

Three Rivers District Council

Town and Country Planning Act 1990 (As Amended)

Land North of Little Green Lane, Croxley Green

Planning Appeal

Appeal Reference: 6004972

Community Infrastructure Levy Compliance Statement

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1. Background

- 1.1 Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (“Regulation 122”) set tests in respect of planning obligations. 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.
- 1.2 For the avoidance of doubt (and as the Applicant is aware), the Council does not consider the proposed planning obligation as currently drafted to be adequate. The Council’s concerns in this regard are summarised below. Without prejudice to the Council’s position that (as currently drafted) the proposed planning obligation is inadequate, this CIL Compliance Statement prepared by the District Council assesses the performance of those obligations, against the requirements of Regulation 122. It should be read in conjunction with the CIL Compliance Statement prepared by Hertfordshire County Council in its capacity as the Education Authority, Highway Authority, Social Service Authority and Waste Authority

2. Policies

- 2.1 The development plan for Three Rivers District Council is the Three Rivers Core Strategy (adopted October 2011), the Site Allocations Local Development Documents (adopted November 2014), and the Development Management Policies Local Development Document (adopted in July 2013).
- 2.2 The following policies are referred to in the Council's analysis of compliance with the CIL tests:

Core Strategy

Policy CP1 (Overarching Policy on Sustainable Development)

Policy CP2 (Housing Supply)

Policy CP3 (Housing Mix and Density)

Policy CP4 (Affordable Housing)

Policy CP8 (Infrastructure and Planning Obligations)

Policy CP10 (Transport and Travel)

Site Allocations Local Development Document

Policy SA1 (Housing Site Allocations)

3. Proposed Planning Obligations

3.1 The proposed planning obligations, included with the Section 106 Unilateral Undertaking secure the following:

- **Affordable Housing** – The provision of affordable housing as part of the proposed scheme. The proposed residential (Class C3) element of the scheme would include up to 300 affordable dwellings. This represents 50% of the total number of units proposed. A mix of 30% will be shared ownership and 70% will be social rent. Affordable housing monitoring contribution of £673 index linked.
- **Children's Home** – the provision of a 5-bed children's home constructed and transferred to HCC.
- **Sports Provisions** – Contributions towards indoor and outdoor sports facilities to mitigate against the impact of the development are sought as follows, all contributions are index linked:
 - Natural Grass Pitches - £217,169
 - Adult Football - £52,381
 - Youth Football - £70,447
 - Mini Soccer - £20,951
 - Rugby Union - £10,767
 - Cricket - £62,624
 - Artificial Green Pitches 3G - £117,438
 - Tennis - £21,226
 - Indoor Swimming Pools - £330,488
 - Sports Hall (not required if a minimum specification is included in the s106) - £273,328
 - Monitoring Fee £380
- **Country Park and Woodland Management Monitoring Fee** – a contribution towards the monitoring of the management scheme of £380 index linked.
- **Travel Plan** – the provision of a financial contribution of £1,200.00 per annum for 5yrs in respect of the residential development, index linked and £1,500 per annum for 7yrs in respect of a an Education Travel Plan to enable Hertfordshire County Council to evaluate and monitor the Travel Plans.

- **Travel Vouchers and Car Share** – the provision of 6x4 week passes (Arriva All Zone) per unit. £511,200.
- **Primary Education** – the delivery of a new 1FE (up to 2FE of land) primary school in the area and/or provision serving the development. the provision of a financial contribution towards the provision of secondary school places. Based on the outline application it is anticipated to be in the region of £5,883,141, which has a land value of £10,5230 deducted, index linked.
- **Secondary Education** – the provision of a financial contribution towards the provision of secondary school places. Based on the outline application it is anticipated to be in the region of £4,376,834 index linked.
- **Special Educational Needs and Disabilities (SEND)** – the provision of a financial contribution towards the delivery of new severe learning difficulty school places. Based on the outline application it is anticipated to be in the region of £784,006 index linked.
- **Waste Services Transfer Station** – the provision of a financial contribution towards increased capacity at Waterdale Waste Transfer Station, or another site to serve the development. A contribution of £63,947 index linked is sought.
- **Bus Service** – the provision of a financial contribution split over 5yrs towards the provision of a new or extended bus service. A contribution of £1,955,000 index linked is sought.
- **Rousebarn Lane Upgrade** – the provision of a financial contribution towards the upgrade of Rousebarn Lane. A contribution of £25,000 index linked is sought.
- **Beryl Bikes** – the provision of a financial contribution towards the provision of additional Beryl Bikes and docking stations. A contribution of £45,000 index linked is sought.
- **Local Cycling and Walking Infrastructure** – financial contribution towards the Watford and Three Rivers Route 2 improvements of £15,000 index linked. Further contribution of £1,586,538 index linked, towards the enhancement of active and sustainable travel networks and improving walking and cycling network. Works exclude the delivery of a 20mph speed limit, inclusive on-street cycling measures, bus stop upgrades/installation, site access and vegetation clearance which will be funded by the Developer via the s278 process.

- **Medical Centre** – delivery of a medical centre built to ‘shell’ and a financial contribution of £1,850,000 index linked towards the fit out of the building.
- **Mental Health Contribution** – a contribution of £203,352 index linked, towards the provision of mental healthcare services.
- **Community Healthcare Contribution** – a financial contribution towards the provision of additional capacity to meet the demands from new residents in the area. A contribution of £211,608 index linked is sought.
- **Biodiversity Net Gain** – the provision to secure off site habitat units to ensure delivery of 10% net gain, with a contribution towards monitoring of £11,610 index linked
- **TfL Step-Free Access** – a financial contribution towards the delivery of step-free access at Croyley Station of £1,065,000 index linked.

4. CIL Tests

- 4.1 The following table explains how the above planning obligations given in favour of the District Council comply with the three tests set out in paragraph 58 of the Framework and Regulation 122. Hertfordshire County Council has prepared its own CIL Compliance Schedule in respect of those planning obligations given in favour of it as the Education Authority, Highways Authority, Social Services Authority and Waste Authority.

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	Regulation 122 CIL Compliance
Affordable Housing	The provision of affordable housing is required for the proposal to comply with the provisions of the Three Rivers Core Strategy Policy CP4 (Affordable Housing). Without a planning obligation securing the provision of an adequate mix of affordable housing, the proposal would fail to meet the housing needs of the District and area in general and would fail to comply with the golden rules and would	The provision of on-site affordable housing as a proportion of the housing development means the obligation is directly related to the proposed development.	The level of affordable housing accords with the requirements of Three Rivers Core Strategy Policy CP4 (Affordable Housing). The provision of affordable housing is therefore considered fair and reasonable as the proportion advocated under the development plan policy.	The planning obligation is specific to the proposed development.

	therefore be contrary to the provisions of paragraphs 17, Policies HO7, HO8, and GB8 of the NPPF.			
Children's Home	HCC have confirmed that there is a need locally for children's homes such that there is an identified need for the proposed provision. The proposed inclusion of this element is considered to accord with Policies HO7, HO8 of the NPPF.	The provision of an on-site children's home as a proportion of the housing development means the obligations is directly related to the proposed development.	Given the proportionate scale of the children's home proposed, it is considered that this is fair and proportionate to the development proposed.	The planning obligation is specific to the proposed development.
Sports Provisions	Contributions towards indoor and outdoor sports facilities to mitigate against the impact of the development are sought all contributions are index linked. These are required in accordance with the Three Rivers Core Strategy Policy	The sums have been calculated using the Sport England calculator and are based on the quantum of development proposed, thus being directly related to the proposed development.	It is fairly and reasonably related in scale and kind to the development because the development proposals will add pressure on existing facilities and increase demand.	The planning obligation is specific to the proposed development.

	CP8 (Infrastructure and Planning Obligations) and the Development Management Policy DM11.			
Country Park and Woodland Management Monitoring Fee	A contribution towards the reasonable costs incurred by the Council to monitor the delivery of the management plan.	The financial contribution is necessary to ensure the measures are complied with to ensure the appropriate ongoing management of the country park and woodland area.	It is fairly and reasonably related in scale and kind to the development because the development proposals include a requirement for the appropriate management of the Country Park and Woodland areas.	The planning obligation is specific to the proposed development.
Travel Plan and Travel Vouchers and Car Share	The provision of a financial contribution for in respect of appraising and monitoring the Travel Plans is required to comply with Three Rivers Core Strategy Policies CP1 (Overarching Policy on Sustainable Development), Policy CP8 (Infrastructure and	The financial contribution is necessary to ensure the measures are complied with to promote the use of sustainable transport for residents of the proposed development. The travel plan would support the need to secure specific objectives, targets and commitments (including	It is fairly and reasonably related in scale and kind to the development because the development proposals meet the thresholds for requiring a full travel plan and its associated level of financial contribution as laid out in Hertfordshire County Council's Travel Plan	The Council's Infrastructure Funding Statement does not reference these requirements. The planning obligation is specific to the proposed development.

	Planning Obligations) and CP10 (Transport and Travel) and Hertfordshire County Council's Local Transport Plan (LTP4). It is necessary to make the development acceptable in planning terms because travel plans are a necessary tool in ensuring that sustainable travel modes are encouraged, promoted and regulated to be in accordance with the NPPF and LTP4. The NPPF states that "all developments that will generate significant amounts of movement should be required to provide a Travel Plan". The securing of a travel plan via a planning obligation allows for a greater level of detail to	details of survey methods, funding and any required third-party engagement) and be required to address the transport impacts generated by the development. As such the obligation is directly related to the proposed development.	Guidance (TPG, 2020), which is a supporting document to LTP4. A planning obligation is "the only mechanism to secure Travel Plan Evaluation and Support Contributions, that allow for the Travel Plan to be supported by the County Council for a minimum period of 5 years" TPG, 2020.	
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	be agreed than could reasonably be achieved by a planning condition, particularly in relation to the implementation and monitoring of the plan. To secure the associated vouchers required by the Travel Plan will also ensure that the Travel Plan is robust.			
Primary Education	Policy CP8 of the Three Rivers Core Strategy requires adequate contributions to be made towards infrastructure and service to meet the demands arising from proposed development. The development plan therefore supports the provision of planning contributions. The provision of community facilities is a matter that is relevant to planning. The	The occupiers of new residential developments will have an additional impact upon local services. The financial contributions sought towards the above services are based on the size, type and tenure of the individual dwellings comprising this development following consultation with the service providers and will only be used	The financial contributions have been calculated according to the size, type and tenure of each individual dwelling comprising the proposed development (based on the person yield). The final figure will be calculated based on the reserved matters detail. The need for a new primary school arises locally, therefore the additional provision of	The Council's Infrastructure Funding Statement does not reference these requirements as they are County Council contributions. The planning obligation is specific to the proposed development

	contributions sought will ensure that additional needs brought on by the development are met.	towards services and facilities serving the locality of the proposed development and therefore, for the benefit of the development's occupants.	land is essential to enable school places to be delivered to meet the need arising from the development.	
Secondary Education	Policy CP8 of the Three Rivers Core Strategy requires adequate contributions to be made towards infrastructure and service to meet the demands arising from proposed development. The development plan therefore supports the provision of planning contributions. The provision of community facilities is a matter that is relevant to planning. The contributions sought will ensure that additional needs brought on by the	The occupiers of new residential developments will have an additional impact upon local services. The financial contributions sought towards the above services are based on the size, type and tenure of the individual dwellings comprising this development following consultation with the service providers and will only be used towards services and facilities serving the	The financial contributions have been calculated according to the size, type and tenure of each individual dwelling comprising the proposed development (based on the person yield). The final figure will be calculated based on the reserved matters detail.	The Council's Infrastructure Funding Statement does not reference these requirements as they are County Council contributions. The planning obligation is specific to the proposed development.

	development are met.	locality of the proposed development and therefore, for the benefit of the development's occupants.		
Special Educational Needs and Disabilities (SEND)	Policy CP8 of the Three Rivers Core Strategy requires adequate contributions to be made towards infrastructure and service to meet the demands arising from proposed development. The development plan therefore supports the provision of planning contributions. The provision of community facilities is a matter that is relevant to planning. The contributions sought will ensure that additional needs brought on by the development are met.	The occupiers of new residential developments will have an additional impact upon local services. The financial contributions sought towards the above services are based on the size, type and tenure of the individual dwellings comprising this development following consultation with the service providers and will only be used towards services and facilities serving the locality of the proposed development and	The financial contributions have been calculated according to the size, type and tenure of each individual dwelling comprising the proposed development (based on the person yield). The final figure will be calculated based on the reserved matters detail.	The Council's Infrastructure Funding Statement does not reference these requirements as they are County Council contributions. The planning obligation is specific to the proposed development.

		therefore, for the benefit of the development's occupants.		
Waste Services Transfer Station	Policy CP8 of the Three Rivers Core Strategy requires adequate contributions to be made towards infrastructure and service to meet the demands arising from proposed development. The development plan therefore supports the provision of planning contributions. The provision of community facilities is a matter that is relevant to planning. The contributions sought will ensure that additional needs brought on by the development are met.	The occupiers of new residential developments will have an additional impact upon local services. The financial contributions sought towards the above services are based on the size, type and tenure of the individual dwellings comprising this development following consultation with the service providers and will only be used towards services and facilities serving the locality of the proposed development and therefore, for the benefit of the development's occupants.	The financial contributions have been calculated according to the size, type and tenure of each individual dwelling comprising the proposed development (based on the person yield). The final figure will be calculated based on the reserved matters detail.	The Council's Infrastructure Funding Statement does not reference these requirements as they are County Council contributions. The planning obligation is specific to the proposed development.

Bus Service	HCC's Place and Movement Planning and Design Guidance 2024 (P&MPDG) states an expectation that all occupied parts of development should be within 400m walking distance of a bus stop or transport hub by public walking routes. Policy CP10 of the Three Rivers Core Strategy expects development proposals to contribute to the delivery of transport and travel measures identified as necessary for the development, either on-site as part of the development or through contributions to off-site provision as appropriate. Provision	The need for a bus route serving this site is as a direct result of the proposed development and is therefore directly related to the development proposed.	The proposed contributions have been calculated based on the provision of a bus loop to serve the site providing for 1no bus per hour.	The Council's Infrastructure Funding Statement does not reference these requirements as they are County Council contributions. The planning obligation is specific to the proposed development.

	for interchange and access by public transport, walking and cycling will be regarded as particularly important. Policy TR3 of the NPPF require sites to be sustainable or capable of being made sustainable. There is an identified absence of an appropriate bus route within the proximity of the site, therefore the provision of an appropriate bus route to serve the site is considered to be necessary to encourage sustainable movements to and from the site.			
Rousebarn Lane Upgrades	Policy CP10 of the Three Rivers Core Strategy expects	The scheme proposes increased use of the Lane and associated	The upgrade is required in association with this proposed development	The Council's Infrastructure Funding Statement

	development proposals to contribute to the delivery of transport and travel measures identified as necessary for the development, either on-site as part of the development or through contributions to off-site provision as appropriate. Provision for interchange and access by public transport, walking and cycling will be regarded as particularly important. Policy TR3 of the NPPF require sites to be sustainable or capable of being made sustainable.	Public Rights of Way, it is therefore important to seek to preserve and enhance the route to encourage active use.	and increase activity on the PROW.	does not reference these requirements as they are County Council contributions. The planning obligation is specific to the proposed development.
Beryl Bikes	Policy CP10 of the Three Rivers Core Strategy expects development proposals	The occupiers of new residential developments will have an additional impact upon	The contribution has been calculated based on the size of the scheme and a	The Council's Infrastructure Funding Statement does not reference

	to contribute to the delivery of transport and travel measures identified as necessary for the development, either on-site as part of the development or through contributions to off-site provision as appropriate. Provision for interchange and access by public transport, walking and cycling will be regarded as particularly important. Policy TR3 of the NPPF require sites to be sustainable or capable of being made sustainable.	local services. The financial contributions sought towards the above services are based on the scale of development following consultation with the service providers and will only be used towards services and facilities serving the locality of the proposed development and therefore, for the benefit of the development's occupants.	proportionate increase in the number of bikes and docking stations available that will benefit the site. It is therefore considered to be reasonable and proportionate.	these requirements as they are County Council contributions. The planning obligation is specific to the proposed development.
Local Cycling and Walking Infrastructure	Opportunities to improve active and sustainable travel in Croxley Green and the surrounding areas have been highlighted in the	The occupiers of new residential developments will have an additional impact upon local services. The financial contributions	The contribution has been calculated based on the size of the scheme and a proportionate increase in	The Council's Infrastructure Funding Statement does not reference these requirements

	Watford and Three Rivers Local Cycling and Walking Infrastructure Plan (LCWIP). The plan includes upgrades and key interventions to cycle infrastructure, including to cycle priority enhancements along the A412 corridor towards Watford, known as Route 2 in the scheme. Policy CP10 of the Three Rivers Core Strategy expects development proposals to contribute to the delivery of transport and travel measures identified as necessary for the development, either on-site as part of the development or through contributions to off-site provision as appropriate. Provision for interchange and	sought towards the above services are based on the scale of development following consultation with the service providers and will only be used towards services and facilities serving the locality of the proposed development and therefore, for the benefit of the development's occupants.	the use of active travel infrastructure locally.	as they are County Council contributions. The planning obligation is specific to the proposed development.
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	access by public transport, walking and cycling will be regarded as particularly important. Policy TR3 of the NPPF require sites to be sustainable or capable of being made sustainable.			
Healthcare Contributions	Policy CP8 of the Three Rivers Core Strategy requires adequate contributions to be made towards infrastructure and service to meet the demands arising from proposed development. The development plan therefore supports the provision of planning contributions. The provision of community facilities is a matter that is relevant to planning. The	The occupiers of new residential developments will have an additional impact upon local services. The financial contributions sought towards the above services are based on scale of development proposed following consultation with the service providers and will only be used towards services and facilities serving the locality of the proposed development and	The financial contributions have been calculated according to the scale of the proposed development (based on the person yield). It is therefore proportionate to the development proposed.	The planning obligation is specific to the proposed development.

	contributions sought will ensure that additional needs brought on by the development are met.	therefore, for the benefit of the development's occupants.		
Biodiversity Net Gain	S7A of the Environment Act 2021 mandates a 10% increase in biodiversity over the pre-development baseline for development applications. As the 10% increase cannot be accommodated on site and the Applicant has no other land, there is a need to secure off-site credits to be purchased to ensure compliance.	The need for off-site credits arises as a direct result of the proposed development.	The quantum of off-site credits required arises from the site specific BNG metric. It is therefore a fair and proportionate approach.	The planning obligation is specific to the proposed development.
TfL Step-free Access	Policy CP10 of the Three Rivers Core Strategy expects development proposals to contribute to the delivery of transport and travel measures identified as necessary	The proposal will increase the number of passengers using Croxley Station which does not benefit from any step-free access at present.	The works have been costed and a contribution sought. It is therefore considered to be reasonable and proportionate. See TfL justification.	The planning obligation is specific to the proposed development. See TfL justification.

	for the development, either on-site as part of the development or through contributions to off-site provision as appropriate. Provision for interchange and access by public transport, walking and cycling will be regarded as particularly important. Policy TR3 of the NPPF require sites to be sustainable or capable of being made sustainable.			
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