zones).
- The LEAP is to be delivered to Fields in Trust (F.I.T.) specifications/standards.
- Note: Costs are based on Spons Landscape Price Book (2019). Capital costs assumes the 2,500 sqm of equipped play space is split 1,500sqm of LEAP provision and 1000sqm of NEAP provision . Total weighted cost for 2,500sqm of play equipment is £371,250, giving a cost per sqm of £148.50.
- If the provision is agreed by the Council to be off-site, the off-site contribution will be ~~£64,148~~ £60,210 (406sqm x ~~£158~~ £148.50/sqm) capital cost for children's play. ~~If provision for young people is justified on-site then the cost of provision is £192/sqm~~
- Then in addition there will be a life cycle cost at 5% of the capital cost per annum over 20 years = ~~£64,148~~ £60,210 ($60,210 \times 5\% \times 20\text{yrs}$), and a maintenance cost at ~~£6.84~~ £3.68/sqm/yr, over 20 years being = ~~£55,541~~ (£73.65 x 406sqm) = 29,882.
- The total contribution will be ~~£183,837~~ £150,301.
- If appropriate, then a contribution to cover the cost of purchasing off-site land can also be requested (using a land value based on recreation use).

Note 1: if the housing number was ~~higher~~, at say 105 dwellings, and 609sqm of children's play need was generated, then an option may be to deliver a larger 609sqm LEAP on-site, or a one LEAP (about 400sqm) on-site and also an off-site play contribution equivalent to 209 sqm. The 209 sqm funding could either be an off-site contribution, or be added to the ~~Youth~~ teenage play facility contribution to make that facility larger/more deliverable.

Note 2: Whilst it may be possible to deliver the 209sqm as two 100sqm LAPs on-site, LAPs are not to be provided except in exceptional circumstances (see paragraph 5.79 of SPD), but exceptionally they may be delivered in some small isolated developments with no other accessible play. There is a large variation of youth play which include: MUGAs [floodlit, fenced 36.6m x 21.25m, to Sport England specifications at £150,000]; skateparks [smaller c £80- 100,000, larger c £200-250,000]; wheels/pump tracks [£15k upwards]; and some larger adventure play equipment [£20k+ per item].

Note 3: If the number is higher at say 379 houses (879 people) the demand would be 2,198sqm. This would be split for example into 1x NEAP (1,000sqm) plus 3x LEAP (1,200sqm). However there is flexibility to use this money for a

teenage/youth facilities in line with the Open Spaces Strategy policy; for example this can apply if there is already a children's Play NEAP in the catchment.

Amenity Greenspace/Parks & Gardens (P&G)/ Amenity Green Space (AGS)

- There is an identified local need for AGS Amenity Green Space/Parks and Gardens.
- The standard of provision is 1.4ha/1,000 people (being 14,000sqm/1,000 people).
- The need is: $162.4/1000 \times 1.4\text{ha} = 0.2274\text{ha}$ (2,274sqm) ~~of AGS.~~
- 2,274sqm is to be provided on-site to Green Flag standards
- If provided off-site this will be at £15.61/sqm x ~~2,268~~ 2,274sqm = £35,491+ any land cost.
- In addition there will be a maintenance cost at £0.74/sqm/yr, £25.17 (14.74/sqm over 20 years x 2274sqm = ~~£57,227~~ £33,513 ~~(There is no lifecycle cost for AGS/ P&G)~~)
- The total contribution will be £69,004. ~~£1,180,229.~~

Notes: The Open Spaces Strategy sets out the typologies of Parks & Gardens/Amenity Greenspace, and also identifies quantitative surpluses and shortfalls – for example there is a particular deficit in Ware. However, as important as assessing if a contribution or on-site provision is needed is the accessibility standard (480m), such that even if there is a nominal surplus (such as the large surpluses in Bishop's Stortford, Hertford and Sawbridgeworth) a development may need to provide P&G/AGS if there is none accessible within the catchment, or if the quality of the accessible space is too poor to be used. A judgement has to be made as to whether the local supply is of sufficient quantity, quality and accessibility to service the proposed development, or whether an on-site provision is needed, or whether an upgrade of an existing P&G/AGS in the catchment is a better option. Large development sites would normally be expected to have an on-site provision.

- There is an identified local need for NGS.
- The standard of provision is 3.2ha/1,000 people (being 32,000sqm/1,000 people)
- The need is: $162.4 \text{ people}/1000 \times 3.2\text{ha} = 0.5179$ 0.5197ha (5,197179sqm) of NGS.
- 5,19779sqm ~~AGS~~ NGS is to be provided on-site to adapted Green Flag standards.
- If provided off-site this will be (at £3.97/sqm x 5,197 179sqm) = £20,631 + land.

- In addition there will be a maintenance costs at will be $(5,197\text{qm} \times £6.50 \text{ £0.08/sqm}) = £33,779$ of of $£0.08/\text{sqm}/\text{yr}$ over 20 years $\times 5197 \text{ sqm} = £33,781$ ~~£8,419~~.
- The total contribution will be £29,050.

Notes: The Open Spaces Strategy sets out the typologies of Natural and Semi-natural Greenspace, and also identifies quantitative surpluses and shortfalls – for example there is a particular deficit in the towns of Bishop's Stortford and Buntingford but a large surplus in Hertford. However as important as assessing if a contribution or on-site provision is needed is the accessibility standard (720m), such that even if there is a nominal surplus, a development may still need to provide Natural and Semi Natural Green Space, if there is none accessible within the catchment, or if the quality of the accessible space is too poor to be used. A judgement has to be made as to whether the local supply is of sufficient quantity, quality and accessibility to service the proposed development, or whether an on-site provision is needed, or whether an upgrade of an existing N/SNGS in the catchment is a better option. Large development sites would normally be expected to have an on-site provision.

- There is no life cycle cost for this typology.

Allotments

- The standard of provision is 0.3ha/1,000 people (being 3,000sqm/1,000 people).
- The need is: $162.4/1000 \times 0.3\text{ha} = 0.0487\text{ha}$ (487sqm).
- 487sqm equates to under 2 allotment plots (250sqm each).
- This is below the 8 plots threshold (see note below). Unless these can be added to an existing local allotment site, and equivalent off-site contribution should be made to cover the land cost and establishment of a new site (which may need other Contributions or grants as well).
- No maintenance costs, as these should be able to be covered by allotments operational income. If not then seek contribution by applying $£0.49/\text{sqm}/\text{yr}$ or $£9.80/\text{sqm}/20\text{yrs}$ apply $£3.89/\text{sqm}$.

Note 1: The Open Spaces Strategy sets out the typologies of Allotments, and also identifies quantitative surpluses and shortfalls – for example there is a particular deficit in Ware town but a current small surplus in Hertford. However as important as assessing if a contribution or on-site provision is needed is the accessibility standard (1000m), such that even if there is a nominal surplus, a development may need to provide allotments if there is none accessible within the catchment, or if the quality of the accessible space is too poor to be used. A judgement has to be made as to whether the local

supply is of sufficient quantity, quality and accessibility to service the proposed development, or whether an on-site provision is needed, or whether an upgrade/extension of an existing allotment in the catchment is a better option. The Open Spaces Strategy identifies (para 8.42) that the priority is for development sites to have on-site provision, or if not possible then adjacent or within 1000m of the (centre) of the development, or if not reasonably achievable, then a contribution to the nearest site.

Note 2: The minimum allotment size is to be taken as 8 plots of 250sqm each, plus a minimum 20% extra to cover the required access and secure fencing, landscaping/trees, internal paths, shelter/shed, toilet, composting areas and water. This would be 2,000sqm or 0.2ha for 8 plots. With the NSALG standard of 0.23ha (2,300sqm) per 1000 people, 2,000sqm provides for 860 people or 370 houses minimum, being the nominal threshold for a new allotment.

Note 3: A new site may be part of a site on another larger housing application site, within 10 minutes' drive, where there is room to increase its size. The land price to be paid should be at allotment/agricultural rates, not housing rates.

4.3 When will we require open space, sport and recreation contributions? the SPD be used? (insert new section 4.3, previously 2.4- see relevant text above)

4.4 How will Calculating contributions for built sports facilities be used? Sports Halls, Swimming Pools, Gyms and Studios, Outdoor Bowls, Outdoor Tennis, and Community Halls. (moved to section 5.12 in final SPD)

~~4.28 The standards of provision for sports hall, swimming pools and gyms, outdoor bowls, outdoor tennis and community halls is set out in figure 4, taken from the Infrastructure Delivery Plan 2017 (IDP) and Open Spaces and Sports Facilities Assessment Technical Study (2018) (deleted as repetition of new section 3)~~

~~4.29 In most circumstances maintenance costs and lifecycle costs are also required. The calculations for these are set out in worked examples. (deleted as repetition of sections 5 and 6)~~

4.30 ~~Figure 3 shows worked examples of how swimming pools, sports halls and gym/studios contributions are calculated~~ (repetition of section 6)

NP The flow chart in Section 5.7 for built facilities has two parts:

Sports hall, swimming pools, gyms and studios

NP The contributions will be towards strategic and satellite facilities. East Herts Council will decide which facility will be funded, guided by the Built Facilities Strategy action plan latest version, which is available on the EHC web site.

Outdoor tennis, outdoor bowls and community/village halls

NP The Built Facilities Strategy action plan latest version, which is available on the EHC web site will provide some guidance about requirements, but this should be supplemented by local consultation to identify local needs and how these should be met.

Figure 3 Worked Example Development of 700 houses.

Population: 700 houses x 2.32 per dwelling = 1,624 people

(Note: Example in Hertford/ Ware sub-area. Capital costs, lifespan and maintenance costs are as advised by Sport England).

Sports Halls

- The Built Facilities Strategy (BFS) identifies a need for new hall facilities in all sub-areas, as well as enhancing the Drill Hall in Ware, and improving school sites with community access (see Built Facility Study Executive Summary paras 3.34 – 3.41)
- The standard of provision is 0.29 courts per 1,000 people.
- The need is: 0.47 courts.
- Contributions are sought off-site for 0.47 courts.
- The capital cost of 1 court based on a 4-court Hall is ~~£602,500~~ £618,750 (Sport England Facility Cost Q2/20198)
- The sports hall contribution is ~~£283,753~~ 291,407.
- To this is added the lifespan cost at 0.5% of the capital cost per annum for 25 years, being ~~£35,469~~ 36,426; and then add 1% per annum maintenance costs over 25 years, being ~~£70,938~~ 72,852.

- The total hall contribution will be ~~£390,161~~400,684.

Note: A sports hall is a strategic facility, with a catchment of around 20 minutes' drive and so accessible to effectively all the District).

Swimming Pools

- The Built Facilities Strategy identifies need to provide new and replace/refurbish existing pools (see paras 4.25-4.36).
- The standard of provision is 11.31sqm of water space/1,000 people²⁷.
- The need is: 18.37sqm of water space.
- Contributions are sought off-site for 18.37sqm of pool space.
- The cost for pool space is ~~£45,792~~ 16,224/sqm²⁸.
- The swimming pool Contribution is ~~£45,792~~ 16,224 x 18.37sqm = ~~£290,059~~ 297,993
- To this is added a life cycle / replacement contribution at 0.5% per annum for 25 years, being ~~£36,257~~ 36,249; and then a maintenance cost a 1% per annum for 25 years, being ~~£72,515~~ 74,498.
- The total pool contribution will be ~~£398,831~~ 409,741.

Note: A swimming pool is a strategic facility, with a catchment of around 20 minutes' drive and so accessible to the large majority of the District. All applications can be requested to contribute to such a facility; however, priority should be given to developments nearest to the development, and within the catchment. Costs based on a 6-lane pool.

Fitness Gym

- The Built Facilities Strategy identifies that there will be a need for additional fitness/gym provision to meet future demand.
- The standard of provision is 7.17 stations per 1,000 people.
- The need is: 1624/1000 x 7.17 stations = 11.64 stations.
- Contributions are sought for 11.64 stations.
- The cost of a station is £11,122 per station (includes building and equipment).
- The contribution will be £129,505.
- To this is added the lifespan cost at 0.5% of the capital cost over 25 years, being £16,188; and then the maintenance cost at 1% of the capital cost over 25 years, being £32,376.
- The total fitness gym cost will be £178,070.

Note: A gym station cost is based on a 100 station gym at £1,810 per sqm;

²⁷ This is based on the housing growth in the Hertford & Ware sub area, and the Team Generation Rates for this sub area. At the time of the PPS there were of 4,524 dwellings, an identified need for 1.17 AGPs (PPS Fig 119) in the sub area; giving 0.2586 AFPs/1,000

²¹ Based on Sport England costs for a 6-lane pool

being a typical gym area of 420sqm plus 20% for changing, reception and circulation = 504sqm, so a total build cost of £912,240, with an additional £2,000 per station (£200,000), totalling £1,112,240, being £11,122/station.

Studio

- The Built Facilities Strategy identifies that there will be a need for additional studio provision to meet future demand.
- The standard of provision is 0.13 studios per 1,000 people.
- The need is: 0.21 studios.
- An average studio is 140sqm, with a cost of £1,810/sqm.
- Contributions are sought for $(140 \times 0.211) \text{ sqm} \times £1,810/\text{sqm} = £53,498$.
- To this will be added the lifespan cost at 0.5% per annum for 25 years, being £6,687; and then the maintenance cost at 1% of the capital cost for 25 years, being £13,374.
- The total studio contribution will be £73,559.

Outdoor and Indoor Bowls

- There is an identified need in the Built Facilities Strategy for two new outdoor 6-rink facilities in the Gilston Area and the Buntingford Area. Contributions from development in the Buntingford, Watton and Bishop's Stortford sub areas will be directed towards the Buntingford facility, and from the Hertford/Ware and Gilston/Sawbridgeworth area towards the Gilston area facility. There also a need to provide for short-mat bowls at village and community halls (with storage), and contributions can be allocated to this.
- The standard of provision is 0.59 rinks per 1,000 people.
- The need is: 0.96 rinks.
- Contributions are sought for 0.96 rinks (with a capital cost of ~~£66,667~~ £68,333 per rink including clubhouse, based on 6 rink green being ~~£63,877~~ £65,474).
- To this is added a maintenance cost of 6.3% of the capital costs per annum, being £100,607. Sport England does not advice lifespan costs for outdoor bowls.
- The total outdoor bowls contribution will be ~~£164,484~~ £168,596.
- This outdoor bowls contribution can be allocated to support indoor short-mat bowling in a local village hall/ community centre.

Outdoor Tennis

- There is a need for new tennis courts, as set out in the Built Facilities Strategy.
- The standard of provision is 0.32 courts per 1,000 people.
- The need is: 0.52 courts.

- The capital cost per court including a two changing clubhouse (£255,000 260,000), based on a floodlit £365k £375,000 4-court site, is £155,000 160,000 per court.
- The contribution is £80,550 82,499
- To this is added the lifespan cost at 1.2% of the capital cost per annum for 25 years, being £24,165 24,750; and then the maintenance contribution at 0.4% per annum over 25 years, being £8,055 8,250.
- The total tennis contribution will be £112,771 115,499.

Village/Community Centres

- There is a need for village/community centres, as set out in the Built Facilities Strategy.
- The need is 120sqm per 1,000 people.
- The capital cost is £1,810 per sqm, excluding the cost of ancillary facilities such as car parking.
- The demand from the development is 195sqm
- The capital contribution is £352,733
- A contribution may be sought towards revenue costs up until the whole of the development which the facility is designed to serve, is fully built out.
- ~~To this is added the lifespan cost at 0.5% per annum for 25 years, being £44,092; and then the maintenance cost at 1% per annum for 25 years, being £88,183.~~
- ~~The total community hall contribution will be £485,008.~~

3G AGP (Artificial Grass Pitch)

- ~~The Playing Pitch Strategy identifies a need for new full-sized floodlit 3G-AGPs across the District.~~
- ~~The demand is based on 0.26 AGPs (Hertford and Ware sub area) per 1,000 people²⁹.~~
- ~~The need from the development is 0.42 AGPs~~
- ~~The capital cost is £965,000 per AGP;~~
- ~~The contribution will be £405,268;~~
- ~~To this will be added the lifespan cost at 0.5% per annum for 25 years, being £50,658; and then the maintenance cost at 1% per annum for 25 years, being £101,317.~~
- ~~The total AGP contribution will be £557,243.~~

²⁹ This is based on the housing growth in the Hertford & Ware sub area, and the Team Generation Rates for this sub area. At the time of the PPS there were of 4,524 dwellings and an identified need for 1.17 AGPs (PPS fig 119) in the sub area; giving 0.2586 AGPs/1,000.

4.4 Does this SPD affect masterplans and phasing for larger housing developments? (insert new section 4.4, previously 2.9- see relevant text above)

4.5 How will contributions be calculated ~~Calculating Contributions for playing Pitches-fields~~ (moved to section 5.13 in final SPD)

4.31—~~The justification for contributions need for playing pitches is identified in the Playing Pitch Strategy (PPS 2017) and its key strategic actions plan sections. The PPS identifies five sub-areas, the same sub-areas as identified in this SPD (Figure 1). For each of the sub-areas the PPS has a detailed strategic action plan covering football, cricket, rugby, hockey and artificial grass pitches (AGPs). It The PPS was undertaken in line with Sport England's guidelines and t. The needs are as set out in the PPS and include quality improvements to current facilities, as well as significant new provision³⁰. There is a particularly large need for 3G-AGPs (football specification artificial grass pitches) and for Strategic Football Hubs. The PPS's action plan will be updated, including the investment priorities and updated costs for specific projects. The update will be available on the Council's website and will ensure the list of projects requiring~~ s106 contributions is up to date so the most appropriate way of meeting the demand from the new development can be met.

4.32 The demand for new pitches generated by a housing development is best calculated by using Sport England's Playing Pitch Calculator using the relevant sub-area's Team Generation Rates). This Playing Pitch Calculator which The decision flow chart (see section 5.7) refers to Sport England Playing Pitch Calculator which is hosted on their Active Places Power website. This uses the District's local population profile, team numbers and sports club membership information and is pro rata for the population of the proposed new development. the Team Generation Rates (TGRs) from the PPS, and is pro rata for the population of the proposed new development.

4.33 Playing pitches lie within playing fields. The playing fields area that needs to be provided must also accommodate access, parking, pavilion space, landscaping, spectator space and any other land unusable as pitch space. The land area to be provided will therefore normally need to be approximately 150% of the area of the new pitch space ~~required~~needed.

³⁰—In the worked examples (Figure 4) the Sport England Playing Pitch Calculator (PPC) is the advised method of calculating need (and contributions) As at the time of writing this SPD (July, 2019) there are problems with the PPC calculations for AGPs. As an interim method, using the Sport England facility Calculator (SFC) for AGPs can be recommended. This issue should be resolved in the Autumn.

NP If the demand generated by the development is for the large majority (67% or more³¹) of two adult pitches for football, or two adult pitches for rugby, or one 8-wicket pitch for cricket, or one AGP, then the playing field space for the pitches and accompanying ancillary facilities are likely to be required to be provided on-site. All necessary appropriate land will be provided by the developer at no cost, as well as the population-related proportion of the capital, maintenance and life cycle costs of the facility.

4.34—If the calculated pitch amount is less than 67% of: two adult pitches for football, or two adult pitches for rugby, or one 8-wicket pitch for cricket, or one AGP, then usually an off-site contribution will be required. However this is dependent upon demonstration to the Council's satisfaction, that there is sufficient accessible capacity elsewhere to meet the new demand arising from the development. This is because playing fields of less than these numbers of pitches usually struggle to be viable. The preference is usually to support large club sites, and/or multi-pitch grass sports hubs with two or more sports and other recreation activities.

Playing Pitches Contributions (whole sub-section moved to section 3)

4.35—The EHC Playing Pitch Strategy (PPS) has been undertaken in line with Sport England's guidelines. The needs are as set out in the PPS and include quality improvements to current facilities, as well as significant new provision³². There is a particularly large need for 3G-AGPs (football specification artificial grass pitches) and for Strategic Football Hubs.

4.36 Football: All sub areas have a deficit in football pitches over the plan period (see PPS Fig 117), which can be mitigated by new provision, enhancing existing sites, and securing community access to school sites, where site planning, suitable ancillary facilities (such as car parking, access and changing) safeguarding and carrying capacity allow.

³¹ Where there is a need of 67% or more for a facility generated by a development, it is a reasonable threshold above which on-site provision should be required.

³² In the worked examples (Figure 4) the Sport England Playing Pitch Calculator (PPC) is the advised method of calculating need (and contributions) As at the time of writing this SPD (July, 2019) there are problems with the PPC calculations for AGPs. As an interim method, using the Sport England facility Calculator (SFC) for AGPs can be recommended. This issue should be resolved in the Autumn.

- 4.37 As well as smaller club sites some larger Strategic Football Hubs are needed, with ideally two new 3G-AGPs, grass pitches and clubhouse facilities. These hubs should be considered to support: Bishop's Stortford Community FC; Bengio Tigers and Hertford Town FC; Buntingford Cougars FC; Wodson Park Sports Trust/North & East Ware extension; and Gilston Garden Village.
- 4.38 Cricket: There is a deficit in all sub areas (PPS Fig 175) and a need to reinstate un-used pitches and secured community use of 16 school sites, as well as enhancing other sites. All developments in all sub areas need to make Contributions to cricket, guided by the site specific action plan (PPS Figs 177-181).
- 4.39 Rugby: There is a deficit of rugby pitches across the District (PPS Fig 207) that needs to be addressed through new pitch provision, community access to education pitches and enhancements of current pitches. The site specific action plan is to be used to guide to spending Contributions (see PPS Fig 208).
- 4.40 Hockey: There is deficit across the district and a need for two new hockey-AGP pitches, securing and improving education sites so as to allow community use, and enhancement of current sites. The site specific action plan (PPS Fig 232) is to be used to guide Contributions spend.
- 4.41 ~~The Contributions calculations for pitches are derived from the Sport England Playing Pitch Calculator (SpE-PPC). This SpE-PPC uses the latest district demographics, and then it calculates the needs and costs based on the pro-rata population of the development.~~
- 4.42 ~~The costs for specific sites may be based on specific locally-derived robust costs that a club may have identified, or be based on the Sport England/National Governing Body (NGB) costs, see . The latter costs (Q2/2018) are set Figure 4. out below.~~
- 4.43 ~~Typical costs for football facilities improvements³³ are:
Piped drainage: £35,100 per adult pitch (7,420sqm); £29,400 for an average youth pitch (5,542sqm) and £9,500 for an average mini pitch (1,200sqm).~~

³³ SpE Q2/2017 costs for all football, rugby, cricket improvements

Regrading and improvement of playing surface: £23,500 per adult pitch (7,420sqm); £19,000-400 for an average youth pitch (5,542sqm); and £5,700 for an average mini pitch (1,200sqm).

~~4.44 Cost for new pitch and pavilion provision³⁴ are:~~

~~A new adult pitch will cost about £95,000 to provide, assuming no significant abnormal costs; youth pitch costs £75,000 and mini pitch costs £25,000).~~

~~A typical football pitch will cost £0.578/sqm (£4,592 for a 7,420sqm adult pitch) to maintain.~~

~~A 2-team changing pavilion at 75sqm will cost about £3,280/sqm being £246,000, and a 4-team pavilion being 245sqm at about £2,636/sqm will cost £645,750.~~

~~4.45 Example costs for rugby facilities are:~~

~~Piped drainage: £62,905 per adult pitch (7,420sqm); £26,803 for an average junior pitch (2,580sqm).~~

~~Regrading and improvement of playing surface: £41,353 per adult pitch (7,420sqm); £16,410 for a junior pitch (2,580sqm).~~

~~4.46 Cost for new pitch and pavilion provision are:~~

~~A new adult pitch will cost about £135,000 to provide (10,400sqm).~~

~~A typical football pitch will cost £0.621/sqm (£6,460 for a 10,400sqm adult pitch) to maintain.~~

~~A 2-team changing pavilion at 75sqm will cost about £3,400/sqm being £255,000, and a 4-team pavilion being 245sqm at about £2,714/sqm will cost £665,000.~~

~~4.47 Example costs for cricket facilities are:~~

~~Improved cricket square: £22,974~~

~~Piped drainage (outfield): £67,390.~~

~~Regrading and improvement of outfield: £44,963.~~

~~A new pitch (13, 543sqm outfield + 619sqm) will cost about £199,500 to provide.~~

~~4.48 Cost for new pitch and pavilion provision are:~~

~~A new pitch will cost £0.74/sqm or £10,438 per pitch to maintain.~~

~~A 2-team changing pavilion at 75sqm will cost about £3,400/sqm being £255,000, and a 4-team pavilion being 245sqm at about £2,714/sqm will cost £665,000.~~

³⁴ SpE Q2/2018 costs for all football, rugby, cricket new provision

Hockey

Hockey is based on the costs for a hockey compliant AGP, for example a mat replacement at about £200,000

Figure 4- Worked example for calculating playing pitch provision- Development of 700 houses.

Population: 700 houses x 2.32 per dwelling = 1624 people

NB: This example uses the data (TGRs input into the Playing Pitch Calculator) for the Hertford and Ware sub-area.

Football

- There is an identified need for football pitch improvements across all sub-areas.
- The provision areas are, based on the development's population, are set by the Playing Pitch Calculator:
 - Adult football: 0.46 pitches at a capital cost of £46,958. The combined life cycle and maintenance cost is £9,260/yr, so for 20 years this will be £185,200.
 - Youth football: 0.66 pitches at a capital cost of £53,200. The combined life cycle and maintenance cost of £10,441/yr, so for 20 years this will be £208,820.
 - Mini football: 0.67 pitches at a capital cost of £17,953. The combined life cycle and maintenance cost of £3,523/yr, so for 20 years this will be £70,460.
- The Contribution will be made to pitch improvements projects identified in the PPS Site Specific Action Plan, and within the relevant the sub-area, or other location within the accessibility catchment.

Rugby

- There is an identified need for rugby pitch improvements across all sub-areas.
- The provision areas are, based on the development's population, are set by the Playing Pitch Calculator:
 - 0.16 pitches at a capital cost of £22,696. The combined life cycle and maintenance cost is £4,539/yr, so for 20 years this will be £90,780.

Cricket

- There is an identified need for cricket pitch improvements across all sub-areas.

- The provision areas are, based on the development's population, are set by the Playing Pitch Calculator:
 - 0.07 pitches at a capital cost of £22,109. The combined life cycle and maintenance cost is £4,157/yr, so for 20 years this will be £83,140.

Hockey AGP

Note the Playing Pitch Calculator does not, at present, calculate hockey correctly, so the following approach is used:

- There is an identified need for Hockey AGPs across the District.
- Hockey need identified in the PPS from new development is for 2 new AGPs. New development population is 29,448. This equates to 0.068 pitches/1000 people.
- This development generates $1624/1000 \times 0.068$ pitches = 0.11 pitches
- A hockey AGP costs $\text{£}895,000 \times 0.11 = \text{£}98,450$.
- Maintenance at 1% of capital $\times 25$ years $\text{£}2,461$
- The total Hockey contribution will be $\text{£}100,911$

Figure 4-5: Playing pitch calculations worked example (example moved into section 6 of the final SPD)

Worked Example Development of 700 houses.

Population: 700 houses \times 2.32 per dwelling = 1624 people [Outline application]

This uses the Sport England April 2020 version of the Playing Pitch Calculator³⁵, which uses a district-wide population profile and the estimated population of the development. It also uses the district-wide team numbers for the pitch sports drawn from the East Hertfordshire PPS (2017), inclusive of displaced and latent demand.

The calculations below assume that all the matches take place at peak time, whatever the league. It also assumes that there is no change in rates of participation over future years.

The Worked Example outputs give an overall indication of the developers' contributions which may be required for a development of this size.

³⁵ Sport England Active Places Power <https://www.activeplacespower.com/>

Playing Pitch Calculator output

The text in black is from the Sport England Playing Pitch Calculator. The text in red provides the 20 year life cycle cost for the pitches and pavilions and a total cost of the provision. The life cycle costs include both annual maintenance and an annual contribution towards a sinking fund to cover such things as the replacement carpet for artificial pitches and major drainage works for natural grass pitches.

The nature of the project to which the contributions are directed will determine the justification or otherwise of the maintenance and life cycle costs. Most playing fields will expect to charge for use, but the extent to which the income from activities covers the cost of maintenance and sinking fund will depend on the site. For example, a 3G artificial turf pitch may usually be expected to generate sufficient income to meet its life cycle costs. However grass football pitches are often not used enough to cover all of the maintenance costs.

	Output from Sport England Playing Pitch Calculator			Calculated contributions for 20 years life cycle costs for pitches	Total cost: capital plus 20 years life cycle costs for pitches
	Number of pitches required to meet the estimated demand	Capital Cost	Life cycle cost (per annum)		
Total	3.48	£519,356	£74,606	£1,492,117.57	£2,011,473.83
Natural Grass Pitches Total	3.30	£326,751	£68,215	£1,364,303.61	£1,691,054.20
Adult Football	0.85	£93,372	£19,702	£394,031.89	£487,404.37
Youth Football	1.03	£84,749	£17,797	£355,945.43	£440,694.34
Mini Soccer	0.90	£24,830	£5,214	£104,285.77	£129,115.71
Rugby Union	0.27	£41,215	£8,820	£176,399.06	£217,613.79
Rugby	0.00	£0	£0	£0.00	£0.00

League					
Cricket	0.25	£82,585	£16,682	£333,641.47	£416,225.99
Artificial Grass Pitches Total	0.18	£192,606	£6,391	£127,813.96	£320,419.62
Sand Based for hockey	0.04	£33,325	£1,033	£20,661.29	£53,985.95
3G for football	0.15	£159,281	£5,358	£107,152.67	£266,433.67
	Output from Sport England Playing Pitch Calculator		Life cycle cost for changing @ 1.3% (per annum)	Calculated contributions for 20 years life cycle costs for changing	Total cost: capital plus 20 years life cycle costs for changing
	Changing rooms (number)	Changing rooms (capital cost)			
Total	4.22	£789,536	£10,264	£205,279.31	£994,815.12
Natural Grass Pitches Total	3.86	£721,016	£9,373	£187,464.08	£908,479.78
Adult Football	1.70	£317,466	£4,127	£82,541.28	£400,007.72
Youth Football	1.11	£208,274	£2,708	£54,151.28	£262,425.45
Mini Soccer	0.00	£0	£0	£0.00	£0.00
Rugby Union	0.54	£100,093	£1,301	£26,024.16	£126,117.09
Rugby League	0.00	£0	£0	£0.00	£0.00
Cricket	0.51	£95,182	£1,237	£24,747.36	£119,929.52
Artificial Grass	0.37	£68,520	£891	£17,815.23	£86,335.34

Pitches Total					
Sand Based for hockey	0.07	£13,818	£180	£3,592.56	£17,410.10
3G for football	0.29	£54,703	£711	£14,222.67	£68,925.23

The next steps

The Sport England accompanying text to the Playing Pitch Calculator web output states:

It is important the results are looked at alongside the findings, recommendations and action plan of the PPS for the area to help determine the most appropriate way of meeting the demand and justifying any resulting proposals. This should include:

1. Using the PPS to understand the nature of the playing pitch sites within an appropriate catchment of the new population along with issues, recommendations and actions relevant to that area.

2. Looking at the different ways in which the demand could be met, including for example:

a. Enhancing existing provision to increase its capacity, supported by suitable management and maintenance arrangements to ensure the greater capacity is maintained over the longer term;

b. Undertaking works, and ensuring long term maintenance and access arrangements, to secure new or greater community use of existing provision;

c. Providing new pitches on new sites (natural and/or artificial grass pitches).

3. Having regard to the Government's regulations, policy and guidance regarding the use of the Community Infrastructure Levy and planning obligations (e.g. the Regulation 122 tests)

Note: If the decision is taken to provide new pitches, then the calculator takes the estimated demand for the use of pitches for matches and training activity and converts this into an estimate of the likely pitch provision required to meet the demand. Indicative costs are also provided to provide this level of pitch provision.

Pitches and pavilion typical costs

It should be noted that these costs assume that there are no abnormal costs for a site.

Football

Typical costs for facilities improvements

- Piped drainage: £38,400 per adult pitch (7,420sqm); £32,164 for an average youth pitch (5,542sqm) and £10,393 for an average mini pitch (1,200sqm)².
- Regrading and improvement of grass playing surface: £25,500 per adult pitch (7,420sqm); £20,786 for an average youth pitch (5,542sqm); and £6,236 for an average mini pitch (1,200sqm)².
- 3G pitch replacement carpet⁴.

Typical costs for new pitch provision:

- New grass pitches¹:
 - adult pitch £100,000
 - youth pitch £75,000
 - mini pitch costs £25,000
- A typical grass adult football pitch will cost £16,700 per year to maintain (£2.25/sqm)³.
- A typical adult football pitch will have a life cycle cost of £4,400 per year (£0.59/sqm)³.

Rugby

Typical costs for rugby pitches improvements are:

- Piped drainage: £62,905 per adult pitch (7,420sqm); £26,803 for an average junior pitch (2,580sqm)².
- Regrading and improvement of playing surface: £41,353 per adult pitch (7,420sqm); £16,410 for a junior pitch (2,580sqm)².

Typical costs for new rugby pitch provision are:

- A new full size grass pitch will cost about £140,000 to provide¹.
- A typical full size rugby pitch will cost £23,300 per year to maintain (£2.24/sqm)³.
- A typical full size rugby pitch will a life cycle cost of £6,580 per year (£0.63/sqm)³.

Cricket

Typical costs for cricket pitch improvements are:

- Improved cricket square: £22,974².
- Piped drainage (outfield): £67,390².
- Regrading and improvement of outfield: £44,963².

Typical costs for new cricket pitch provision are:

- A separate 8-pitch square new cricket pitch (13, 543sqm outfield + 619sqm)
 - will cost about £207,153¹ to provide.
 - will cost about £31,694 to maintain³.
 - will have an annual life cycle cost of around £10,150 per year (£0.72/sqm)³.
- A new 8-pitch cricket square plus 2 winter sports pitches overlain on the outfield
 - will cost about £295,000¹ to provide.
 - will cost £45,135 per year to maintain (£2.19/sqm)³.
 - will have an annual life cycle cost of £14,455 per year (£0.70/sqm)³.

Hockey

Typical costs for hockey facilities improvements are:

- Hockey surface replacement carpet about £200,000⁴.

Cost for new hockey artificial grass pitch provision:

- Full size sand dressed artificial grass pitch with floodlighting will cost about £820,000 to provide assuming no abnormal costs¹.

Changing rooms/club house/pavilion facilities

All pitch sports require changing rooms/club house/pavilion facilities as essential ancillary facilities.

A 2-team changing pavilion at 75sqm will cost about £3,467/sqm being £260,000, and a 4-team pavilion being 245sqm at about £2,776/sqm will cost £680,000¹.

Note on sources:

- 1 Capital costs for new provision based on Sport England Quarter 2, 2019 Facilities Costs <https://sportengland-production-files.s3.eu-west-2.amazonaws.com/s3fs-public/facility-costs-q2-19.pdf>
- 2 Sport England Protecting Playing Fields Guidance Cost Sheets with update to Q2/2018
- 3 Sport England Life Cycle Costings Natural Turf Pitches (2012) <https://sportengland-production-files.s3.eu-west-2.amazonaws.com/s3fs-public/life-cycle-costs-natural-turf-pitches-april-2012.pdf>
- 4 Market costs, February 2020

4.5 Does land need to be provided and if so how? (insert new section 4.5, previously 2.10- see relevant text above)

4.6 Can contributions be made to existing facilities? (insert new section 4.6, previously 2.12- see relevant text above)

4.7 What ~~Is there~~ flexibility ~~is there~~ in requesting contributions? (insert new section, previously 5.5- see relevant text below)

4.8 Is there early advice available to developers? insert new section, previously 2.13- see relevant text above)

4.9 How are the legal agreements made? insert new section, previously 2.14- see relevant text above)

4.10 How is inflation dealt with? (insert new section, previously 5.4- see relevant text below)

4.11 Monitoring and enforcement (insert new section)

NPPlanning obligations will be monitored to ensure that they are being undertaken or paid at the agreed times. The applicant should notify the Council when the development commences or the trigger for payment/delivery has been reached. On receipt of the notification the Council will issue an invoice for the amount payable including any indexation.

NP The Council will monitor Building Control and other sources and will issue an invoice if the Applicant fails to advise the Council that the payment has been triggered. Indexation applies until the date of the invoice, so in these circumstances the amount may be higher than if the applicant had advised the Council when the payment was triggered. Penalty interest is payable to all unpaid contributions and accrues from the date payment is triggered to the date of actual payment.

NP Late payment fees may be charged. If there is a failure to comply the Council will take appropriate enforcement action and full cost recover will be sought.

NP To cover the cost of monitoring, the Council may charge a monitoring fee which is payable upon completion of a section 106 deed.

NP The Council will monitor and report annually on the section 106 contributions received in the Authority Monitoring Report and Infrastructure funding statements.

5 Other Calculation Information-How to assess Contributions

5.1 How are contributions costed for upgrades and extensions to existing facilities? (section 5.1 moved to section 5.11 in final SPD)

5.1 In addition to new facilities, where a whole new facility is not required but an assessed need for an extension or major refurbishment of an existing facility-sport or recreation facility, playing pitch site or open space has been identified, other robust costs can be used from relevant various sources including: Sport England's Facilities Cost Guidance, Sport England Playing Pitch Calculator, National Governing Bodies of Sport, SPONS Architects Built Construction or and SPONS Landscape Cost Books, local market estimates or quotes.

NP The Built Facilities and Playing Pitch Calculator both use the cost of new provision to estimate the costs of meeting demand from a development. The costs of meeting and maintaining different open space typologies based on SPONS External Works and Landscape Price Book (2019)³⁶ and locally derived maintenance cost from contract prices.

NP Local costs can be used, for example on a £ per sqm basis, but these need to be robust and confirmed by an independent and appropriately

³⁶ The most recent SPONS available at the time of drafting

qualified person. This work may be undertaken on the behalf of a developer and proposed to the Council, which should properly consider them.

5.1 Is there a list of what facilities are needed? insert new section, previously 3.1- see relevant text above

5.2 How are maintenance and life cycle ~~, sinking funds and land costs~~ calculated (section 5.2 moved to section 5.9 in final SPD)

~~5.2 The cost of Maintenance and life cycle costssinking funds, where justified, should be calculated and included in the contributions' request. These may be based either on Sport England's or the relevant national governing body NGB's maintenance cost advice (as used within the 'Worked Examples') for sports facilities or on the costs in Appendix C for open space and play, as relevant.~~

~~NP However, alternative local costs may be used. These will need to be robust and confirmed by an independent and appropriately qualified person. This work may be undertaken on the behalf of a developer and proposed to the Council, which should properly consider them.and the 'Calculator Example' (Appendix 3). Where they are known, robust local market and architects costs can be used.~~

~~NP Developers will need to demonstrate they have secured an acceptable means of ensuring future maintenance, particularly of open space. If proposing to use a management company details will need to be submitted with the planning application to ensure the council is satisfied that appropriate arrangements are in place to effectively maintain the provision in perpetuity.~~

5.2 What demand will there be for facilities and open spaces from the residents of a new development; quantity, accessibility, quality? (insert new section, previously 3.2- see relevant text above)

5.3 What is meant by the term 'Appropriate Land' ~~and how will the costs be calculated?~~ (section 5.3 moved to 5.10 of the final SPD)

5.3 Appropriate land means, for example, sufficient land for the sport and its ancillary facilities (such as parking), in an appropriate and accessible location, of the right type to allow the sport to be played as envisaged by

the relevant national governing body ~~NGB~~, able to be viably serviced, and for pitches, would need to allow an acceptable layout with the correct orientation and with the pitches suitably level (typically 1:100 slopes) with good drainage, outside of the floodplain, and away from tree canopies.

- 5.4 It is also important to ensure that the function of the land is not compromised by adjacent development. For example, a sports or recreation use does not significantly impact on residential amenity (noise, light, traffic, parking, cricket ball strike, etc).
- 5.5 It is equally important that new housing (and other) development must not cause the use, function or enjoyment of an existing sports or recreation use to be compromised, for example by leaving a sufficient area around a cricket pitch to prevent ball strike issues. There is case law on this matter³⁷.
- 5.6 For off-site provision and where an off-site land cost is justified, then in addition to the facility Contribution, a land cost contribution will also need to be included in the developers' contributions, or the land will need to be secured for permanent community use by the developer by other means.
- 5.7 The land cost contribution will normally be based on the local market cost for the relevant land use.
- 5.8 Land provision examples:
- Should it be agreed a housing development needs to develop on sports facility land, then (subject to it being acceptable in planning terms) suitable new land will need to be secured and the facility constructed, along with the necessary ancillary facilities. It will need to fully meet NPPF and Sport England's advice³⁸, as well as District Local Plan Policies including CFLR1 and CFLR8.
 - Should the housing development generate an on-site need for a whole youth sport provision (say a skatepark), but it is agreed with the Local Planning Authority that there is no suitable space on-site, then the developer will be required to secure the delivery off-site on appropriate, accessible land. This might be achieved by, for example, using land that a Parish Council already owns and upon which they wish to see such a facility developed, in which case there would be no cost of land purchase.

³⁷ See Sport England's Appeals database (one example: East Meon CC v East Hants DC [CO/1894/2014])

³⁸ Sport England : Playing Fields Policy and Guidance March 2018

- Should a development generate the need for 67% or more of any sports or recreation facility, then this facility should generally be provided on-site, and all necessary land will be provided by the developer at no cost as well as the population related ~~portioned~~ proportion of the cost of the facility.
- If a developer is required to provide for a facility on-site, for example because of master plan or other policy requirements, but the need generated by the development is only, for example, 40% of the facility (so 40% of the land), then then developer will be required to provide all the land, as long as the additional 60% of the land is be paid for by another body (e.g. as the District Council, sports club or a Town Council). The land cost in this case will be set at the local market rate for the planned leisure use, and not at the housing market rate.

5.9—There may be a need to add to the contributions the total cost of other local and/or site-specific costs e.g.c abnormal ground conditions, site access needs, structural landscaping, acoustic fencing, legal fees etc.

5.3What are the standards of provision? insert new section, previously 4.2- see relevant text above)

5.4 How is inflation dealt with? (section 5.4 moved to section 4.10 of final SPD)

5.10 The baseline costs in this SPD are current costs based on Q2/2018⁹, unless otherwise stated. Developers will need to pay costs that reflect construction and delivery inflation and/or other justified costs at the time of the application. ~~The SPD costs will normally be updated annually by Applicants should note that the Council will review the capital and maintenance costs annually to take inflation into account. The first review will occur in 2021 and we will usually rebase these costs using the All Items Index of Retail Prices (RPI) .For built facilities we will use the Building Construction Information Service (BCIS) Index. Information on the current baseline figures to be used for new S106 Agreements or Unilateral Undertakings will be listed on the Council website and will be updated annually to reflect the annual percentage increase.~~

5.11—~~All costs should be date related, and inflation should be taken into account~~

~~For example, if a facility is to be delivered in 3 years' after the S106 has been signed, an appropriate inflation index, such as a BCIS³⁹ or SPONS⁴⁰~~

³⁹ The Building Cost Information Service, known as BCIS, is a provider of cost and price information for the UK construction industry. It is a part of the Royal Institution of Chartered Surveyors.

⁴⁰ SPONS Architects and Builders Price Books and SPONS External Works and Landscape Price Book

~~Construction or Landscape Costs Index, or the latest updated Sport England costs, should be part of the planning obligations, and should be applied.~~ As the commencement of development may not take place immediately following the completion of the legal agreement, all contributions listed within the document will be index linked from the date of the Resolution to the date of payment using the latest indexing factor available at the date of payment. The Council will use the All Items Index of Retail Prices (RPI – All Items) unless otherwise agreed by all parties and an alternative index is listed within the legal agreement for the development.

5.4 What population figure should be used in assessment of demand? (insert new section, previously 3.3 and part of 3.4 - see relevant text above)

5.5 What Is there flexibility in is there in requesting contributions? (section 5.5 moved to section 4.7 of final SPD)

NP The contributions outlined in this document provide consistency and transparency in the planning obligation process. However, as each application is considered on its own merits, there may be variations in requirements for similar developments, taking into account the local context and specifics at the time the planning application is considered. The provision and cost calculations are the starting point for negotiations, but need to be used in conjunction with the local evidence base to ensure the site specific context is taken into account.

- 5.12 In all cases, there may be reasons for the Council to choose to be flexible in how it applies this guidance ~~these policies~~. As examples:
- Where the required need is for part of a facility, the Council may request all of the land but not ask for a contribution to the facility's provision or maintenance.
 - The Council may request all of the provision of a facility but none of the maintenance or ~~sinking fund~~ life cycle costs.
 - Where the nature of the recipient of the funds means that a request for life cycle and maintenance costs would not be appropriate, for example where the funds are to be used towards a facility which is owned/managed by a profit-distributing body.
 - Where a new village hall or community centre is built to support a new community, life cycle and maintenance costs may be appropriate up

until the time that the new community is fully established, but thereafter the facility is expected to be financially self-sustaining.

- Where new provision is proposed but there is very significant local concern about the times that a new facility may be used, then reasonable time restrictions may be considered.
- Housing scheme viability may reduce the amount being requested.

5.13 The Council may include a clause in a Planning Condition or Obligation agreement to provide for an alternative CIL-compliant facility, to cater for unforeseen circumstances. This might include when there is some uncertainty in securing the delivery of the preferred facility. For example, at the time of signing a S106 there may be a need for new sports facility at a club site, but either the facility is subsequently funded by other sources ahead of the time that the contribution is due to be paid, or the club ceases to operate, then the alternative may be required to be provided. In these situations, an appropriate alternative facility that can deliver the same or similar sports, recreation and/open space outcomes should be substituted. This would still need to be CIL compliant provision.

~~5.14 Flexibility and variations will be acceptable so long as they fit into a wider planned approach that ensures deliverability and is CIL compliant.~~

5.5 What is the process for assessing demand (insert new section, previously 3.4- see relevant text above)

5.6 How are the demand and potential contributions calculated? (new section, incorporating and expanding on paragraph 4.1)

4.1 ~~The facility costs identified in this SPD sports built facility costs set out in Appendix D and incorporated into the Built Facilities Calculator available on the council's web site and used in the in the worked examples in this SPD (Section 6) are based on: Sport England's latest facility costs guidance⁴¹; costs from National Governing Bodies of Sport (NGBs) and, where relevant, other latest industry figures, including sourced from SPONS Construction and Landscape Price Books⁴². These costs calculate automatically on inputting of the number of dwellings or anticipated population. The costs will be indexed (see Section 4.10). Should robust local costs be available, e.g. from a project cost identified by an architect,~~

⁴¹ Sport England Facility Costs Q2/2018/2019, Life cycle costs (2012 costs, but expressed as percentages of capital costs)

⁴² SPONS External Works and Landscaping Costs 2019

~~these can provide useful accurate figures.~~ (paragraph 4.1 of draft SPD moved)

- NP The playing pitch contribution costs, both capital and lifecycle, for a given population are generated automatically in the Sport England Playing Pitch Calculator, and these are regularly updated by Sport England.
- NP For open space, the capital costs per area of each typology (see appendix C) are based on relevant and up to date cost sources. This includes SPONS External Works and Landscape Price Book (2019)⁴³. An open space calculator is available on the website to assist calculations.
- NP Alternatively, locally assessed capital costs can be used, but these need to be robust and confirmed by an independent and appropriately qualified person. This work may be undertaken on the behalf of a developer and proposed to the Council, which should properly consider them.

5.7 How should decisions be made about what is required? (new section)

- NP The CIL tests require that any contributions should be *necessary to make the development acceptable in planning terms* (see Section 2.4).
- NP It is therefore essential to assess each application separately to determine the demand and whether existing sport and recreation facilities, playing pitches and open spaces can meet the needs of the application both specifically and within any application's wider housing allocation or geographical context (see Section 4.4).
- NP An assessment will therefore be required for the application for each sports facility, playing pitch an open space typology in relation to the quantity, accessibility and quality of the existing facilities and spaces (see Section 5.2).
- NP The findings of the Built Facilities Strategy and Playing Pitch Strategy, and their relevant action plans (see Section 3) will help to guide the wider geographical considerations. The findings from local consultation (see Section 5.5) will also be important, particularly in relation to the open space typologies.

⁴³ The most recent SPONS available at the time of drafting

NP Flow diagrams are provided below to aid the decision process. There is one each for built facilities, playing pitches and open space.

INSERT flow charts

5.8 What costs are justified in relation to capital, maintenance and life cycle? (insert new section, moved from section 2.8 – see re)

5.9 How are maintenance and life cycle costs calculated? (insert new section, moved from section 5.2- see relevant text above)

5.10 What is meant by ‘Appropriate Land’ and how will the costs be calculated? (insert new section, moved from section 5.3- see relevant text above)

5.11 How are contributions costed for upgrades and extensions to existing facilities? (insert new section, moved from section 5.1- see relevant text above)

5.12 How will contributions for built sports facilities be used? (insert new section, moved from section 4.4- see relevant text above)

5.13 How will contributions be calculated for playing fields? (insert new section, moved from section 4.5- see relevant text above)

5.14 What is considered to be open space? (insert new section, moved from section 4.3 paras 4.17-4.19- see relevant text above)

5.15 What is the minimum size of public open space?

NP The minimum area of provision for the combined typology of Parks & Gardens and Amenity Green Space or Natural and Semi-Natural Green Space or Allotments should be 0.2 ha. This is based on the minimum size of area included within the open space strategy.

NP **Insert paragraph 4.24 – see relevant text above**

5.16 What are the long term requirements for public open space? (insert new section, moved from section 4.3 paras 4.22, 4.26, 4.20, 4.23, 4.21 and 4.26)

5.17 What play provision is required? (insert new section, moved from section 4.3 para 4.17 and table2)

SECTION 6 WORKED EXAMPLES

The following are worked examples for developer contributions for built facilities, playing pitches and open space. **Insert 3 worked examples, previously in section 4**

Appendix A: Allocations to CIL or to Section 106

The table below would be used if the Council adopted CIL.

There are currently no plans for the Council to do this, so contributions for all the facilities listed below should be considered for S106 funding.

Developer Contributions Funding	CIL	S106
<i>Sport and recreation</i>		
Provision, improvements and maintenance of strategic sports and recreation facilities (e.g. leisure centres, indoor bowls centre, large youth sport hubs). Usually off-site but may be on-site. Typically serves all, or a large part of a sub area in the District.	√	
On-site provision, maintenance and management of sports and recreation facilities.		√
<i>Open space, play, green space, allotments and cycling/walking routes</i>		
On-site provision, maintenance and management of open space including: <ul style="list-style-type: none"> landscaping amenity green space other open space typologies 		√
On-site provision of play areas including: <ul style="list-style-type: none"> Local areas of play (LAP) Local equipped areas of play (LEAP) Neighbourhood equipped areas of play (NEAP) Multi activity games area (MUGA) and other youth and teenage provision 		√
Enhancement of existing (off site) play areas		√
On-site provision, maintenance and management of allotments on strategic sites		√
Allotments except on larger strategic sites	√	√

Burial Grounds	√	
Cycling and walking recreational routes	√	
<i>Playing Pitches</i>		
Strategic playing field multi-sport hubs	√	
Other playing fields		√

Appendix B: National and Local Planning Policies

National Planning Policy Framework (NPPF)

- 5 Under the NPPF, LPAs are required to consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations (NPPF paragraphs 54-57). The framework reiterates the three tests that govern the use of planning obligations in the CIL Regulations (see CIL Regulations below), and endorses the principle that planning conditions are preferable to planning obligations. Local authorities such as EHDC are also required to ensure that planning obligations take account of changes in market conditions over time and, wherever appropriate, are sufficiently flexible to prevent development from being stalled.
- 6 Para 8(b) : One of three overarching objectives for sustainable development: “a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being”.
- 7 Para 20 (abstract): “Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision: a) leisure and other commercial development; ... ; c) community facilities (such as health, education and cultural infrastructure).
- 8 Para 34: Development Contributions: “Plans should set out the Contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure ... Such policies should not undermine the deliverability of the plan”.

- 9 Para 54: "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition".
- 10 Para 55: "Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification."
- 11 Para 56: "Planning obligations must only be sought where they meet all of the following tests: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development".
- 12 Para 85(d): "allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;"
- 13 Para 91(c): "Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: ... c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling".
- 14 Para 92: "To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
 - a) plan positively for the provision and use of shared spaces, community facilities (such as ... meeting places, sports venues, open space ...) and other local services to enhance the sustainability of communities and residential environments;
 - b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;

- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

- 15 Para 96: "Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate".
- 16 Para 97. "Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use".

National Planning Guidance

- 17 National Planning Practice Guidance (NPPG) (PPG 003: Reference ID: 23b-003-20140306) states:
- 18 "Policies for seeking obligations should be set out in a development plan document to enable fair and open testing of the policy at examination. Supplementary planning documents should not be used to add unnecessarily to the financial burdens on development and should not be used to set rates or charges which have not been established through development plan policy".
- 19 The Open Space, Built Sport Facilities and Playing Pitches Strategies are founded on robust and up-to-date assessments of the needs for sports and

recreation facilities, and opportunities for new provision as required by NPPF para 96. The key policies/recommendations should be set out as part of the new Local Plan and detailed in Supplementary Planning Document or SPD, so as to enable fair and open testing of the policy at examination.

20 The NPPG reaffirms the importance of meeting these tests; para 004 states:

“Does the local planning authority have to justify its requirements for obligations?”

“In all cases, including where tariff style charges are sought, the local planning authority must ensure that the obligation meets the relevant tests for planning obligations in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. Planning obligations should not be sought – on for instance, public art – which are clearly not necessary to make a development acceptable in planning terms. The Government is clear that obligations must be fully justified and evidenced...”

The Community Infrastructure Levy Regulations (as updated 2019)

21 The CIL Levy Regulations are relevant to this SPD.

22 Reg 122 states:

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

23 The 2019 regulations introduce a requirement for councils to publish "infrastructure funding statements". These statements will replace existing Regulation 123 lists and should include details of how much money has been raised through developer Contributions and how it has been spent. Statements must be published on local authority websites at least once a year. Councils will be required to publish their first statements by 31 December 2020. It is important that the Council undertakes ongoing monitoring of CIL (if and when adopted) and S106 income and expenditure.

- 24 Restrictions on the 'pooling' of Section 106 planning obligations to fund infrastructure have been removed by MHCLG (2019). ~~Local authorities are currently allowed to pool no more than five developer Contributions to fund a single infrastructure project.~~ The revised regulations remove any upper limit on the number of developer Contributions that can be pooled.

Sporting Future: A new Strategy for an Active Nation (DCMS 2016)

- 25 The Department for Culture, Media and Sport, following a consultation paper in 2015, launched the new strategy in 2016. The development of the new strategy reflects a need to re-invigorate the nation's appetite for participation in sport following what appears to be a significant reduction in participation (highest profile being swimming), following the upsurge after the 2012 London Olympics. The sport strategy is targeting five outcomes which each sports organisation, public or private sector, will be measured against:

- Physical wellbeing
- Mental wellbeing
- Individual development
- Social and community development
- Economic development.

Sport England: Towards an Active Nation (2016-2021)

- 26 The key drivers in the production of sports and leisure strategies as advocated by Sport England are to protect, enhance and provide sports facilities and playing pitches, as follows:

- Protect: To provide evidence to inform policy and specifically to support Site Allocations and Development Management Policies which will protect sports facilities and playing fields and their use by the community, irrespective of ownership.
- Enhance: To ensure that sports facilities are effectively managed and maintained and that best uses are made of existing resources - whether facilities, expertise and/or personnel to improve and enhance existing provision - particularly in the light of pressure on local authority budgets.
- Provide: To provide evidence to help secure external funding for new facilities and enhancements through grant aid and also potentially through CIL ... and Section 106 agreements. Sport England and local authorities can then use the strategies developed and the guidance

provided in making key planning decisions regarding sports pitches and facility developments in the area and to support or protect against loss in relation to planning applications brought forward by developers.

27 The Vision for the Towards an Active Nation Strategy is:

'We want everyone in England regardless of age, background or level of ability to feel able to engage in sport and physical activity. Some will be young, fit and talented, but most will not. We need a sport sector that welcomes everyone – meets their needs, treats them as individuals and values them as customers'

28 The key emphases Sport England advocate are:

- Focusing more money and resources on tackling inactivity because this is where the gains for the individual and for society are greatest.
- Investing more in children and young people from the age of five to build positive attitudes to sport and activity as the foundations of an active life.
- Helping those who are active now to carry on, but at lower cost to the public purse over time. Sport England will work with those parts of the sector that serve the core market to help them identify ways in which they can become more sustainable and self-sufficient.
- Putting customers at the heart of what we do, responding to how they organise their lives and helping the sector to be more welcoming and inclusive, especially of those groups currently under-represented in sport.
- Helping sport to keep pace with the digital expectations of customers.
- Working nationally where it makes sense to do so (for example on infrastructure and workforce) but encouraging stronger local collaboration to deliver a more joined-up experience of sport and activity for customers.
- Working with a wider range of partners, including the private sector, using our expertise as well as our investment to help others align their resources.
- Working with the sector to encourage innovation and share best practice particularly through applying the principles and practical learning of behaviour change.

- 29 In summary the 10 principles of Active Design are: 1. Activity for all; 2. Walkable communities; 3. Connected walking & cycling routes; 4. Co-location of community facilities; 5. Network of multifunctional open space; 6. High quality streets and spaces; 7. Appropriate infrastructure; 8. Active buildings; 9. Management, maintenance, monitoring & evaluation; 10. Activity promotion & local champions.

East Hertfordshire District Plan (2018)

- 30 Key policies include DEL1, DEL2, CFLR1 and CFLR7.

Policy DEL1: Infrastructure and Service Delivery

I. The District Council will work in partnership with providers of infrastructure and services to facilitate the timely provision of infrastructure necessary to support sustainable development. In support of this work the Council will:

- a) Maintain an up-to date Infrastructure Delivery Plan (IDP) to identify the timing, type and number of infrastructure projects required to support the objectives and policies of the strategy as well as the main funding mechanisms and lead agencies responsible for their delivery;*
- b) Use the District Plan and IDP to bid for funding necessary to support development, working in partnership with the Local Economic Partnership (LEP), Hertfordshire Infrastructure Planning Partnership (HIPP), the Local Transport Body (LTB), the Local Nature Partnership (LNP), and other bodies as appropriate;*
- c) Monitor capacity in infrastructure and services through annual updates of the IDP and future infrastructure needs assessments;*
- d) Consider alternative infrastructure provision, or a review or partial review of the District Plan if evidence in the IDP indicates a changed outlook for the realistic prospects for delivery of infrastructure to support development.*

II. For individual development proposals, developers will be required to:

- a) Demonstrate, at the planning application stage, that adequate infrastructure capacity can be provided both on and off site to enable the delivery of sustainable development within the site, the locality and the wider area, as appropriate. Where proposals cannot demonstrate the deliverability of supporting infrastructure, they will be refused;*
- b) Ensure that development is phased to coincide with the delivery of additional infrastructure or service capacity as set out in the IDP;*
- c) Ensure that infrastructure assets and services are delivered to adoptable standards. Suitable long-term management arrangements must be put in*

place with a view to secure adoption by the appropriate authority in the longer term.

Policy DEL2: Planning Obligations

- 31 *The Council will seek a range of planning obligations. Planning obligations will only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.*
- 32 *The provision of infrastructure referred to ... above, includes, but is not limited to: open space and recreation facilities, community, education and health facilities, sustainable transport modes, highway improvements, nature conservation ...*

Policy CFLR1 Open space, sport and recreation

- I. Residential developments will be expected to provide open spaces, indoor and outdoor sport and recreation facilities to provide for the needs arising from the development. Provision of Accessible Natural Greenspace (ANG) will be expected to meet Natural England's ANG Standards. Local areas for play, informal and formal open spaces should be provided for on-site, while contributions towards off-site provision or the enhancement of existing facilities may be more appropriate for other types of provision. Facilities should be provided in accordance with the Council's latest evidence and in consultation with Sport England and the Council's Leisure and Environment Team. Where provision is made on-site as part of a development, applicants should detail how it will be maintained in the long term.
- II. Commercial developments will be expected to provide adequate amenity space in addition to landscape and setting features.
- III. Proposals for new open space, indoor and outdoor sport and recreation facilities which meet identified needs will be encouraged in suitable locations, served by a choice of sustainable travel options. The proposal and ancillary facilities such as changing rooms and car parking should be fit for purpose and of an appropriate scale and design. Measures should be taken to integrate such facilities into the landscape, including the creation of features which provide net benefits to biodiversity.

- IV. Proposals should aim for the dual or multiple-use of facilities for wider community access. The use of Community Use Agreements will be expected where appropriate.
- V. Proposals that retain or enhance the provision, quality and accessibility of existing open space, or indoor or outdoor sport and recreation facilities will be supported in principle, where they do not conflict with other policies within this Plan.
- VI. Proposals that result in the loss or reduction of open space, indoor and outdoor sport and recreation facilities, including playing fields (as defined on the Policies map), will be refused unless:
 - a. An assessment has been undertaken which has clearly shown that the facility is no longer needed in its current form;
 - b. The loss resulting from the proposed development would be replaced by enhanced provision in terms of quantity and/ or quality in a suitable location prior to the commencement of development (in the case of school playing fields, the timing of delivery will be negotiated on a case by case basis in accordance with Policy CFLR10); or
 - c. The development is for an alternative open space, sport and recreation facility, the need for which clearly outweighs the loss.

Policy CFLR7 Community Facilities

- I. The provision of adequate and appropriately located community facilities will be sought in conjunction with new development.*
- II. Developers will be expected to provide either on-site provision, or where appropriate, a financial contribution towards either off-site provision, or the enhancement of existing off-site facilities. Where provision is made on-site as part of a development, applicants should detail how it will be maintained in the long term.*
- III. Proposals for new and enhanced uses, buildings or land for public or community use will be supported in principle where they do not conflict with other policies within this Plan. Such proposals:*
 - a. Should be in suitable locations, served by a choice of sustainable travel options;*
 - b. Should be of an appropriate scale to meet needs and be of a flexible design to enable multiple uses throughout the day;*
 - c. Should take measures to integrate such facilities into the landscape, including the creation of features which provide net benefits to biodiversity; and*
 - d. Should be constructed in tandem with the development to ensure they are available for the new and existing community from the start of occupation.*

- IV. *Proposals should aim to provide for the dual or multiple use of facilities for wider community activities. The use of Community Use Agreements will be sought where appropriate.*
- V. *As part of proposed strategic development, consideration will be given to the need to provide new Household Waste Recycling Centres in suitable locations, taking account of neighbouring land uses. Policy CFLR8 Loss of Community Facilities I. Proposals that result in the loss of uses, buildings or land for public or community use will be refused unless:*
 - a. *An assessment has been undertaken which has clearly shown that the facility is no longer needed in its current form; or*
 - b. *The loss resulting from the proposed development would be replaced by enhanced provision in terms of quantity and/or quality in a suitable location; or*
 - c. *The development is for an alternative community facility, the need for which clearly outweigh the loss.*

Appendix C: Calculator Examples Open Space maintenance costs

The maintenance costs for open space are based on a Q1/2020 accepted contract price for East Herts Council. For commercial reasons the individual costs breakdown cannot be provided, but the main cost components are set out. There is a combined Parks and Gardens and Amenity Grassland typology. The cost for this has been taken as a weighted average of the two costs (see table note).

In the table below some of the maintenance components are listed as the same, but generally Parks and Gardens and Play have the highest level of maintenance (e.g. more times a year), Natural/Semi-Natural the least, and Amenity Grassland and Allotments in between.

Typology	Main Components	Annual £s per sqm	£s per sqm per 20yrs
<u>Parks and Gardens</u>	<u>Benches, annual bedding (spring and summer), grass mowing high amenity, grass mowing park, hedge cutting, shrubs, trees, fencing, litter sweep, litter pick, path sweeping, weed-kill paths etc, dog bins collect and cleanse, gate maintenance, and general inspection.</u>	<u>Weighted average* for combined Parks & Gardens (£1.815) and</u>	<u>Weighted average for combined Parks & Gardens (£36.30) and</u>
<u>Amenity Grassland</u>	<u>Benches, grass mowing amenity, hedge cutting, trees, fencing, litter sweep, litter pick, weed-kill paths etc, dog bins collect and cleanse, gate maintenance, and general inspection.</u>	<u>Amenity Grassland (£0.460)</u>	<u>Amenity Grassland (£9.19)</u>
		<u>Combined average: £0.737</u>	<u>Combined average: £14.74</u>
<u>Natural/ Semi-natural Grassland</u>	<u>Grass mowing by parking area, grass mowing conservation cut (some areas); trees, litter, parking area weed kill, general inspection</u>	<u>£0.081</u>	<u>£1.61</u>
<u>Play (LEAP & NEAP)</u>	<u>Grass mowing high amenity and standard annual, fences, benches, litter pick, weed control, safety inspections, maintenance/repairs to equipment and surfaces</u>	<u>£3.68</u>	<u>£73.65</u>
<u>Allotments</u>	<u>Grass mowing amenity, hedge cutting, fences, trees, dog bins</u>	<u>£0.49</u>	<u>£9.80</u>

	<u>collect and cleanse, benches,</u> <u>litter pick, weed control, gates</u> <u>lock/unlock/maintain, regular</u> <u>general inspection</u>		
<p><u>*Note: The weighting is based on the relative areas (as assessed in the Open Space Strategy) excluding Pangshanger Park which although classified as a Park is for costing purposes more akin to natural and semi-natural open space costs. Its inclusion would have significantly increased the average cost for the combined typology.</u></p> <p><u>Parks and Gardens are costed at £36.30/sqm/20yrs</u></p> <p><u>Amenity Grassland is costed at: £9.19/sqm/20yrs</u></p> <p><u>The weighting is: Parks and Gardens @ 60.2ha; and Amenity Grassland @ 234.1ha</u></p> <p><u>The average for the combined typology is £14.74/sqm/20yrs</u></p>			

Appendix D: Capital Costs

The cost bases are provided for each element of the assessment below.

Facility capital costs

'SE costs'

- Sport England Facility Costs q2 2019
<https://sportengland-production-files.s3.eu-west-2.amazonaws.com/s3fs-public/facility-costs-q2-19.pdf?aYS0dLk0lucAJuUXG7knP8ppbeyxVEYh>
- Cricket only facility Sport England costs q2, 2019
<https://sportengland-production-files.s3.eu-west-2.amazonaws.com/s3fs-public/facility-costs-q2-19.pdf?aYS0dLk0lucAJuUXG7knP8ppbeyxVEYh>
Cricket natural turf @ 1293 sq m

'SPONS 2019'

- SPON'S Architects' and Builders' Price Book 2019

'Current mkt costs'

- Current market costs for similar facility developments elsewhere in England

Life cycle costs

Sport England Life Cycle Costings (2012)

Sport halls, swimming pools, changing rooms/clubhouse

<https://sportengland-production-files.s3.eu-west-2.amazonaws.com/s3fs-public/life-cycle-costs-sports-halls-swimming-pools-changing-rooms-april-2012.pdf?V1xitwoevOcg1OpA1f0F2xUx4.Gm0Gdg>

Natural turf pitches

Football, rugby union, cricket, bowling green

<https://sportengland-production-files.s3.eu-west-2.amazonaws.com/s3fs-public/life-cycle-costs-natural-turf-pitches-april-2012.pdf?WtcfG9XKTRFTp8hndxuPBn71xfumMVox>

Artificial sports surfaces

Football, hockey, cricket practice, outdoor tennis, athletics track, multi-use games area

https://sportengland-production-files.s3.eu-west-2.amazonaws.com/s3fs-public/life-cycle-costs-artificial-surfaces-april-2012.pdf?D9j0ab0Y2A3JZ1dBRH.Jag_bqETFARim

Facility	Size/details	Area sq m	Capital Cost per item (£)	Unit used in EHC calculator	Cost per unit of sports facility	Changing/clubhouse provision	Costs of changing /clubhouse provision	Changing/clubhouse provision used in EHC calculator	Cost for changing provision	Capital cost in SPD calculator
National costs used as baseline for Sport England Facilities Costs Second Quarter 2019										
Affordable Sports Hall	4 court (34.5x20m)	690.00	£ 2,475,000	1 court	£ 618,750	Costs included within facility calculation			£	618,750
Affordable Community Swimming Pool	25m pool 6 lanes (25x12.5m)	312.50	£ 5,070,000	sq m	£ 16,224	Costs included within facility calculation			£	16,224
Bowling Natural Turf Green	40x40m flat or crown green (6 rink)	1,600.00	£ 150,000	per rink	£ 25,000	2 Team Changing Room plus Officials - Traditional Construction	£ 260,000	Changing provision per rink	£ 43,333	£ 68,333
Outdoor Tennis Courts	4 court, fenced, sports lighting	2,342.00	£ 375,000	per court	£ 93,750	2 Team Changing Room plus Officials - Traditional Construction	£ 260,000	Changing provision per court	£ 65,000	£ 158,750
National costs used as baseline for Sport England Active Places Power Playing Pitch Calculator (but with regional costs applied, not included here) - automatically generated by the Sport England online calculator. Sport England Facilities Costs Second Quarter 2019.										
Football 3G AGP	Senior Football (60mm 3G, Fenced, Sports Lighting) (106x70m)	7,420.00	£ 990,000	sq m	£ 133.42	Contribution towards 4-team changing facility on pro rata basis			£	133.42
Hockey surface AGP	Hockey Pitch (18mm Sand Dressed, Fenced, Sports Lighting) (101.4x63.0m)	6,388.00	£ 820,000	sq m	£ 128.37				£	128.37
Football Natural Turf Pitches	U8/U7 Mini Football (43x33m)	1,419.00	£ 25,000	sq m	£ 17.62	N/a			£	17.62
	U16/U15 Youth Football (97x61m)	5,917.00	£ 75,000	sq m	£ 12.68	Contribution towards 4-team changing facility on pro rata basis @ 2 team changing rooms per pitch			£	12.68
	Senior Football (106 x 70m)	7,420.00	£ 100,000	sq m	£ 13.48				£	13.48
Rugby Union Natural Turf	Rugby Union (130 x 80m)	10,400.00	£ 140,000	sq m	£ 13.46				£	13.46
Cricket Natural Turf Pitch	Cricket Pitch, with 8 pitch square and 2 winter sport pitches (125.6 x 164.4m)	20,649.00	£ 295,000	sq m	£ 14.29				£	14.29
Changing Rooms/Club House/Pavilion	2 Team Changing Room plus Officials - Traditional Construction	75.00	£ 260,000	sq m	£ 3,467				£	3,466.67
	4 Team Changing Room and Club Room - Traditional Construction	245.00	£ 680,000	sq m	£ 2,776				£	2,775.51

Facility	Size/details	Area sq m	Capital Cost (£)	Unit used in EHC calculator	Cost per unit of sports facility	Changing/ clubhouse provision	Costs of changing /clubhouse provision	Changing/ clubhouse provision used in EHC calculator	Cost for changing provision	Capital cost in SPD calculator
SPON's/local market costs facilities (2019)										
Fitness Gyms	Building and fitness stations, 100 station size (504 sq m)	504.00	£ 912,240	sq m	£ 1,810	N/a				£ 11,122
	100 station		£ 200,000	per station	£ 2,000					
Studio space	Building @ 140 sq m	140.00	£ 253,400	sq m	£ 1,810	N/a				£ 1,810.00
Village and Community Centres excl ancillary and car parking	120 sq m per 1000 population			cost per sq m	£ 1,810	N/a				£ 1,810.00
SPON'S Open space costs (2019)										
		Standard of provision per 1000 population sq m			Cost per unit of open space typology					
Children's play and provision for teenagers	Equipped play provision and teenage provision excluding land	2,500	£ 395,000	sq m	£ 158.00	N/a				£ 158.00
Parks & Gardens and Amenity Green Space	Combined standard	14,000	£ 218,540	sq m	£ 15.61	N/a				£ 15.61
Natural & Semi Natural Green Space		32,000	£ 127,040	sq m	£ 3.97	N/a				£ 3.97
Allotments		3,000	£ 46,830	sq m	£ 15.61	N/a				£ 15.61

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Open Space, Sport and Recreation Supplementary Planning Document (SPD)

Strategic Environmental Assessment Screening Statement

1. The Purpose of this Statement

- 1.1 This screening statement has been prepared to determine whether the proposed Open Space, Sport and Recreation Supplementary Planning Document (SPD) should be subject to a Strategic Environmental Assessment (SEA) in accordance with the European Union Directive 2001/42/EC (SEA Directive) and the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations).
- 1.2 The purpose of the Open Space, Sport and Recreation Supplementary Planning Document (SPD) is to support the effective implementation of the Open Space, Leisure and Recreation and Planning Obligation policies (chapters 19 and 25 respectively) in the East Herts District Plan, adopted October 2018:
 - Policy CFLR1 Open Space, Sport and Recreation
 - Policy DEL1 Infrastructure and Service Delivery
 - Policy DEL2 Planning Obligations
- 1.3 It relates to funding and delivering a wide range of high quality open space, sport and recreation across the district that is fit for purpose, with an appropriate balance between the provision of new facilities and the enhancement of existing ones. The SPD will be a material consideration in the determination of planning applications and will inform Development Management decisions. The SPD will provide information and guidance to developers regarding the relevant types of infrastructure and/or amount of contributions needed to support the implementation of the District Plan policies.

2. Strategic Environmental Assessment – Regulatory Requirements

- 2.1 The basis for Strategic Environmental Assessment legislation is European Directive 2001/42/EC. This was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations). Detailed guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM, 2005) and Paragraph 11-008 of the Planning Practice Guidance (PPG), which states that "supplementary planning documents do not require sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to

have significant environmental effects that have not already been assessed during the preparation of the local plan.

- 2.2 Under the requirements of the European Union Directive 2001/42/EC and Environmental Assessment of Plans and Programmes Regulations (2004), certain types of plans that set the framework for the consent of future development projects, must be subject to an environmental assessment.
- 2.3 The objective of Strategic Environmental Assessment is to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development.
- 2.4 The 2001 Directive has been updated a number of times, with the most recent Directive issued in April 2014. While Article numbers cited in the 2005 guidance have been updated/removed, the principle of determining whether a Plan or Programme will have likely significant effects on the environment remain the same. Therefore, this screening statement uses the only Government guidance available.

3. The Strategic Environmental Appraisal Process

- 3.1 The first stage of the process is for the Council to determine whether or not the SPD is likely to have significant effects on the environment. This screening process includes assessing the SPD against a set of criteria (as set out in Schedule 1 of the SEA Regulations). The results of this are set out in Appendix 1 of this statement. The aim of this statement is therefore to provide sufficient information to demonstrate whether the SPD is likely to have significant environmental effects.
- 3.2 The Council also has to consult the Environment Agency, Historic England and Natural England on this screening statement. A final determination cannot be made until the three statutory consultation bodies have been consulted.
- 3.3 Where the Council determines that a SEA is not required, Regulation 9(3) of the SEA Regulations states that the Council must prepare a statement setting out the reasons for this determination. This statement is East Herts Council's Draft Regulation 9(3) statement.

4. Other Regulatory Considerations

Sustainability Appraisal

- 4.1 Whilst there is no statutory requirement to undertake a Sustainability Appraisal (SA) of the Planning Obligations for open space, sport and recreation SPD, the Council has considered whether an SA of this SPD is required. The Council has determined that the SPD is unlikely to have significant environmental, social or economic effects beyond those of the District Plan policies it supplements. This SPD does not create

new policies and only serves to provide useful guidance on how to effectively and consistently implement the open space and planning obligation policies in the East Herts District Plan, which has been subject to a fully comprehensive SA process, incorporating SEA.

- 4.2 More information on the Sustainability Appraisal of the East Herts District Plan can be viewed on the Council's website: www.eastherts.gov.uk/districtplan.

Habitats Regulations Assessment

- 4.3 In addition to SEA and SA, the Council is required to consider Habitats Regulations Assessment (HRA). HRA is the process used to determine whether a plan or project would have significant adverse effects on the integrity of internationally designated site of nature conservation importance, known as European sites. The need for a HRA is set out within the Conservation of Habitats and Species Regulations 2010, which transposed EC Habitats Directive 92/43/EEC into UK law.
- 4.4 As with the SA, the District Plan was also subject to a comprehensive HRA. The HRA screened out the housing policies at an early stage, concluding that they were unlikely to have a significant effect on the integrity of European Sites. As the purpose of this SPD is to expand upon these policies, the Council has determined that a HRA is not required.
- 4.5 More information on the Habitats Regulations Assessment of the East Herts District Plan can be viewed on the Council's website: www.eastherts.gov.uk/submission.

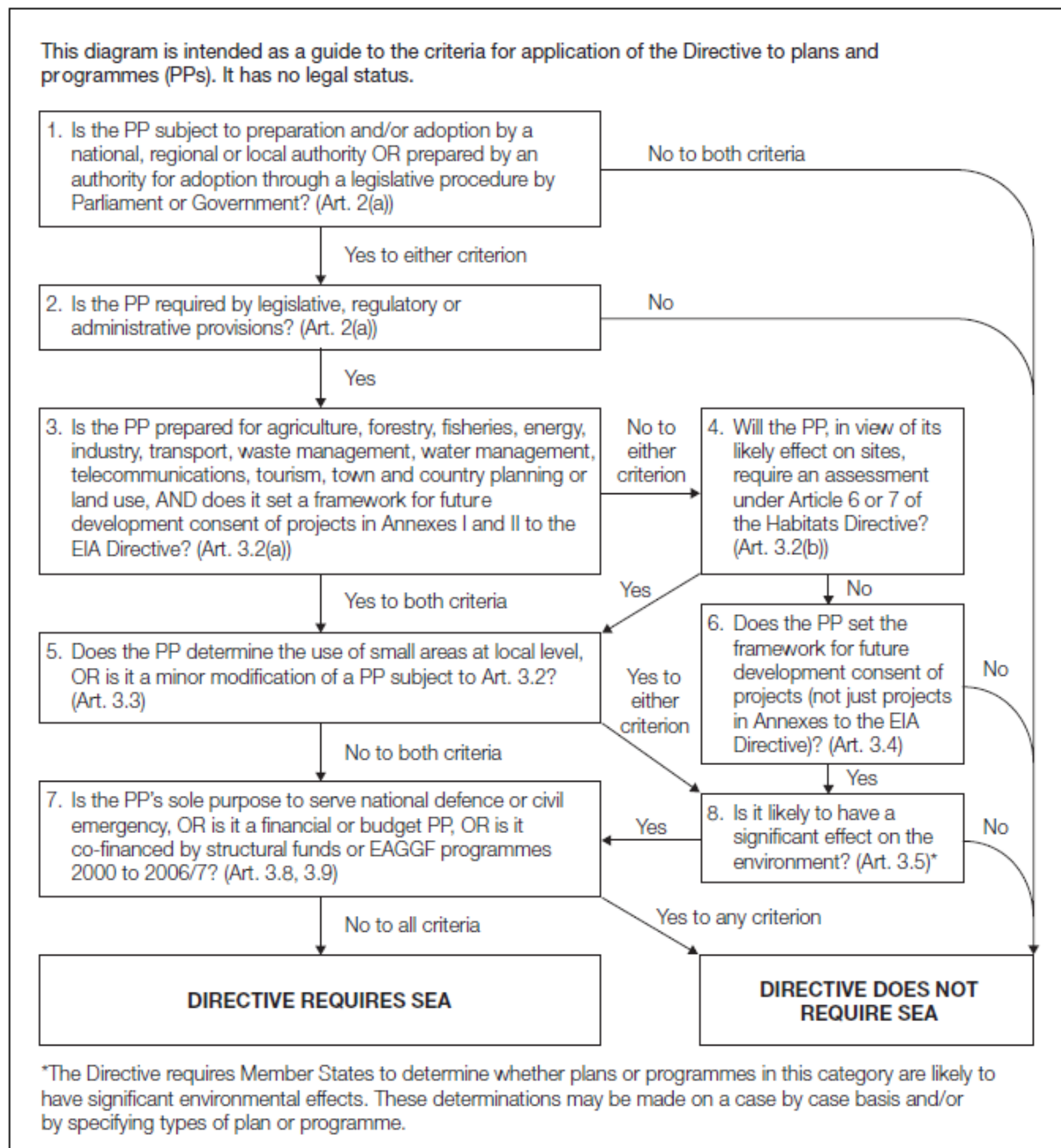
5. Conclusion

- 5.1 On the basis of the screening process, it is the Council's opinion that the Open Space, Sport and Recreation SPD does not require a Strategic Environmental Assessment or Sustainability Appraisal. This is because there will be no significant environmental, social or economic effects arising from its implementation, as it seeks only to expand upon and provide guidance for the effective and consistent implementation of District Plan policies.

Appendix 1

SEA Screening of the Retail Frontages, Design & Signage SPD:

Figure 1: Application of the SEA Directive to plans and programmes guide



A Practical Guide to the Strategic Environmental Assessment Directive, ODPM 2005

Table 1: Establishing whether there is a need for SEA

Stage	Yes/No	Assessment
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Yes to either criterion: proceed to question 2	The SPD has been prepared by East Herts Council to provide more detail to the policies contained in the East Herts District Plan, relating to securing planning obligations for the improvement and provision of open space, sport and recreation, to meet the needs of new development,
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes: proceed to question 3	Once the SPD is adopted it will become a material consideration as part of the development plan for East Herts.
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	Yes to both criterion: proceed to question 5	The SPD is prepared for the purpose of town and country planning. It supplements policies within the East Herts District Plan 2018, by providing guidance relating to open space, sport and recreation and planning obligations. AND the SPD sets the framework for development which may require an Environmental Impact Assessment under Schedule II of the EIA Directive such as 'urban development projects'. However, the SPD does not create new policy.
5. Does the PP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Yes to first criterion: proceed to question 8	The SPD supplements the District Plan policies on securing planning obligations to improve and enhance the provision of new or improved open space, sport and recreation.
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	The principle of the use of planning obligations and the provision of open space, sport and recreation has already been established in the District Plan, which was subject to comprehensive SA incorporating SEA. The SPD focuses on the mechanisms and processes for securing financial contributions to deliver open space, sport and recreation through new development. Therefore this is considered to have no significant

effect on the environment.

Directive does not require SEA.

Table 2: Assessment of the SPD against Schedule 1 of the SEA Directive

SEA Directive Criteria (Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004)	Potential effects of the SPD
1. Characteristic of the SPD having particular regard to:	
(a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	The SPD provides more detail on the policies and principles established in the East Herts District Plan 2018, which has been subject to comprehensive SA incorporating SEA. The purpose of the SPD is to provide guidance on the effective and consistent implementation of planning obligations to improve and enhance open space, sport and recreation provision through new development.
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The purpose of the SPD is to supplement the District Plan policies and it sits below the District Plan in terms of the Development Plan hierarchy. It will influence the preparation of masterplans relating to strategic scale or significant developments and any application which proposes net residential gain.
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The SPD is focussed on securing planning obligations to deliver new and enhanced open space, sport and recreation provision. This approach will help to ensure that new development preserves or enhances nature conservation and contributes to community health and well-being by helping to deliver sport and recreation provision.
(d) environmental problems relevant to the plan or programme; and	There are no environmental problems relevant to the SPD. The SA of the East Herts District Plan identified a number of benefits arising from the relevant District Plan policies which this SPD supplements.
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	The purpose of the SPD is to provide guidance on the effective and consistent use of the planning contributions policy to secure planning obligations for the improvement and provision of open space, sport and recreation. The East Herts District Plan contains other policies relating to these objectives.

2. Characteristics of the effects and area likely to be affected having particular regard to:	
(a) the probability, duration, frequency and reversibility of the effects;	The SPD is not expected to give rise to any significant environmental effects. The SPD seeks to ensure effective and consistent implementation of District Plan planning obligation and open space policies to secure the provision and enhancement of open space, sport and recreation, to support new development. This should have positive effects by increasing the amount and quality of a range open space typologies in the district enhancing health and well-being and improving biodiversity.
(b) the cumulative nature of the effects;	By providing guidance which seeks to ensure the effective and consistent application of policies, over time, the SPD will have a cumulative effect on the provision of open across the district.
(c) the trans-boundary nature of the effects;	The SPD is not expected to give rise to any significant transboundary environmental effects. However, where strategic sites are in close proximity to neighbouring settlements, the provision of open space, sport and recreation will assist in providing recreational opportunities for residents from a wider area as well as from communities within East Herts.
(d) the risks to human health or the environment (for example, due to accidents);	There are no anticipated effects of the SPD on human health.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The effective and consistent implementation of planning obligation and open, space, sport and recreation policies will have positive benefits for all East Herts residents and those who wish to move to East Herts.
(f) the value and vulnerability of the area likely to be affected due to— (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use;	The SPD is not anticipated to adversely affect any special natural characteristic or cultural heritage. The SPD is not expected to lead to the exceedance of environmental standards or promote intensive land use. Matters relating to environmental standards and land use are contained in the East Herts District Plan 2018.

(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.

The SPD is not expected to have any adverse effects on areas with national, community or international protection.

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East Herts Council Report

Officer Delegated Decision – Chief Executive

Date of Decision: 15 April 2020

Report by: James Ellis, Head of Legal and Democratic Services

Report title: Report of decision of Chief Executive taken under delegated authority - approval of absence of Members for reasons arising from coronavirus impact on ability to attend meetings

Ward(s) affected: All

Summary

The Chief Executive has taken a decision under delegated authority, which approved dispensation from the provisions of section 85 of the Local Government act 1972, where a Member would otherwise become disqualified for reasons of non-attendance at qualifying meetings. The decision is reported to the next meeting of Council, as required by the Constitution.

RECOMMENDATION FOR COUNCIL:

- (a) To note the decision taken by the Chief Executive under delegated powers on 15 April 2020, as set out at appendix A.**

1.0 Proposal(s)

- 1.1 That Council note a decision taken on 15 April 2020 by

the Chief Executive on approving a dispensation for absence from meetings of the Council, in respect of two Members, Councillors Burmicz and Ranger.

2.0 Background

- 2.1 Section 85(1) of the Local Government Act 1972 provides that if a Member of a local authority fails throughout a period of six consecutive months from the date of his or her last attendance to attend any meeting of the authority, he or she shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a Member of that authority.
- 2.2 Due to the measures currently being taken to mitigate the spread of coronavirus, a number of meetings of the Council's committees in March and April, and the next meeting of the Executive on 21 April 2020, were cancelled or postponed. For this reason, the opportunities to attend such meetings were no longer available to Members, thus impacting on the ability of a small number of Members to avoid the risk of vacation of office.
- 2.3 Regulations made under the Coronavirus Act 2020 recently enacted make provision for virtual meetings to take place until May 2021. This means that there will be opportunities for all Members to attend qualifying virtual meetings until this date.
- 2.4 In view of the Coronavirus outbreak, there is a risk of non-attendance by any individual even for remotely conducted meetings, if for example they or a family member were to be unable to participate in a remote meeting, or be absent through illness. In the case of Members who had limited time before they risked vacation of office for non-attendance, there was a need to provide a contingency to mitigate the risk of inadvertent vacation of office in those circumstances.
- 2.5 The majority of Members attended a meeting in March,

the Council meeting of 3 March 2020. The decision taken by the Chief Executive confirmed there would be dispensation for attendance for Councillors Burmicz, and Ranger, whose last attendances at a qualifying meeting were 29 January 2020 and 23 October 2019, respectively.

- 2.6 The approval of non-attendance at meetings of a Member is a matter for Council to determine. The next meeting of the Council was not until 13 May 2020, and one of the Members named above would have faced vacation of office prior to that date without dispensation being arranged in advance. Therefore the Chief Executive took the decision under delegated powers. The decision is therefore reported to Council at its next meeting.

3.0 Reason(s)

- 3.1 To avoid inadvertent vacation of office of two Members, in view of extraordinary circumstances occasioned by the coronavirus outbreak.

4.0 Options

- 4.1 Not to provide dispensation from attendance. This option was rejected because the Members concerned confirmed that they would have attended meetings had such meetings not been cancelled, and were intending on attending meetings during the next two months. Both Members wished to seek dispensation to avoid risk of vacation of office.

5.0 Risks

- 5.1 None.

6.0 Implications/Consultations

- 6.1 The Leader and Members who were the subject of the decision, were consulted.

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

Yes, as indicated above.

Specific Wards

Yes, the Wards of the Councillors referred to above.

7.0 Background papers, appendices and other relevant material

- 7.1 No background papers.
- 7.2 Appendix A – decision of Chief Executive

Contact Member

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(if different from contact officer)

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EAST HERTS COUNCIL

OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014 OFFICER DECISION WRITTEN RECORD

Reference:	OD/2020
Subject Matter:	Approval of absence of two Members, Cllrs John Burmicz and Judith Ranger, for reasons arising from coronavirus impact on ability to attend meetings
Date of Decision:	15 April 2020
Exempt /Confidential information (Yes / No):	No
If Exempt/Confidential – reason why:	
Name of Officer taking decision under delegated authority:	Richard Cassidy, Chief Executive
Source of delegated authority:	Constitution Part 3C, Officers' responsibility for functions, Officer specific delegation to Chief Executive: in cases of urgency take any decision which could be taken by the Council, the Executive or a Committee in consultation with the Leader, provided that any such decision shall be reported to the next meeting of the Executive, appropriate Committee or Council

Exercise of delegated authority approved by: <i>(if different from Officer taking decision)</i>	Not applicable
Decision:	<p>That:</p> <p>(a) due to reduced opportunity to attend qualifying meetings as a result of the cancellation of a number of scheduled meetings arising from Coronavirus mitigation measures, to approve a dispensation from disqualification for Councillor J Ranger which would otherwise occur by 23 April 2020; and</p> <p>(b) as a contingency in relation to Councillor J Ranger and Councillor J Burmicz, to approve their non-attendance at meetings for the duration of six months, commencing with the date of publication of this decision.</p>
Reason(s) for Decision:	To avoid inadvertent vacation of office of a the above named Members, in view of extraordinary circumstances occasioned by the coronavirus outbreak.
Details of alternative options, if any, considered and rejected:	Not to provide dispensation from attendance. This option has been rejected because the Members concerned have confirmed that they would have attended meetings during

	the next two months. These Members wish to seek dispensation to avoid risk of vacation of office.
Name of Officer who has confirmed with all Members involved in taking this decision whether they have a pecuniary or non-pecuniary interest:	<i>Not applicable.</i>
Name(s) of any Member who has removed himself/herself from contributing to this decision because of a conflict of interest:	None.

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MOTION ON NOTICE

COUNCIL – 13 MAY 2020

MOTION ON NOTICE

THANK YOU TO STAFF AND VOLUNTEERS

This Council notes the extraordinary pressures and challenges that have faced members of staff responding to the current coronavirus pandemic.

This Council also notes the fantastic response from our local communities, NHS workers and care workers in response to these challenges.

This Council RESOLVES:

- To thank all members of staff of East Herts Council who have worked hard to respond to the challenges faced by this Council due to coronavirus and maintain the vital services needed by local residents;
- To thank all local volunteers who have given their time and effort to the local community response to the coronavirus pandemic; and
- To thank all the NHS workers and care staff who are working on the front line to keep our community safe during these difficult times.

Proposed by Councillor Linda Haysey (Leader of the Council)

Seconded by Councillor Mione Goldspink (Leader, Liberal Democrat Group)

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