

CIL COMPLIANCE STATEMENT

Appeal reference: APP/W1905/W/22/3300254

Appeal under Section 78 of the *Town and Country Planning Act 1990* in respect of:

Site Address: Fairmead, 90 Cuffley Hill, Goffs Oak, Hertfordshire EN7 5EX

Appeal by: Countrywide Properties (UK) Limited and Landowners.

'Erection of 58 dwellings (12 no. 2 bed 14 no. 3 bed 22 no. 4 bed 5 no 5 bed and 5 no. 1 bed) with associated infrastructure'.

September 2022

1. FRAMEWORK

1.1 Regulation 122 of the *Community Infrastructure Leve Regulations 2010* (as amended) ('Regulations') states that a planning obligation may only constitute a reason for granting planning permission if the obligation is:

- 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.

1.2 Paragraph 56 of the National Planning Policy Framework ('NPPF') reiterates the Regulation 122 test.

1.3 The policies of the development plan relevant to the planning obligations to be secured, that would constitute a reason for granting planning permission, are as follows:

DSC4	Management and Maintenance
EQ1	Residential and Environmental Quality
H2	Affordable Housing
INF8	Local Cycle and Walking Infrastructure
NEB1	General Strategy for Biodiversity
NEB3	Green Infrastructure
NEB4	Landscaping and Biodiversity in New Developments
ORC1	New Open Space, Leisure, Sport and Recreational Facilities
P01	Planning Obligations
TM1	Sustainable Transport
TM2	Transport and New Development
TM3	Access and Servicing
TM4	Electric Vehicle Charging Points
TM5	Parking Guidelines
W1	Improving the Quality of the Environment
W2	Water Quality
W3	Water Efficiency
W4	SuDS
W5	Flood Risk

3. COMPLIANCE WITH REGULATIONS 122

3.1 The Council has produced the Borough of Broxbourne Infrastructure Delivery Plan (Jan 2018) and this was not disputed by the Inspector during the Examination in Public of the Local Plan. The IDP forms the basis for the Borough contribution requests and is provided in F11. of the Core Documents.

3.2 The following table explains how the above planning obligations sought to comply with the three tests set out in paragraph 56 of the Framework and Regulation 122 and Regulation 121 of the Community Infrastructure Levy Regulations 2010 (as amended) (“CIL Regulations”):

PLANNING OBLIGATION	Regulation 122 TEST 1 - NECESSITY	Regulation 122 TEST 2 – DIRECTLY RELATED TO THE PROPOSED DEVELOPMENT	Regulation 122 TEST 3 – FAIR AND REASONABLE IN TERMS OF SCALE AND KIND
£40% of total Residential Units, split as 65% Affordable Rented Housing and 35% Shared Ownership Housing	This is a policy requirement [Local Plan Policy H2] which seeks to address the severe shortfall in affordable housing across the Borough	This forms part of the development and would be provided on site to house local residents in housing need	The level of affordable housing is set out in the Local Plan and is considered to be viable on this allocated site as a constraint accessible to the appellant when promoting the site and making the application the subject of this appeal
Air Quality Contribution	Not required by the Borough Council		

£1,012,494.00 for Education (both primary and secondary)	<p>Primary: This is required to provide school places for the families in the development. The Borough Council has committed finance in excess of this figure to support the new 2 FE primary school at Rosedale Park so this sum would backfill the committed expenditure to the benefit of this appeal site – 07/17/0352/O & 07/17/0864/O</p>	<p>The school places to be provided would directly benefit the offspring of residents on the appeal site as the primary school catchments would be adjusted to take account of new development across Goffs Oak. Woodside Primary is the nearest school but has now become an Academy which means that is not subject to direct control by HCC as LEA.</p>	<p>The level of contribution is as set out in the IDP in order to meet the future child yield from this development</p> <p>500 units typically generate one form of entry as set out in the IDP and the sums in column 1 reflect pro rata the cost of providing school places</p>
	<p>Secondary: The longer-term needs of secondary education require that sums are collected and pooled for that purpose. It is unclear that a new school will be needed but extension of existing secondary facilities is highly likely during the Local Plan period up to 2033</p>	<p>By necessity, the high cost of providing secondary schooling means that contributions from smaller allocated sites needs to be combined to produce new facilities. The contribution would sit with the Council's for this express purpose in the future</p>	<p>The level of contribution is calculated by reference to the IDP which was part of the wider evidence base for adoption of the Local Plan in June 2020 and itself was not disputed by the Inspector</p>
£70,644 for Education Contribution (SEND)	<p>Contribution being sought by HCC and separate justification will be provided by HCC</p>		
£21,200 for Fire and Rescue Contribution	<p>Contribution being sought by HCC and separate justification will be provided by HCC</p>		

<p>£191,266.60 (or £35,802 if Decision Letter states) for Health Contribution</p>	<p>Enhancement of local primary care medical facilities is needed to meet the volume of new residents in the Goffs Oak area. The Council is engaging with the local PCT and GP practices to coordinate upgrades</p>	<p>The preferred venue for enhancement is the building in the upcoming Rosedale Park local centre to be built by Crest Nicholson as an off-shoot to the surgery in the nearby village centre in Goffs Oak. The obligation attached to permission 07/17/0352/O funds the delivery of the space but not the full delivery cost to include fitting out and commissioning of what are most likely to be satellite consulting rooms</p> <p>.....</p>	<p>The level of contribution is taken pro rata from the Rosedale Park allocation site and as applied to the other, smaller allocation sites in the Goffs Oak area</p>
<p>£100,247 (or £103,500 if Decision Letter states) for Sustainable Highways Improvement</p>	<p>This sum would provide improvements to the walking routes to Goffs Oak and Cuffley along with enhanced bus stop provision for the new residents – in line with this Council’s Policy TM1 and HCC’s LTP4</p>	<p>The Borough Council supports the initiatives costed by the Local Highway Authority to ensure that the new estate is sustainably connected to local community infrastructure and travel routes</p>	<p>The level of contribution would enable two new bus stops and associated works to be installed along with pedestrian route upgrades serving the site both to the west and east – this is considered to be a scale of contribution appropriate to the development</p>
<p>£6,484 for Library Contribution</p>	<p>There is a library in the local village centre which will be under increased pressure from the level of new residents and will benefit from additional investment to meet this demand</p>	<p>The library is close to the appeal site in the village centre and will be used by future residents of the appeal site</p>	<p>This is a modest sum to be expressly used to enhance the offer at the local library</p>
<p>£4600 for Borough Monitoring Fee</p>	<p>The Council has recently purchased a monitoring software system and will be taking on a monitoring officer this year to deal with the multiple complex planning obligations and their associated trigger points. It is valid for the</p>	<p>The monitoring fee would be used to track the payments and other planning obligation triggers relating to this site, amongst others</p>	<p>The scale of monitoring fee has been approved by the Council and is applied on a sliding scale in relation to the size of the development in line with all schemes currently with the Council</p>

	Council to include a monitoring fee in the obligation		
£164,691 for Recreational Sporting and Community contribution	The Council has an established leisure strategy to optimise provision and use of open space leisure and playing pitches and it is necessary for the full range of outdoor sports facilities to be available to the new residents	The local playing pitches and play area in Goffs Oak village are nearby and will be part of the improvement plan which will cover the village, a new village green and revised sports facilities. This draft plan is currently under preparation	The contributions relate to the IDP via the main local site allocation at Rosedale Park. The sports facilities at Rosedale Sports Club would not form part of the contribution from the appeal site as they are funded by the various components of the major site allocation - 07/17/0352/O and 07/17/0864/O.
£100,248 for Local Transport Contribution	This relates to the strategic highway interventions required at key points on the network over the plan period without which the primary roads will not function correctly	This site, like all new developments proposed under the framework established by the Local Plan, will have an impact on the local and strategic network which will be improved using funds from this and other sites in the Goffs Oak area	The cost of increasing capacity at major junctions in the strategic road network would be well in excess of £100million and all allocated sites are needed to contribute their share to these upgrades. The proxy for the sum sought is Rosedale Park and again, the other sites in Goffs Oak have contributed pro rata to the wider cost of road improvements needed to deliver Local Plan growth
£9,216 for Waste Services Contribution	Contribution being sought by HCC and separate justification will be provided by HCC		
£14,138 for Youth Services Contribution	Contribution being sought by HCC and separate justification will be provided by HCC		

4. CONCLUSION

- 4.1** The planning obligations sought are compliant with the Regulations for the reasons set out above.