

Hertfordshire County Council

CIL Compliance Statement

Statement in support of planning obligations sought towards Hertfordshire County Council (non-highways) services.

Call-in by the Secretary of State under Section 77 of the Town and Country Planning Act 1990 (as amended) of the Outline planning application (application reference: 25/1020/OUT) for the development of *up to 256 residential dwellings (Use Class C3) (including affordable housing and self/custom-build), housing with care (C2 use class), a children's home (for looked after children) (C2 use class) together with associated access (including off-site highway works), parking, open space and landscaping (appearance, layout, landscaping and scale as reserved matters)* at

Land East Of Oxhey Lane, Carpenders Park, Hertfordshire

The Secretary of State has considered the published policy on the call-in of planning applications, including the types of issues which may give rise, in their opinion, to the need for determination at national level. Having regard to that policy, they have concluded that the application submitted by The Burlington Group should be called in for determination. The application will therefore be referred to the Secretary of State and determined instead of being dealt with by Three Rivers District Council.

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On behalf of Hertfordshire County Council (non-highways) services

11 May 2026

PINS reference: APP/P1940/V/26/3378268

Application reference: 25/1020/OUT

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2.0 Introduction

- 2.1 The purpose of this statement is to set out Hertfordshire County Council's (HCC) requested planning obligations in relation to the Call-in by the Secretary of State at Land East of Oxhey Lane and to demonstrate compliance with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (the CIL tests)¹.
- 2.2 HCC is the upper-tier authority for Hertfordshire and is responsible for a range of public services for which planning obligations may be sought to secure infrastructure and mitigate the impacts of development. These services include education, transport, libraries, waste disposal, fire and rescue, adult care services, and childcare.

3.0 Local and National Policy

- 3.1 Both the National Planning Policy Framework (the NPPF)² and the CIL tests require that planning obligations be:
- 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.
- 3.2 The NPPF recognises the importance of providing supporting infrastructure, including local services, and for 'local strategies to improve health, social and cultural well-being' in connection with new housing. This applies to both plan-making and development management.³ In relation to education, the NPPF supports 'a proactive, positive and collaborative approach' to ensuring a 'sufficient choice of early years, school and post-16 places are available to meet the needs of existing and new communities'. It also gives 'great weight' to the creation, expansion, or alteration of early years, school and post-16 facilities.⁴
- 3.3 The requirement for financial contributions and the provision of appropriate infrastructure is established under Policy CP1 - Overarching Policy on Sustainable Development and Policy CP8 – Infrastructure and Planning Obligations of the Three Rivers District Council Core Strategy (adopted October 2011).

4.0 HCC's Approach to Planning Obligations

HCC Policy

¹ [The Community Infrastructure Levy Regulations 2010](#)

² [National Planning Policy Framework](#), paragraph 58

³ [National Planning Policy Framework](#), paragraphs 7, 8a, 35, 98a, 98b, 101, and 156b (in relation to Grey Belt sites)

⁴ [National Planning Policy Framework](#), paragraph 100.

- 4.1 HCC's overall approach to planning obligations is set out in its *Guide to Developer Infrastructure Contributions* and the accompanying technical appendices.⁵ The approach to securing planning obligations through an appropriate legal agreement is set out in *the Guide to Developer Infrastructure Contributions Legal Pack*.⁶

Projects

- 4.2 New housing will result in an increase in population service users within the local area served by individual pieces of community infrastructure. HCC may therefore require additional capacity to accommodate these new residents and mitigate the impact of development. A planning obligation is often necessary to make the development acceptable in planning terms to achieve this.
- 4.3 Where additional capacity is required, it will typically be provided at the school, library or other service serving the community in which the new development is located, usually the closest facility. This approach ensures that obligations are directly related to the development.
- 4.4 In some cases, where there is no deliverable project, HCC may not seek a planning obligation. Alternatively, HCC may seek an obligation for a facility that is not the closest if creating capacity elsewhere releases capacity locally to the development.
- 4.5 To ensure some flexibility, particularly as the names, locations, and strategies for individual facilities may change over the lifetime of a development and during the ten-year period in which an obligation is held, HCC includes the wording 'and/or provision serving the development' in the definition of projects. This ensures contributions can still be spent in the event of a change in service delivery strategy, provided the requirement that the obligation is directly related to the development continues to be met.
- 4.6 Further information justifying the choice of project and its compliance with the tests of necessity and directness is set out in the relevant sections for each obligation below.

Non-Education Contributions

- 4.7 Where a project is identified to mitigate the impact of development, HCC calculates contributions based on the population forecast anticipated to arise from a development, based on its characteristics and the per place costs for the type of project the obligation is funding using the Non-Education Tool (NET). This approach ensures that each contribution is fairly and reasonably related in scale and kind to the development.
- 4.8 To forecast the population or service users arising from development, HCC uses Census 2021 data on the all-household and migrant household populations of Hertfordshire as evidence for the following services:

⁵ See Appendix 1: Guide to Developer Infrastructure Contributions.

⁶ See Appendix 2: Guide to Developer Infrastructure Contributions Legal Pack.

- Childcare (0-2 and 5-11)
 - Libraries
 - Waste disposal (recycling centres and transfer stations)
 - Youth
- 4.9 HCC has calculated a person-per-unit value for housing units by type, tenure, and bedroom number. This is achieved by identifying the number of Hertfordshire residents by unit, bed-size, type and tenure in the Census 2021 data. The total resident population by unit type, tenure and bed-size is then divided by the total number of dwellings in Hertfordshire of the same unit type, tenure and bed-size. This generates a person-per-unit value for each housing typology.
- 4.10 For certain services, such as childcare, HCC adjusts the person-per-unit values by a take-up rate to reflect that not all members of the population are potential service users.
- 4.11 To calculate a proportionate obligation, the NET multiplies the person-per-unit value by the cost-per-person for the relevant service. This figure is then multiplied by the number of units proposed, categorised by type, tenure and bed-size. This resulting calculation provides the contribution for each unit type, tenure and bed-size, which, when aggregated, provides the final total contribution for a given service.
- 4.12 This methodology is explained in greater detail in the *Guide to Non-Education Model and Indicative Section 106 Contributions Calculator*.⁷

Education Contributions

- 4.13 HCC's agreed method for calculating developer contributions for mainstream and Special Educational Needs and Disabilities (SEND) education services is through the Hertfordshire Demographic Model (HDM). This approach ensures that contributions are fairly and reasonably related in scale and in kind to the development by calculating obligations based on the number of pupils forecast to arise from the proposed development.
- 4.14 For each school phase, the HDM projects the peak average number of pupils likely to arise from a development based on the proposed dwelling mix by type, tenure, and bedroom number. The model ages these cohorts' year-on-year to reflect how pupil yield changes over time as children progress through different school phases. It then multiplies this peak yield figure by the average per-pupil cost to give a planning obligation.
- 4.15 HCC seeks contributions based on the peak average yield of each main school phase. This approach is supported by the Department for Education

⁷ See Appendix 3: Guide to Non-Education Model and Indicative Section 106 Contributions Calculator.

(DfE) guidance, which states that “[the DfE] advise [local authorities] to respond to forecast peaks in demand”.⁸

- 4.16 To calculate the peak pupil yield, the HDM uses Census 2021 data that is calibrated against school uptake rates in Hertfordshire and observed yields from HCC's Pupil Yield Study (PYS). The PYS is HCC's long-term, ongoing study of pupil yield from recently completed housing developments in Hertfordshire. This evidence base provides pupil yields for different housing types based on the type, tenure, and bedroom number, ensuring that forecast pupil yields are fairly and reasonably related in scale and kind to the development.
- 4.17 The DfE guidance on estimating pupil yield from housing development advises that local evidence bases be accepted where they are transparent, based on a representative sample of housing developments, clearly explained, and well-reasoned.⁹ To meet this requirement, HCC's methodology is set out in full for both the HDM and the PYS.¹⁰
- 4.18 The HDM and PYS have both been considered at planning appeals, most recently in appeal reference APP/J1915/W/24/3340497, Land east of A10, Buntingford, Hertfordshire. As published in Inspector's report for this appeal, HCC's methodology was found to result in “education requirements [that] meet the tests within the regulations and as such are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.”¹¹
- 4.19 DfE guidance provides clear support for the use of local evidence bases when assessing pupil yields likely to arise from a development. Paragraph 13 further states that “when pupil yield evidence has been tested and validated through a local plan or CIL Charging Schedule examination, planning appeal, or Judicial Review, it should be accepted without further challenge unless there has been a significant material change in circumstances since that time.”¹²
- 4.20 To calculate the planning obligation, the pupil yield for the proposed development mix is multiplied by a per-place cost. The HDM uses the DfE's published national average costs from its local authority school place scorecards.¹³ To reflect the additional costs of delivering sustainable schools, including buildings that are net zero carbon in operation and incorporate climate resilience measures that are not accounted for in the scorecards, HCC applies a 10% uplift. This approach, including the 10% uplift, accords with DfE advice to use the scorecards to assume per pupil costs.¹⁴

⁸ See Appendix 5: Securing Developer Contributions for Education, paragraph 67.

⁹ See Appendix 6: Estimating Pupil Yield from Housing Development, paragraph 13.

¹⁰ See Appendix 7: Guide to the Hertfordshire Demographic Model and Appendix 8: Pupil Yield Survey Methodology.

¹¹ See Appendix 9: Appeal Decision: Land east of A10, Buntingford, Hertfordshire, paragraph 61.

¹² See Appendix 6: Estimating Pupil Yield from Housing Development, paragraph 13.

¹³ See Appendix 4: Department for Education School Scorecards.

¹⁴ See Appendix 5: Securing Developer Contributions for Education, paragraphs 32 and 33.

- 4.21 The scorecard costs do not include the cost of acquiring land.¹⁵
- 4.22 The methodology behind the HDM is set out in detail in *Appendix 7: Guide to the Hertfordshire Demographic Model* and *Appendix 8: Pupil Yield Survey Methodology*. DfE guidance, with which HCC's methodology accords, is provided in *Appendix 5: Securing Developer Contributions for Education* and *Appendix 6: Estimating Pupil Yield from Housing Development*.

Indexation

- 4.23 HCC will apply indexation to contributions to ensure they retain their value in real terms between the point of calculation and the point of payment.
- 4.24 Indexation should be applied from the point that the base costs are set, rather than the point the application is determined or the point the S106 agreement is signed. This approach prevents contributions from losing value in real terms during the period between the calculation of the base costs and the determination of the application or signing of the agreement.
- 4.25 The appropriate index to be used is identified in Table 2: Summary of HCC's requested planning obligations and in the substantive sections below.
- 4.26 For education contributions, Secondary and SEND regional indexation will also be applied. Contribution requests are based on DfE scorecard costs for pupil places, which apply nationally. To reflect higher build and material costs in Hertfordshire, this regional indexation is included in addition to the national costs.

Trigger Points

- 4.27 HCC has a responsibility to ensure that appropriate mitigation measures are in place before the need generated by a development site arises. HCC therefore seeks payment of financial contributions at the earliest possible trigger point and in advance of the need being generated. To do otherwise would risk delaying the delivery of projects, particularly where they rely on pooled contributions from multiple applications. Early payment also reduces the risk associated with later trigger points, which may be significantly delayed or never reached, although an element of the impact would have arisen.

Monitoring and compliance

- 4.28 HCC's approach to the allocation and spending of Section 106 contributions is robust to ensure compliance with the S106 agreement and Regulation 122. This process includes sign-off from finance officers and, where necessary, legal officers.

5.0 HCC's Requested Planning Obligations

- 5.1 The development mix for this application is as shown in Table 1 below:

¹⁵ See technical notes to Appendix 4: Department for Education School Scorecards.

Table 1: Application development mix

Type	Tenure	Bedrooms	Units
Houses	Open Market and/or Shared Ownership*	1	0
		2	38
		3	50
		4+	8
Flats	Open Market and/or Shared Ownership*	1	33
		2	37
		3	0
		4+	0
Houses	Affordable Rent and/or Social Rent**	1	0
		2	20
		3	28
		4+	5
Flats	Affordable Rent and/or Social Rent**	1	18
		2	20
		3	0
		4+	0

- 5.2 HCC's requested planning obligations, based on the indicative development mix, are set out in Table 2: Summary of HCC's requested planning obligations below.

Table 2: Summary of HCC's requested planning obligations

Contribution	Project	Contribution	Indexation
Secondary Education	towards the delivery of a new secondary school at Carpenter's Park	£1,942,832 (which includes land costs of £38,442)	BCIS Q1 2024 Additionally, contributions will be subject to BCIS Regional Indexation using the Building Cost Information Service

Contribution	Project	Contribution	Indexation
			Tender Price Study by location (based on 2000 boundaries data) for the East of England.
SEND	towards the delivery of new Severe Learning Difficulty (SLD) special school places (WEST) for pupils aged 2 to 19 years old, through the relocation and expansion of Breakspeare School	£362,609	BCIS Q1 2024 Additionally, contributions will be subject to BCIS Regional Indexation using the Building Cost Information Service Tender Price Study by location (based on 2000 boundaries data) for the East of England.
Waste (Transfer Station)	increasing capacity by expansion of Waterdale Transfer Station	£26,033	BCIS Q1 2024
Children's Home	Provision of a children's home		
Monitoring		£420 Per trigger in s106	RPI January 2024

5.3 These requirements were provided to Three Rivers District Council on 13 August 2025, followed by a further Position Report with a detailed breakdown

of the calculations on 26 February. Both were included in the officer's report when the site was refused on 19 March 2026.¹⁶

- 5.4 As this is an Outline application, HCC's requested planning obligations in the S106 agreement will be included with a corresponding table showing contributions per unit by type, tenure, and bedroom number, replicated in Table 3. This ensures that the contribution remains proportionate and related in scale and kind to development, as the contribution paid will reflect the development mix as permitted by the subsequent Reserved Matters applications.

Table 3: Contributions per unit by type, tenure, and bedroom number outlined in the S106 agreement.

Service	Type	Tenure	Bedroom Numbers:			
			1	2	3	4
Secondary Education (Including Post-16 Provision)	Flat	Affordable Rent and/or Social Rent**	£2,240	£14,617	£13,196	£14,607
Secondary Education (Including Post-16 Provision)	Flat	Open Market and/or Shared Ownership*	£2,393	£5,246	£4,843	£5,839
Secondary Education (Including Post-16 Provision)	House	Affordable Rent and/or Social Rent**	£932	£12,891	£17,544	£19,552
Secondary Education (Including Post-16 Provision)	House	Open Market and/or Shared Ownership*	£2,907	£5,560	£8,969	£10,935
SEND Primary and Secondary Education	Flat	N/A	£669	£669	£669	£669

¹⁶ See Appendix 10: Response to Planning Application 25/1020/OUT dated 13 August 2025; Appendix 11: HCC Position Report in response to Planning Application 25/1020/OUT dated 26 February 2026 and Appendix 12: Officer's Report for Planning Application 25/1020/OUT dated 19 March 2026

Service	Type	Tenure	Bedroom Numbers:			
			1	2	3	4
SEND Primary and Secondary Education	House	N/A	£1,949	£1,949	£1,949	£1,949
Waste Management Transfer Station (Waterdale)	Flat	Affordable Rent and/or Social Rent**	£55.24	£109.58	£147.09	£122.71
Waste Management Transfer Station (Waterdale)	Flat	Open Market and/or Shared Ownership*	£64.76	£91.37	£119.25	£140.25
Waste Management Transfer Station (Waterdale)	House	Affordable Rent and/or Social Rent**	£56.76	£101.89	£142.45	£196.86
Waste Management Transfer Station (Waterdale)	House	Open Market and/or Shared Ownership*	£68.46	£88.78	£116.25	£141.63
<i>The tenure terms set out in the tables reflect the terminology used with the submitted Application. Should alternative definitions/types of tenure of units be applicable in the future (e.g. at such time that Reserved Matters applications are submitted and/or as reflected in updated Hertfordshire County Council guidance) then they should be characterised and included as follows:</i> <i>* Tenure characteristics similar to open market dwellings and dwellings provided for sale that offers a route to ownership for those who could not achieve home ownership through the market (or other tenures which display these types of characteristics)</i> <i>** Tenure characteristics of 100% rented, reflecting needs assessed dwellings for which the rent is set below local market rents (or other tenures which display these types of characteristics)</i>						

6.0 Mainstream Education Secondary

Necessity

- 6.1 HCC has a statutory responsibility to provide sufficient school places for Secondary age pupils. Ensuring access to good local schools also supports

the sustainability of sites and communities, contributes to local wellbeing, and gives children the best possible start in life.

- 6.2 HCC assesses school capacity within designated school planning areas. Land East of Oxhey Lane is located on the boarder of the Watford and Radlett & Bushey Secondary Planning Areas. The forecast for these school planning areas are set out in Figure 1 and 2 below.

20 Watford												
School Code	School Name	Places Available 2025-26	Actuals			Forecast						
			2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32
4111	Westfield Academy	240	260	237	236							
5401	Watford Grammar School for Boys	224	224	226	227							
5403	Watford Grammar School for Girls	210	210	211	210							
5404	Parmiter's School	208	224	208	216							
5417	Saint Michael's Catholic High School	180	183	180	182							
6905	Future Academies Watford	210	219	211	157							
Total Year 7 Pupil Demand			1,320	1,273	1,228	1,292	1,288	1,295	1,251	1,232	1,231	1,236
Total Year 7 Places Available		1,272				1,272	1,272	1,272	1,272	1,272	1,272	1,272
Surplus or Shortage of Year 7 Places (No.)						-20	-16	-23	21	40	41	36
Surplus or Shortage of Year 7 Places (%)						-1.6%	-1.3%	-1.8%	1.7%	3.1%	3.2%	2.8%
Surplus or Shortage of Year 7 Places (FE)						-0.7	-0.5	-0.8	0.7	1.3	1.4	1.2

Figure 1: Forecast for the Watford Secondary planning area for 2025/26.

21 Radlett & Bushey												
School Code	School Name	Places Available 2025-26	Actuals			Forecast						
			2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32
4036	The Grange Academy	240	181	177	138							
5408	Bushey Meads School	200	223	187	195							
5410	Queens' School	270	270	270	271							
Total Year 7 Pupil Demand			674	634	604	638	639	648	632	609	637	608
Total Year 7 Places Available		710				710	680	680	680	680	680	680
Surplus or Shortage of Year 7 Places (No.)						72	41	32	48	71	43	72
Surplus or Shortage of Year 7 Places (%)						10.1%	6.0%	4.7%	7.1%	10.4%	6.3%	10.6%
Surplus or Shortage of Year 7 Places (FE)						2.4	1.4	1.1	1.6	2.4	1.4	2.4

Figure 2: Forecast for the Radlett & Bushey Secondary planning area for 2025/26.

- 6.3 Land East of Oxhey Lane is forecast to yield 0.33fe at Secondary stage.
- 6.4 Across the relevant secondary planning areas, forecast capacity at the end of the projection period is approximately 6.7%, which sits within the 5–10% surplus generally accepted as necessary to maintain flexibility for forward planning purposes. It is also important to note that several schemes have recently been consented in the area, and the pupil yield from these developments has not yet fed through into the forecasts. Therefore, this level of surplus should not be interpreted as spare capacity available to accommodate additional development without mitigation.
- 6.5 In addition, the secondary pupil yield from this development is expected to peak beyond the current forecast period. The forecasts, together with knowledge from local school place planning expertise, are used to assess current trends and inform judgements about future mitigation. In this context, the trend of close correlation between places available and demand is expected to continue.
- 6.6 It is therefore unlikely that sufficient school capacity will exist in the local area to meet the needs of Land East of Oxhey Lane. Without new education

capacity, children would be unlikely to secure a local school place, leading to unsustainable patterns of movement.

- 6.7 A planning obligation is therefore necessary to make this application acceptable in planning terms.

Directness

- 6.8 The project identified to mitigate the impact of development is the delivery of a new secondary school at Carpenter's Park.
- 6.9 Both Land East of Oxhey Lane and the identified project are located within the Watford Secondary School Planning Area. This is illustrated in Figure 3 below.

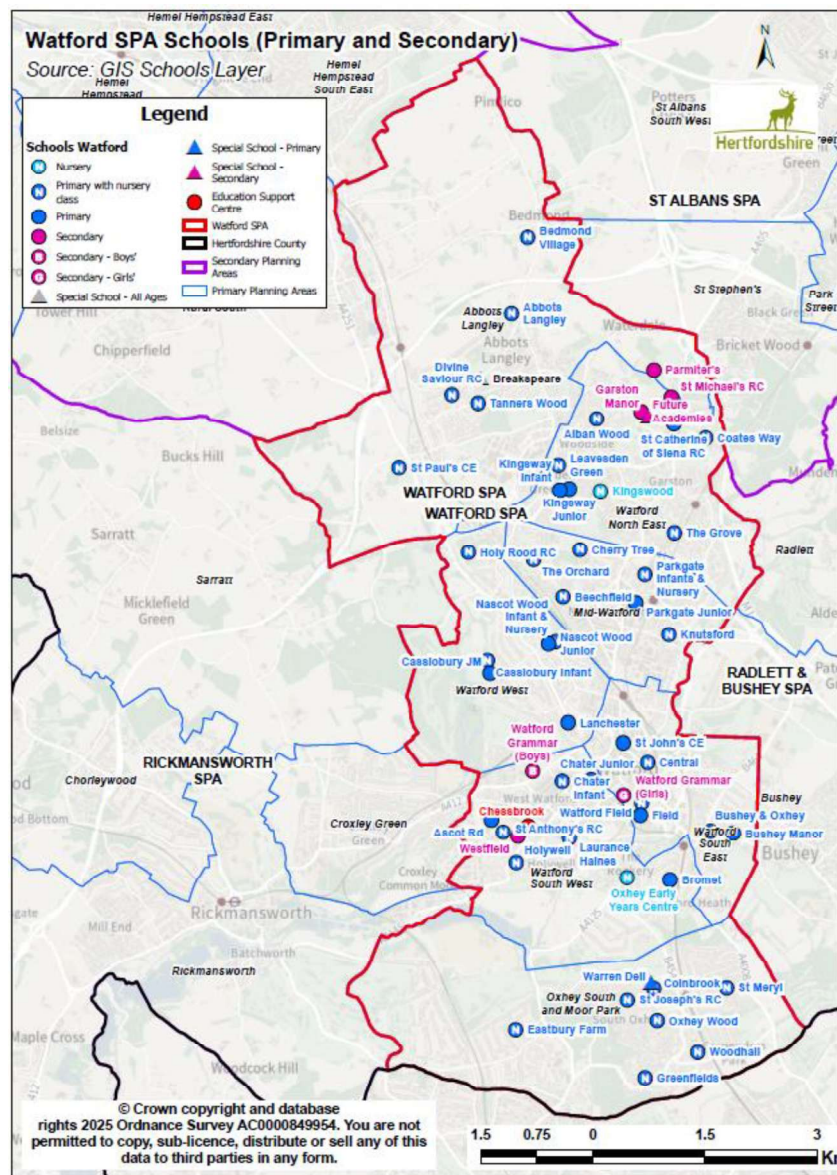


Figure 3: Map of Watford Secondary School Planning Area

- 6.10 HCC can reasonably expect that secondary aged children from this development will attend the new secondary school at Carpenter's Park and

therefore, a £1,942,832 (which includes land costs of £38,442) planning obligation towards the new secondary school at Carpenter's Park is therefore directly related to the development.

Scale

- 6.11 HCC's requested planning obligation is £1,942,832 (which includes land costs of £38,442) Secondary index-linked to BCIS Q1 2024 and BCIS Regional Factor. The methodology for calculating this contribution is set out below.
- 6.12 The development mix set out in Table 1: Application development mix as assessed using the HDM, forecasts a peak pupil yield of 49.65 or 0.33FE at the Secondary stage, and 10.24 at the Post-16 stage.
- 6.13 The DfE school scorecards maintain benchmark costs for both new schools and expansions. As this project is a new school the most appropriate per-place scorecard costs are the new school costs. The applicable scorecard costs for a Secondary and Post-16 place are therefore £31,803 per place, index-linked to BCIS Q1 2024 and BCIS Regional Factor.
- 6.14 The subsequent calculation is set out in Table 4 below. Note that the calculation shown is rounded for illustrative purposes.

Table 4: Calculation of the Secondary planning obligation.

Phase	Pupils	Cost Per Place	Contribution
Post-16	10.2410.24	£31,803 £31,803	£1,590,150
Secondary	49.65	£31,803	£318,030
Total			£1,908,180

- 6.15 Additionally, the delivery of a new secondary school at Carpenter's Park requires land acquisition for delivery, and the cost of acquiring land is not included in the DfE school scorecard costs, which cover buildings only. It is therefore reasonable for Land East of Oxhey to make a proportionate contribution towards land acquisition.
- 6.16 HCC applies an education land value of £35,000 per acre or £86,450 per hectare, based on previous examples of valuing land for education use.
- 6.17 The calculation of the land contribution, to be applied in addition to the contribution set out in Table 4, is provided in Table 5: Land contribution calculation.

Table 5: Land contribution calculation

Row	Calculation	Calculation	Value
a	Land cost		£86,450 per hectare
b	School land		10.78 hectare

c	School land cost	$a \times b$	£931,931
d	School capacity		8fe
e	Site demand		0.33
f	Site percentage of school capacity	$e \div d \times 100$	4%
g	Site percentage of school land cost	$f\% \times c$	£38,442

- 6.18 A land contribution of £38,442 is therefore required in addition to the contribution towards the cost of delivering the school buildings.
- 6.19 As the land is being restricted for education use by virtue of the planning permission, it is appropriate that the applicant be compensated at education land values. HCC applies an education land value of £35,000 per acre or £86,450 per hectare, based on previous examples for valuing land for education use.
- 6.20 The contribution is therefore based on the pupil yield arising from the development, taking account of its characteristics, and appropriate per-pupil costs, and is thus related in scale and kind to the development.
- 6.21 Accordingly, a contribution is sought towards the delivery of a new secondary school at Carpender's Park of £1,942,832 (which includes land costs of £38,442)², index-linked to BCIS Q1 2024 and BCIS Regional Factor. This includes a contribution towards buildings of £1,904,390 and land costs £38,442.
- 6.22 Further information on HCC's approach to mainstream education contributions is set out in Appendix 13: *Technical Appendix 3 – Education (Mainstream Schools)*

7.0 Special Education Needs (SEND)

Necessity

- 7.1 HCC has a statutory responsibility to provide sufficient school places for pupils with SEND requirements. Access to SEND education services is essential to ensure fairness and equal opportunities for all pupils and parents.
- 7.2 HCC's SEND Special School Place Planning Strategy identifies the need for additional special school places in Hertfordshire.¹⁷ It highlights a shortfall in provision across several categories, including Physical and Neurological Impairment, Severe Learning Difficulties, Social Emotional and Mental Health, Learning Difficulties, and Hearing Impairment/Deaf. Furthermore, there is currently no special school provision for the Communication and Autism category.

¹⁷ See Appendix 14: SEND Special School Place Planning Strategy.

- 7.3 Demand for SEND provision continues to grow, and the additional new dwellings will place further pressure on an already stretched service, exacerbating an already problematic situation. HCC plans to deliver new special schools covering various SEND categories and has secured planning permission for the expansion and reprovision of Breakspeare School in Croxley Green (WEST) and towards a new special school in Buntingford (EAST).
- 7.4 New applications for planning permission must therefore include measures to mitigate the additional demand placed upon the SEND education system in Hertfordshire.
- 7.5 A planning obligation is therefore necessary to make this application acceptable in planning terms.

Directness

- 7.6 The project identified to mitigate the impact of development is towards new Severe Learning Difficulty (SLD) special school places (WEST) for pupils aged 2 to 19 years old, through the relocation and expansion of Breakspeare School.
- 7.7 Unlike mainstream education, pupils often travel longer distances to attend special schools. This is due to the relatively small number of pupils requiring special education and the limited number of special schools which are available. Moreover, pupils have diverse needs and must attend a school that can meet their specific requirements and has the capacity to enrol them.
- 7.8 Consequently, HCC needs to seek for a small number of projects, each serving a wide geographical area. Each project may provide places for local pupils or, by admitting local pupils from mature housing stock, release capacity at other special schools that can accommodate pupils from the development.
- 7.9 Land East of Oxhey Lane is located in the west of the county. HCC can therefore reasonably expect that the increase in school capacity provided by new Severe Learning Difficulty (SLD) special school places (WEST) will serve the development. This project has not yet secured full funding.
- 7.10 A planning obligation towards new Severe Learning Difficulty (SLD) special places (WEST) for pupils aged 2 to 19 years old, through the relocation and expansion of Breakspeare School is therefore directly related to the development.

Scale

- 7.11 HCC's requested planning obligation is £362,609, index-linked to BCIS Q1 2024 and BCIS Regional Factor. The methodology for calculating this contribution is set out below.

- 7.12 DfE guidance¹⁸ states that it is reasonable and fair to seek developer contributions for SEND provision in direct proportion to the needs arising from a housing development, specifically in relation to pupils requiring provision in a special school, specialist provision within a mainstream school, a pupil referral unit, or other alternative provision
- 7.13 HCC calculates contributions for SEND provision using a flat-rate per dwelling type, multiplied by the number of proposed dwellings. This approach is simpler and more appropriate given the smaller number of SEND pupils compared to mainstream pupils.
- 7.14 These rates are calculated based on the observed yields of SEND pupils in the PYS and the per-place costs for SEND pupils, which are four times higher than the DfE per-place scorecard costs for mainstream pupils.
- 7.15 The subsequent calculation, based on the development mix set out at Table 1: Application development mix, is presented in Table below. Note that the calculation shown is rounded for illustrative purposes.

Table 6: SEND contribution calculation

Phase	Type	Number of Units	Cost Per Place	Contribution
Primary	Houses	149	£821	£122,329
Primary	Flats	108	£336	£36,288
Secondary	Houses	149	£1,128	£168,072
Secondary	Flats	108	£333	£35,964
Total				£362,653

- 7.16 The contribution is based on the yield arising from the development, taking account of its characteristics, and appropriate per-pupil costs. It is therefore related in scale and kind to the development.
- 7.17 Accordingly, a contribution is sought towards the delivery of new Severe Learning Difficulty (SLD) special school places (WEST) for pupils aged 2 to 19 years old, through the relocation and expansion of Breakspeare School of £362,609, index-linked to BCIS Q1 2024 and BCIS Regional Factor.
- 7.18 Further information on HCC's approach to special school contributions is set out in Appendix 15: Technical Appendix 4 – Education (Special Schools and Specialist Provision).

8.0 Waste (Transfer Stations)

Necessity

¹⁸ Paragraph 25-30 of Securing Developer Contributions for Education

- 8.1 HCC, as the Waste Disposal Authority (WDA) is responsible for bulking, segregating and securing the onward disposal of residual waste collected by the districts and boroughs, as well as waste collected at the county's Recycling Centres (RCs). This is primarily undertaken at a Waste Transfer Station (WTS).
- 8.2 Waterdale TS currently handles most of Hertfordshire's residual waste; however, there is insufficient spare capacity to cope with demand, and work is being forward funded to increase capacity at this WTS. Additional WTSs are planned to more sustainably support the north and east of the county, with work for the new Eastern Transfer Station already underway and also being forward funded by HCC. The forward funding by HCC, on the basis that proportional S106 contributions are still sought from subsequent developments in the area. The additional WTSs will ensure that there is sufficient capacity in the network and that no main population centre in the county is more than 20 minutes' drive time from the nearest WTS¹⁹.
- 8.3 A planning obligation is therefore necessary to make this application acceptable in planning terms.

Directness

- 8.4 Land East of Oxhey Lane is within the catchment area of the Waterdale TS. Therefore, a planning obligation towards increasing capacity at Waterdale TS is directly related to the development.

Scale

- 8.5 HCC's requested planning obligation is £26,033, index-linked to BCIS Q1 2024. The methodology for calculating this contribution is set out below.
- 8.6 The development mix set out in Table 1, assessed by the NET, forecasts 570 service users arising from the development.
- 8.7 Given that the geographical catchments and the works to be undertaken for Hertfordshire WTSs vary, there will be a different project cost for each facility and project. Costs per project are therefore based on the individual catchment areas. The cost of the project is divided by the number of existing residents as well as the projected number of additional residents in the catchment area to get a cost-per-person rate for the project.
- 8.8 The subsequent NET calculation is set out in Table below. Note that the below calculation shown is rounded for illustrative purposes.

Table 7: Waste TS planning obligation calculation

Service Users	Cost Per Place	Contribution
570	£45.73	£26,066

¹⁹ See Appendix 16: Collected Waste Spatial Strategy

- 8.9 Accordingly, a contribution of £26,033 (index-linked to BCIS Q1 2024) is sought towards increasing capacity at increasing capacity by expansion of Waterdale Transfer Station.
- 8.10 Further information on HCC's approach to Waste contributions is set out at Appendix 17: Technical Appendix 7 – Waste Management.

9.0 Fire Hydrants

- 9.1 As the statutory Fire & Rescue Authority under the Fire and Rescue Act 2004, HCC seeks to ensure that all new developments are adequately served by fire-fighting water supplies. To fulfil this duty, all new developments must be designed to include appropriate fire hydrants, as the provision of public fire hydrants is not secured through Building Regulations and must instead be secured through the planning process. Without this, both people and property would be at increased risk in the event of a fire.
- 9.2 Operationally, all new housing must be located within 90 metres of a fire hydrant to enable Hertfordshire Fire and Rescue Service to reliably extinguish fires. Fire hydrants should be incorporated at the masterplanning stage. The precise number and location of hydrants will be confirmed at the detailed design stage, once the internal layout and water service infrastructure are finalised.
- 9.3 The existing hydrant network does not provide sufficient coverage to meet this operational requirement. New fire hydrants are therefore essential to ensure the development can be safely and effectively served.
- 9.4 No financial contribution is requested, but fire hydrants should be secured via planning condition. A planning condition requiring the submission, approval, and implementation of a fire hydrant water supply scheme is therefore necessary and reasonable. If the developer does not provide the hydrants required as a direct result of their development the responsibility and cost would fall upon HCC.
- 9.5 To secure the necessary provision the following condition is required:

Condition:

No above-ground works shall take place until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been fully implemented.

Reason:

To ensure sufficient water infrastructure is provided on site to enable the Fire and Rescue Authority to discharge its statutory firefighting duties.

- 9.6 This condition is necessary, relevant, enforceable, precise, proportionate, and directly related to the development, and therefore fully meets the six tests for planning conditions.
- 9.7 Further guidance is available in *Appendix 18 - Technical Appendix 8: Fire and Rescue Service*.

10.0 Looked After Children

Role of the County Council

- 10.1 Under the Children Act 1989, local authorities must take all reasonably practicable steps to ensure that children and young people in their care are provided with suitable accommodation within the authority's area, unless there is a compelling reason to do otherwise. When a child enters care, the County Council acts as the corporate parent and has a statutory responsibility to provide safe, appropriate and supportive accommodation which meets the child's needs.
- 10.2 Children's homes play a critical role in the care system, providing both short- and long-term accommodation for children who are unable to live with their families. Homes must no longer reflect outdated institutional models of provision and instead be domestic-scale dwellings that resemble family homes, providing a safe and nurturing environment to that supports positive outcomes for young people in care.

Need and Justification

- 10.3 The South West Hertfordshire Local Housing Need Assessment (LHNA) Update (March 2024)²⁰ identifies a clear current and future need for children's homes, informed by evidence that demand is increasing and that there are benefits to accommodating children within the communities they know, close to family networks and support services. The assessment confirms a strategy to broaden the geographic spread of children's homes across Hertfordshire in order to meet this need and reduce reliance on placements outside the county.
- 10.4 In Three Rivers, the LHNA identifies a projected need for additional children's home bedspaces up to 2041. This demonstrates that new residential development contributes, at least in part, to the wider pressures that necessitate the delivery of additional children's homes and supports the principle that future provision should be planned as part of a sustainable, plan-led approach to growth.
- 10.5 HCC deploys children's social care provision on a Hertfordshire-wide basis; however, it is a strategic objective to accommodate need at a more local level where possible. Delivering children's homes within residential communities helps ensure placements are accessible to education, health services,

²⁰ See Appendix 19: South West Hertfordshire Local Housing Need Assessment Update (March 2024)

transport networks and local amenities, and supports children remaining closer to their families and social networks.

- 10.6 The need identified within the LHNA is directly related to population growth and housing development across the area. As such, Local Plan policies provide an appropriate mechanism to secure suitable locations and opportunities for the delivery of children's homes in response to these pressures. The Written Ministerial Statement of 23 May 2023 confirms that Local Planning Authorities should give due weight to, and be supportive of, proposals for accommodation for looked after children that reflect identified local needs.

Specification

- 10.7 New children's homes must meet specific locational and design criteria to ensure they are suitable for their intended use. HCC's Service Provision and Place-Making Guide²¹ sets out clear expectations, including that homes should be located within residential areas, avoid areas of deprivation or high levels of anti-social behaviour, have access to public transport and local services, and provide appropriate internal and external space, staff facilities and parking. These requirements ensure that any provision secured is directly related to, and appropriate for, the needs arising from development.

Delivery

- 10.8 Where the need for additional children's homes is demonstrated, HCC will seek to support their delivery through both strategic planning and the development management process. While the Local Plan provides an important framework for identifying need and guiding suitable locations, children's homes will be delivered and secured through a planning obligations, including via a Section 106 agreement, once a planning application is submitted.
- 10.9 HCC therefore welcomes the inclusion of a children's home to be accommodated at the Land East of Oxhey Lane development and the opportunity to work collaboratively with the applicant to secure its delivery. The provision of a children's home as part of the scheme is recognised as a positive contribution towards meeting identified need and supporting the delivery of care provision within local communities.
- 10.10 HCC also welcomes the opportunity to work with the applicant on the drafting of the s106 legal agreement.
- 10.11 Further guidance is available in Appendix 20: [Technical Appendix 10 - Children's Homes \(PDF 6.93Mb\)](#)

²¹ [Service Provision and Place-Making Guide 2024](#)

11.0 Monitoring Fees

- 11.1 Local authorities are permitted to charge monitoring fees to recover their costs in monitoring planning obligations, provided these fees are proportionate, reasonable, and reflect the actual cost of monitoring.²²
- 11.2 HCC charges £420, index-linked to January 2024 RPI, per individual trigger point. This figure is derived from the cost of expected time required by a Monitoring Officer and Senior Planning Officer to undertake tasks associated with monitoring that trigger.
- 11.3 Further information on HCC's approach to monitoring is set out at Appendix 1: Guide to Developer Infrastructure Contributions.

12.0 Conclusions

- 12.1 HCC is seeking the financial contributions set out in this Statement, together with fire hydrant provision to be secured through a planning condition, to mitigate the impact of this proposed development.
- 12.2 It is considered that these requirements meet the tests set out within Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended 2019) and paragraph 58 of the NPPF.
- 12.3 Therefore HCC, respectfully requests that the Inspector accepts these obligations.

²² See [Planning Obligations Planning Practice Guidance](#) paragraph 36.

13.0 Appendices

Appendix 1	Guide to Developer Infrastructure Contributions
Appendix 2	Guide to Developer Infrastructure Contributions Legal Pack
Appendix 3	Guide to Non-Education Model and Indicative Section 106 Contributions Calculator
Appendix 4	Department for Education School Scorecards
Appendix 5	Securing Developer Contributions for Education
Appendix 6	Estimating Pupil Yield from Housing Development
Appendix 7	Guide to the Hertfordshire Demographic Model
Appendix 8	Pupil Yield Survey Methodology
Appendix 9	Appeal Decision: Land east of A10, Buntingford, Hertfordshire
Appendix 10	Response to Planning Application 25/1020/OUT dated 13 August 2025
Appendix 11	HCC Position Report in response to Planning Application 25/1020/OUT dated 26 February 2026
Appendix 12	Officer's Report for Planning Application 25/1020/OUT dated 19 March 2026
Appendix 13	Technical Appendix 3 – Education (Mainstream Schools)
Appendix 14	SEND Special School Place Planning Strategy
Appendix 15	Technical Appendix 4 – Education (Special Schools and Specialist Provision)
Appendix 16	Collected Waste Spatial Strategy
Appendix 17	Technical Appendix 7 – Waste Management
Appendix 18	Technical Appendix 8 – Fire and Rescue Service
Appendix 19	South West Herts Local Housing Needs Assessment
Appendix 20	Technical Appendix 10 – Children's Homes