

Hertfordshire County Council

Guide to Developer Infrastructure Contributions



Statement of Consultation



1. Introduction

1.1. Hertfordshire County Council currently refers to the 2008 Planning Obligations Toolkit when requesting developer contributions to mitigate the impacts arising from planning applications submitted to the Local Planning Authorities around the County. This document continues to fulfil its purpose, however, it is acknowledged that an updated approach and evidence base would be of benefit. Therefore a new document titled 'The Guide to Developer Infrastructure Contributions' (hereinafter referred to as the 'Guide') has been drafted and professional views are sought from its stakeholders.

1.2. The newly updated Guide includes all county council services, including some which were not previously included in the 2008 Toolkit. The new Guide includes new calculation methods, formulae and modelling techniques to ensure that contributions sought through the application of Section 106 of the Town and Country Planning Act 1990 and/or the application of the Community Infrastructure Levy 2010 are kept in keeping with the three requirements of the Community Infrastructure Levy Regulation 122:

- 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.

2. Formal consultation 2019

2.1. The purpose of this consultation was to seek professional representations and comments from the Local Planning Authorities in Hertfordshire and the stakeholders of development that are active in Hertfordshire.

2.2. This consultation Statement sets out the responses and actions to be taken on the comments received for the updated Guide.

3. Methods of consultation

3.1. The consultation on the draft Guide was open for an 8 week period from 29 July 2019 to 20 September 2019. Various methods of consultation were deployed to ensure inclusivity of all those that wished to respond, methods utilised were;

- Emails sent to all 10 Hertfordshire Local Planning Authorities,
 - 54 emails sent to Stakeholders including Developers, Agents and other Professional Bodies and Groups
- Consultation portal live on the corporate Hertfordshire County Council Website for the whole consultation period,

- The consultation portal featured a smart survey allowing free text responses to all sections to the new Guide as well as a file upload option for any supporting documents.
- All documents, including supporting documents published online on the Hertfordshire County Council Website,
- County Councillors were briefed and notified of the consultation.

3.2. All methods of consultation were fully GDPR compliant and consultees will be kept up-to-date with progress made on the new Guide as per the request of the individual.

4. Background Studies

4.1. The guide consultation was also informed by supporting documents. Two supporting documents were updated to provide background, depth and key data for the new Guide. These are as follows;

Guide to the demographic model 2019

4.2. This document studied the likely population projection rises resultant in an area from speculative or proposed developments. This is necessary to ascertain the level of infrastructure required from all services to appropriately and proportionately mitigate the impact of new development. The county council established a Development Model and provided an overview of its use.

4.3. The model provides the county council with the necessary baseline evidence to support requests for planning obligations through the appropriate mechanisms.

New school and expansion costs 2019

4.4. This report provided the construction cost models for use within the new Guide in relation to Section 106 contributions on emerging housing developments in local plans for Hertfordshire. The contributions seek to mitigate the impacts of any developments on school places in the locality.

4.5. The report covered costs for Primary and Secondary schools for both new schools and expansions. Nursery provision is covered in the costs of a Primary school. 3-tier schools have also been modelled in the event that this may be the most appropriate solution.

5. Equalities Impact Assessment

5.1. To ensure the review of the Guide is inclusive and not prohibitive to anyone involved in the process, an Equalities Impact Assessment was carried out for the review of the Guide.

6. Comments from the consultation

6.1 Appendix 1 lists the respondents to the 2019 consultation, and Appendix 2 summarises each response in a table. Appendix 2 also lists how these comments were addressed by the county council.

6.2 A full transcript of the comments is available on request. Due to the size of the file this will need to be organised via a file transfer system. Please email growth@hertfordshire.gov.uk for further information.

7. Next steps

7.1 The county council has reflected on the consultation responses and reviewed some of the approaches within the Guide. The second draft version of the Guide will be available for consultation for a further 6 weeks. Following this period of consultation, the county council will again review and reflect on comments.

7.2 It is hoped that the final version of the Guide can be adopted by Full Council in Summer 2021.

7.3 Alongside the second draft version of the Guide are:

- Technical Appendices which provide evidence to support each service-led approach;
- A Legal Pack;
- An overview of the Pupil Yield Survey work undertaken by the county council;
- An amended overview of the Hertfordshire Demographic Model and its use.

Appendices

Appendix 1: List of respondents

1	EPDS on behalf of picture S.R.L	17	JB Planning on behalf of Stonebond Properties
2	Turley on behalf of ptarmigan Land	18	Lichfields on behalf of Legal & General Capital
3	Persimmon Homes Essex	19	Lichfields on behalf of St William Homes LLP
4	EFM	20	Pegasus on behalf of L&Q Estates
5	DfE	21	Rapleys (in conjunction with WSP) on behalf of Gallagher Developments Ltd.
6	AM-P on behalf of Countryside	22	Savills on behalf of The Crown Estate
7	AR Planning on behalf of Taylor Wimpey North Thames and Barratt David Wilson Homes North Thames	23	Hill Residential Limited [online only]
7a	EPDS on behalf of Taylor Wimpey And Barratt Wilson Homes	24	White Peak Planning on behalf of Bloor Homes [online only but also supports EFM reps]
8	Bidwells on behalf of Endurance Estates Strategic Land	25	Broxbourne Borough Council
9	Bidwells on behalf of Richborough Estates	26	East Herts District Council
10	David Lock Associates on behalf of Tarmac Trading Ltd	27	Dacorum Borough Council
11	EFM on behalf of Briggens Estate 1 Limited	28	North Herts District Council
12	EPDS on behalf of London and Regional Properties	29	St Albans City & District Council
13	EPDS on behalf of Pigeon Investment Management	30	Stevenage Borough Council
14	House Builders Federation	31	Welwyn Hatfield Borough Council
15	LRM Planning Limited on behalf of Hallam Land Management and St Albans School	32	Joint Hertfordshire LPA response
16	JB Planning on behalf of Gascoyne Cecil Estates		

Appendix 2: Consultation Responses Received Part 1

Please note that responses have been grouped under common themes, but not each comment is referred to by each respondent noted in the Respondent column. Please read the full response from each respondent for clarification.

Comment	Respondent	Remarks	Response and Action(s)
Interpretation of the Guide	1; 2; 3; 7; 7a; 8; 9; 12; 13; 16; 19; 20; 22; 23; 27; 28; 30; 31;	<p>Who is the Guide for?</p> <p>The Guide has not been through an examination process, is not SPD, and is therefore treated as a material consideration in the planning process. The Guide is not de facto planning policy and has not been subject to appropriate viability testing or independent, public scrutiny.</p> <p>The Guide should carry no or little weight in the planning process.</p> <p>The Guide is useful to understand the HCC approach, but not in understanding the approach a district or Borough Council might take in these matters. How will LPA SPDs interact with this Guide? I.e. DBC SPD 2011.</p>	<p>The Guide is intended to be used by all those stakeholders involved in S106 and CIL negotiations. The revised Guide provides further clarity.</p> <p>The Guide presents a basis for discussion, a helpful tool to outline those matters relevant to developer contributions. The Guide displays an overview of the types of projects the county council might put forward to mitigate the impact of any given development. The costs associated with each service area in the technical appendices may vary if the project type differs from that identified.</p> <p>The Guide is not SPD and as we appreciate from countywide working on viability, there are differences in the geographical areas of the county, as well as at a site-specific level where site abnormalities may be a factor. The county council would like to provide certainty to developers and land promoters on the total of S106 contributions which will be sought from developments, but it is not appropriate to rigidly apply the Guide to every given development scenario.</p> <p>The Guide provides a number of projects which are commonly delivered by the county council so where</p> <ul style="list-style-type: none"> a) There is an identified need in the local area; and b) The project identified to mitigate the impact of development aligns with the estimated costs shown in the Technical Appendix <p>the county council would intend to seek in accordance with the Guide.</p>

Comment	Respondent	Remarks	Response and Action(s)
		<p>The Guide should outline that contributions are sought on a site by site basis and not rigidly applied across the board. This is supported.</p> <p>Standard requirements cannot be possible across the whole county.</p> <p>The document will stifle development.</p>	
Timing	8; 9	<p>It is not clear how the HCC document is feeding into the Joint Planning Process in the south-west of the county.</p> <p>The document would be more effective if produced after the initial stages of the SW Herts JSP is completed.</p>	<p>The joint planning process associated with the SW Herts JSP began more than two years ago and the first Reg 18 consultation is anticipated for summer 2021.</p> <p>The 2008 Toolkit is outdated and to ensure that the county council acts responsibly, to secure sufficient mitigation measures to support development coming forward, the Guide must be updated as soon as possible.</p>
The consultation	8; 9;	<p>This is not a consultation document, but a final draft for comment. Question the validity of the consultation.</p> <p>HCC does not have a Statement of Community Involvement.</p>	<p>The first draft version was provided for comment, and the second draft has changed as a result of comments received during the 2019 consultation.</p> <p>The Guide is not a planning policy document.</p>
Local plan focus and the use of IDPs for LPAs	1; 3; 6; 7a; 12; 13; 14; 15; 20; 25; 26; 27; 28; 30; 32;	<p>Primary route for the negotiation of financial contributions to infrastructure through S106 is the IDP.</p>	<p>The county council recognises the importance of an assessment of infrastructure need during the early and ongoing engagement on a local plan and welcomes the opportunity to feed into this process. See also the Local Plans Engagement document available alongside the new consultation. This aligns with the NPPF, 2019.</p>

Comment	Respondent	Remarks	Response and Action(s)
			<p>Given the local plan development and delivery timeline, evidence and national policy evolve during the delivery of local plans and where issues arise, the county council would welcome the opportunity to engage on site specific matters on a case by case basis. This may be particularly pertinent for those plans brought forward under the previous NPPF or for those sites which come forward later in a local plan trajectory and for which evidence has changed. This may include, for example, changes in local service capacity.</p> <p>Evidence to support the local plan process is under review but (given that our LPAs partners are unable to prescribe the type and tenure of each development at the local plan stage) the county council would prefer to work with our partner LPAs to agree estimated typologies for allocated sites to ensure more consistency between local plan representations and development applications.</p>
Place making	6; 8; 9; 27;	<p>There should be a focus on place making.</p> <p>HCC is not responsible for all infrastructure.</p>	<p>References to place making and other forms of obligations are introduced in the second draft version of the Guide.</p> <p>The second draft version of the Guide references a number of infrastructure types, but the county council is only able to comment on the methodology prescribed for its own service areas.</p>
Quantifying the infrastructure funding gap	8; 9	<p>The Guide does little by means of assessing the scale of impact and the current capacity of infrastructure within the area, and therefore quantify the infrastructure gap that would be addressed in part through development. This makes the document an ineffective mechanism for securing contributions or infrastructure.</p>	<p>The scale of impact will differ across the county as service capacity varies by location. The Hertfordshire Infrastructure Funding Prospectus document provides an outline of infrastructure impacts for the county but any document that provides an overview of impacts at a set point in time is ineffective as evidence to support CIL compliant requests for developer contributions.</p> <p>Requests must be considered on a case by case basis and evidence to support requests must be based on data and evidence current to the date of application determination.</p>

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HCC Prioritisation	27;	It would be beneficial if HCC could more clearly address the issue of prioritisation perhaps by infrastructure type and place/geography and particularly how this will be approached.	The county council recognises that developer contributions are only a part of the funding necessary to mitigate the impact of development. Developer contributions should be proportionate and related in scale, as per the 3 tests. Delivery trajectories for infrastructure should be aligned with local plan trajectories, acknowledging that multiple plans may result in larger, more strategic infrastructure solutions. Prioritisation must be a conversation between authorities and the county council would seek a broader discussion with our local authority partners on resolving infrastructure priorities and strategic funding.
LPA Prioritisation	28;	The LPA will prioritise affordable housing and tested principles and cannot guarantee meeting HCC infrastructure demands.	Noted. See also "Local plan focus and the use of IDPs for LPAs".
The increase in costs	3; 4; 6; 7; 10; 11; 14; 15; 26; 28; 29; 30; 31; 32;	Concerns regarding the increase in requested contributions. Costs should be capped to reasonable levels. More evidence needs to be provided to support costs.	The county council has undertaken a thorough review of costs associated with all of its service areas and some of those have changed considerably due to a number of factors including: <ul style="list-style-type: none"> • Government guidance (on school costs); • Changes in the way services are delivered; • Increases in build costs across the development sector; • The addition of new service areas to the Guide as their services have been, and will be, significantly impacted by growth. <p>The methodology which outlines changes in dwelling occupations has also moved considerably since the 2008 Toolkit, which referred to the 2001 Census.</p> <p>The costs and methodology for securing costs is a set process. Artificial capping of those costs masks the impact of growth, and ultimately requires the public purse to fund any gap for service provision. The Guide presents the estimated cost of improving and increasing services to match increased demand. Those costs may need to be reviewed in weighing the balance as part of the planning application process but it is not appropriate for the county council to disguise the cost of infrastructure funding.</p>

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Inconsistency in cost increases	3; 6; 7; 14; 26; 28; 29;	The increase in cost from the 2008 Toolkit is inconsistent.	The amendments illustrated in the Guide, and 'uplifts' to the 2008 Toolkit, take into account costs increase on a per service basis and demographic changes on a per unit basis. The cost per service and demography per unit are not equal and hence the increase in cost from the 2008 Toolkit varies by service and unit type.
Negotiation	1; 2; 7a; 12; 13;	<p>HCC makes clear that it will only negotiate directly regarding a contribution request at the request of a local planning authority. No policy-based reason to adopt this position. Would require an LPA knowing whether an education contribution request is CIL compliant. HCC officers also need to be empowered to negotiate when conducting such meetings and in our experience this empowerment is clearly lacking.</p> <p>HCC should not directly negotiate an obligation.</p>	<p>The county council works in liaison with our local planning authority partners and will engage with the full knowledge of the LPA allowing the decision-making authority to be included in those discussions, if requested.</p> <p>County council officers are empowered to engage on planning applications but the county council is a public body and is accountable to the public. The process for each development must have a clear audit trail to indicate how and when decisions are made and in some circumstances this requires reporting to senior officers and elected Members.</p>
School site sizes	2; 4; 6; 22; 25; 26; 27; 30; 32;	<p>Evidence for the sizes of school sites in Table 1 should be provided, together with clarification that in constrained urban areas alternative solutions may be achievable.</p> <p>Access to education land should be highlighted in the Guide.</p>	<p>The county council works within the guidelines set out within BB103 for school site sizes and the areas listed in Table 1 are the requested land allocations for all greenfield sites. A detailed breakdown of the calculations for any particular size of school is available on request.</p> <p>It is recognised that some urban development locations may require a more pragmatic view on what is achievable and the county council is prepared to discuss those sites by exception.</p> <p>The Guide is revised to refer to the need to consider access to education land for construction and at the point the school becomes operational.</p>

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		<p>The Guide should refer to how the suitability criteria will be assessed beyond the Outline stage.</p> <p>HCC is using maximum BB103 figures and rounding them up. BB103 includes a range. How is post-16 included? Should not use maximum.</p>	<p>Where land is expected to be transferred through a S106, the county council will expect that land to be identified within a red line as part of the Outline application.</p> <p>The county council adopts the top end of BB103 to account for site abnormalities. Potential site abnormalities can be considered by the review of land survey data. However, without extensive surveys on the site proposed for a school, some land issues will remain unknown until the development of the school commences.</p>
Land transfer	1; 4; 6; 7a; 8; 9; 12; 13; 14; 16;	<p>Guidance is requested on a scenario where a development does not generate a pupil yield for the scale of land for education purposes being sought. It is not sufficient to suggest that developers may need to work together to agree an approach to land equalisation.</p> <p>Education-use value is questioned.</p> <p>Costs involved in undertaking detailed investigative work on land to be acquired by HCC should, in part, be paid for by HCC.</p> <p>Land spec is overly prescriptive;</p>	<p>Where more than one site is coming forward within the same period, and land is required to deliver a school to meet the cumulative impact of multiple applications, the county council will work with developers to bring forward S106 agreements which meet the 3 tests.</p> <p>For example, where a local planning authority requires masterplanning for more than one application to ensure comprehensive delivery of a wider allocation, it is reasonable to assume that promoters/developers will work together to ensure the collective impact of a strategic allocation is secured and will engage with each other on land equalisation matters. This approach may not always be appropriate where separate, unrelated sites contribute to a longer-term strategy for education. Without imparting un-necessary financial risk, the county council may engage on a reapportionment of obligations where land is being provided by one developer.</p> <p>This must be assessed on a site by site basis.</p> <p>The value of land can be negotiated with other local land promoters but where the county council engages directly, the value of land should be proportionate to the intended use.</p>

Comment	Respondent	Remarks	Response and Action(s)
		<p>Freehold transfer is not a necessity.</p>	<p>Land required to be transferred to the county council for service provision to support new development should be at nil cost to the public purse. The land specification provides proportionate comfort to the county council that a site is deliverable for a given purpose with no additional risk to the public purse.</p> <p>The freehold transfer of land enables the county council to have flexibility in the future to support the reorganisation of assets. For example, a new school might be brought forward to support growth, but should that school need to be further expanded in 20 years to support future growth, and the land is of an insufficient size to meet that expansion, the site might reasonably need to be sold to fund the delivery of a larger school on an alternative site.</p> <p>A freehold also ensures that the county council do not need to seek landlord consents, in addition to others already required, to support future change and requirements.</p>
School costs	1; 2; 4; 5; 6; 12; 13; 14; 16; 17; 25; 30; 32;	<p>The MACE cost paper requires further clarification.</p> <p>HCC should use the DfE scorecard.</p> <p>Emerging guidance is already in place.</p>	<p>The county council recognises that the DfE encourage the use of the DfE scorecard and as such this approach is being taken forward.</p> <p>The DfE has announced a proposal to publish a national methodology for pupil yield and the county council considers it is aligned with emerging work in this area. The county council will continue to support a robust approach based on local completion data.</p>
Bespoke costs	26; 27;	<p>HCC should consider the need for bespoke costs for CIL areas, as well as for S106. The use of bespoke costs adds uncertainty to the process.</p>	<p>The county council acknowledges this. It is expected, that through early and ongoing engagement, matters related to potential bespoke project costs are resolved at the earliest opportunity.</p> <p>For example, the county council must reduce risk to public sector costs and would expect promoters to demonstrate in all cases that land transfers are capable of providing a suitable and deliverable site.</p> <p>As information becomes available on land expected to be transferred to the county council, this may necessitate a review on a case by case basis. The earlier this information is provided, the earlier the county council can assess</p>

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			<p>any likely impact on cost. This could be completed at either the plan-making or decision-making stage.</p> <p>Recent discussions on land transfer matters have highlighted significant on-site risk from land conditions which will impact project costs. This has included areas of significant flood risk, local wildlife designations and even underground ordnance risks. The county council request early consideration of land related matters to reduce time and cost risks to all stakeholders.</p>
Proportionate contributions	26; 30; 32;	The Guide should clarify the process of addressing cumulative land requirements.	<p>The county council is clear that costs for land (with build costs) that is required to deliver a mitigation measure will be sought where appropriate. Promoters are advised to contact the county council at the earliest opportunity to clarify the proposed measures required to mitigate the impact of their development.</p> <p>Land required as a result of an individual application will be proportionate and this may sometimes result in nearby allocations or sites contributing towards the cost of additional land to support delivery of a project/s.</p> <p>The revised version of the Guide provides further clarification.</p>
On-site provision	29	HCC should make very clear that where strategic scale sites will provide land and facilities on site then contributions sought would be significantly reduced.	<p>The Guide provides an indication of the obligations that might reasonably be sought by the county council, it is not a tariff and the full suite of service provision might not be required to mitigate the impact of development. Each application is considered on a case by case basis and will take into account local capacity.</p> <p>See also "Proportionate contributions" and "Procurement".</p>
Payment in-kind	22	Where strategic allocations provide significant pieces of infrastructure, such as significant leisure and recreation facilities, there should be provision to offset this against other items.	Strategic infrastructure requirements should be outlined within planning policy and those requirements are tested at the local plan stage.
Stewardship	22	There is little guidance in the document about management	The 2 nd draft version of the Guide addresses stewardship. The county council encourages early and ongoing discussion.

Comment	Respondent	Remarks	Response and Action(s)
		and stewardship (e.g. in relation to open spaces). Further clarity and guidance on this aspect would be welcomed.	
Procurement	16; 17; 26; 27;	<p>Comments on procurement should be removed. This will be holding back the ability to get the developer to deliver on site in a timely manner at a lower cost.</p> <p>Developer built alternatives should be an option.</p>	<p>Procurement legislation is important to the delivery of infrastructure as an over-prescription of service specifications would fall within the public works programme.</p> <p>It is considered appropriate to reference this point although appreciating that indemnities can be secured to reduce risk of challenge to the county council.</p> <p>The county council is prepared to discuss on-site options built by a third party on a case by case basis.</p>
Viability	1; 2; 3; 6; 7; 7a; 8; 9; 12; 13; 14; 15; 16; 17; 18; 19; 24; 27; 28; 30;	<p>The Guide is not based on viability and/or evidence of schemes being viable and that without this evidence contributions that HCC imply they will be requesting would make development unviable.</p> <p>The Guide should be flexible to allow for situations where land has been purchased under one set of costs, and where those infrastructure costs increase prior to the grant of permission.</p> <p>Where sites have come forward through a local plan process, only those costs</p>	<p>It is recognised that there is a need to feed into early discussions on viability throughout the local plan engagement. The NPPF, 2019, presents a clear need for this to form part of the local plan process to reduce the amount of viability work required at the decision-making stage.</p> <p>Local plans, and the delivery of development sites, come forward over many years and it is to be expected that costs will increase during those intervening years. Indeed, the 2008 Toolkit is referred to by without an acknowledgement that those costs are subject to indexation to current prices. Notwithstanding this, the county council acknowledges that increases in prices during the delivery of a local plan period are unhelpful and place pressure on site viability. See also '<i>Transitional Arrangements</i>'.</p> <p>The county council recognise that evidence evolves and, where issues arise, would seek to work with LPA partners on a case by case basis to understand viability concerns and land value is one part of this process.</p> <p>The Guide is not SPD, it is intended to support a plan-making and decision-making process with the intention that it also provides helpful information as part of local plan development.</p>

Comment	Respondent	Remarks	Response and Action(s)
		<p>tested as part of that process should be requested.</p> <p>Land value is only one part of the viability process.</p>	
Appropriateness of contributions	4; 10; 20; 26;	<p>HCC should only seek for improvements where there are: proven needs arising from the development; the contribution is required to make the application acceptable; and where these are not services funded through Council Tax receipts.</p> <p>HCC is seeking to address budget cuts identified in the Integrated Plan.</p> <p>Contributions are sometimes being sought for improvements to provision in order to modernise which are unrelated to capacity.</p>	<p>Each application is considered on a case by case basis and will take into account local capacity.</p> <p>The county council seeks developer contributions on behalf of a number of service areas which are impacted by growth. The projects identified are Reg 122 compliant and previous appeal cases have supported the county council approach.</p>
The Hertfordshire demographic model	<p>1; 2; 4; 6; 7; 7a; 8; 9; 10; 11; 12; 13; 14; 16; 17; 22; 25; 26; 32;</p> <p>Most respondents</p>	<p>Site specific pupil yield work has illustrated variances from the approach taken by the Hertfordshire demographic guide.</p> <p>DfE guidance proposes that data for pupil yield should</p>	<p>The county council commenced a pupil yield survey in 2019 and that work is currently being assessed and expanded. This has resulted in adjustments to the Hertfordshire demographic model to align with the early observed outputs of pupil yield modelling of Hertfordshire development completions.</p> <p>An explanation of that work and the programme to continue that work is provided alongside the 2nd consultation.</p>

Comment	Respondent	Remarks	Response and Action(s)
	<p>provided work and/or an analysis of pupil yield modelling and the use of a demographic model.</p>	<p>reflect data from development completions.</p> <p>The Guide to the model is complicated and the Model it is based on an assumption that all new households are migrants, not residents already living locally.</p> <p>Deductions for non-maintained schools.</p> <p>The lowest level that the Model can operate at is District level, is it deployed as such to account for local variations?</p> <p>There should be an allowance for property voids.</p> <p>The Model identifies resident population arising from households, whereas for an impact assessment, it should be population arising from dwellings.</p> <p>The Model should be subjected to peer scrutiny - for example - the PopGroup Unit that is supported by the LGA and the results published.</p>	<p>The DfE has announced a proposal to publish a national methodology for pupil yield and the county council considers it is aligned with emerging work in this area. The county council will continue to support a robust approach based on local completion data.</p> <p>There are assumptions within the Model that locally moving households vacate existing homes which are, in turn, occupied by new households – this supports the need to increase pupil capacity. In constraining HDM outputs to observed yields from the PYS then consideration is given to concealed households which are an inclusive factor. Any such reduction to observed yields from the PYS would inherently lower projections from the HDM.</p> <p>The Model does include a deduction for non-maintained schools of 13.3%. This will be consistently reviewed.</p> <p>Appendix 3 presents a critique of the responses relating specifically to pupil yield modelling and the demographic model.</p>

Comment	Respondent	Remarks	Response and Action(s)
		<p>Concealed households (i.e. family break-ups) moving into new properties do not generate new children. Concerns over robustness of the Model.</p>	
<p>The local plan approach and the demographic model</p>	<p>1; 7a; 12; 13; 16; 26; 27;</p>	<p>Should the county council consider the use of the demographic model at both stages (plan-making, decision-making)?</p> <p>Refining the local plan approach.</p> <p>A 'judgement' based approach of 1:500 is not robust nor appropriate. Use evidence based approach.</p> <p>If HCC is revisiting the 1:500, this needs to be done quickly, and ensure it is supported by robust evidence.</p>	<p>The county council is refining its evidence on local plans and for the demographic model. Pupil yield survey work will refine the assumptions within the Model.</p> <p>Ultimately, local plan work is a broader approach, given that detail on development mix is unknown at this stage. In order to meet the 3 tests for S106, the Model provides a finer grained level of detail to demonstrate proportionality but should now broadly reflect assumptions made at the local plan stage.</p> <p>A revised, tiered approach to planning for education within local plans is now in place and Local Plan assumptions will be jointly assessed by the LPA and county council.</p>
<p>Contributions from market and affordable tenures</p>	<p>7; 8; 9; 10; 19; 27;</p>	<p>It would be better if HCC blended the amount (or just sought the market housing rate for all and accepted the shortfall). CIL is generally not payable on new affordable homes and there seems no justification in an assumption the affordable housing leads to</p>	<p>The county council has blended rates for market and affordable tenures with the tenure split for affordable properties based on recent completions.</p> <p>Evidence clearly demonstrates that the occupancy of affordable tenure types is higher than for market housing and it is considered appropriate that the impact of affordable housing is secured through developer contributions. All homes impact on the need for additional services.</p> <p>This will be monitored regularly by the county council through completion data.</p>

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		<p>more children than market homes.</p> <p>Affordable tenure delivery should be monitored annually.</p> <p>Affordable tenures should be discounted.</p>	
Thresholds	18; 27;	<p>Use of the Guide on small developments will cause delays.</p> <p>Support the removal of thresholds.</p>	<p>It is proposed that the Guide provides a single approach for all types of development, whilst recognising that strategic site discussions are complicated due to the scale of mitigation required to support them. The impacts of the cumulative development of smaller sites can be as significant.</p> <p>The Guide is intended to improve the speed at which all sites can progress but, within the S106 legislation, the county council must assess each site on a case by case basis to ensure that mitigation projects meet the 3 tests. Whilst the Guide does not impose any threshold for seeking obligations, the county council is bound by national guidance on this matter. This is reflected in the new version of the Guide.</p>
The Guide, CIL, PPG and the NPPF.	5; 7; 8; 9; 15; 16; 17; 20; 27; 29; 30; 32;	<p>Further clarity is needed on how the Guide will be used with Community Infrastructure Levy.</p> <p>The Guide should be updated with 2019 CIL Legislation and PPG guidance.</p> <p>The Guide should reference NPPG para 56.</p> <p>PPG does not support a formulaic approach.</p> <p>Education contribution based on robust evidence of pupil yields from recent</p>	<p>The revised version of the Guide provides further clarity on this topic and the Guide will reference legislation recently brought into force.</p> <p>The Guide references key guidance and legislation but would not intend to repeat or re-state them. The 3 tests under para 56 of the NPPF are referenced via the CIL legislation, and cross referenced under the NPPF.</p> <p>The county council is not in a position to adopt a CIL charge itself.</p> <p>Accordingly, in areas where a CIL charge has not been introduced to date, planning obligations in their restricted form are the only route to address the impact of a development. In instances where a development is not large enough to require on site provision but is large enough to generate an impact on a particular service, an evidenced mechanism is needed to form the basis of any planning obligation sought. The county council views the calculations and figures set out within the Guide as appropriate base costs for the obligations sought in this instance and is working with our local planning</p>

Comment	Respondent	Remarks	Response and Action(s)
		developments should not be considered a tariff.	authorities to ensure that relevant costs are reflected through the local plan process as per the PPG guidance.
CIL for strategic infrastructure	27;	CIL should be used for strategic infrastructure.	In instances where a CIL is not in place, the county council (not having the ability to adopt its own CIL) is pressed to work within the confines of the S106 mechanism. We would encourage the early adoption of a CIL.
External funding opportunities	16; 17; 27; 28; 30; 31; 32;	HCC should explain external funding for various types of infrastructure.	The county council recognises that external funding opportunities may arise throughout the delivery of local plans. However, these external funding opportunities are unknown, not guaranteed, unquantifiable and may change over time. The county council would seek to work with our LPA partners and other infrastructure providers to provide best value throughout service delivery, including where projects can be combined to generate cost and land budget savings. Joint and match funding opportunities are reviewed by the county council continuously.
Funding for education	20; 30;	How is funding for free schools accounted for? There is no reference to funding that HCC receives from Government and how this relates to the delivery of facilities.	The county council is approached by the DfE to discuss funding for free schools and, in line with Government guidance, requests an account of funding which the county council holds and funding which the county council anticipates coming forward. Government expects that developments will mitigate their own demand for the creation of new school places and as such the county council is obliged to discuss how funding from developer contributions will support free school delivery.
HCC team structure	27;	The Growth and Infrastructure Unit should include additional key infrastructure delivery units such as Highways, Passenger Transport, Future Mobility and other elements of transport and where necessary legal and property were more integrated within this unit for a smooth, coordinated approach to	The county council recognise that there are a number of service areas that impact on the Growth agenda. This ranges from front-line services to the further support provided by technical expertise in areas such as ecology; archaeology and flooding. The G&IU works closely with all internal teams, and a recent re-organisation of the transport teams has particularly assisted in bringing the strategic transport approach to local plans and strategic site delivery more closely aligned. The G&IU can act as a conduit to bring together a number of technical specialisms whilst also providing an over-arching town planning perspective, critical to the work with our LPAs on growth. The roles and teams associated with work on developer contributions is outlined on page 28 of the 2 nd draft version.

Comment	Respondent	Remarks	Response and Action(s)
		securing and delivering infrastructure.	
HCC team structure chart	27;	A structure chart showing how the G&IU relates to the various internal teams would be helpful.	Noted. However, the scale of the county council would mean that this structure chart would be too large to show clearly. The Guide illustrates the various teams, and their leads, and each team feeds into a senior management structure of Assistant Directors and Directors reporting to the Chief Executive.
Engagement	1; 4; 7a; 12; 13; 19; 27;	<p>Reference to collaboration with LPAs and early engagement with developers is very positive but HCC must ensure that the LPA is involved in developer engagement as well.</p> <p>HCC should engage without the LPA too.</p> <p>HCC is sometimes unwilling to engage.</p> <p>HCC should not appear at Appeals to defend the Guide when it is not a statutory document.</p>	<p>This is noted and the county council would expect that through a commitment to continued engagement between all parties this will bring a positive improvement.</p> <p>Where proposals are at a formative stage, the county council works alongside our local authority partners to ensure that time and resource is used most effectively on strategic development sites likely to come forward as part of any given LPA growth scenario. Clearly infrastructure provision is only part of the local plan process and scoping of options might rule out a development site for a number of other reasons.</p> <p>The team structure chart and contact details are provided within the Guide and matters of engagement should be directed through the relevant team leader in the first instance.</p> <p>The county council works closely with our local authority partners and will support an appeal process if requested to do so by the LPA.</p>
Pre-app	27;	<p>Pre-application engagement should involve the LPA. Wherever possible and a record of all conversations should be sent to the district and published in accordance with their current pre-application practices.</p>	<p>Pre application advice provided by Highway Authorities is not a statutory requirement, despite being desirable and beneficial. Consequently, any advice provided has to be considered confidential to the applicant as a starting point.</p> <p>We do however include the following on the request for pre application advice form:</p>

Comment	Respondent	Remarks	Response and Action(s)
			<p><i>If your pre-application has come through a Local Planning Authority, then our response will automatically be shared with that Authority.</i></p> <p><i>If your pre-application has been submitted privately, then please tick the box if you agree to our response being shared with the relevant Local Planning Authority</i></p> <p>As such we will be able to provide the LPA with copies of the advice in many instances but not all.</p>
Legal delays	27; 28;	There are delays in signing of S106 agreements.	<p>The Guide is accompanied by a new Legal Pack. Comments received in respect of these in the consultation will be considered further in this Statement.</p> <p>Discussions with our legal service on potential improvements to resourcing, which is constant issue for a team negatively influenced by the geographical location of the county to London, have resulted in the development of a framework from which to call for external resource partners to support. Lengthy negotiations are usually a consequence of a lack of detailed Heads of Terms and a lack of understanding of the county council approach to detailed matters. We would encourage the early agreement of Heads of Terms and a full consideration of the Legal Pack to reduce delays.</p>
The use of UUs	7; 8; 9; 27;	There are circumstances where UU is necessary and therefore having the best template for them with guidance is useful.	There are many obligations that are not suited to be given unilaterally and involve the County also providing covenants.
Triggers on commencement	6; 14; 16; 17; 21; 26;	The county must consider development economics when requesting early triggers. There is unlikely to be any need for transport infrastructure until occupations happen.	<p>Whilst it may be argued that funding should not be forthcoming until occupations happen, it must be noted that projects to deliver mitigation measures have a project programme which must be engaged earlier than occupations to ensure that the necessary infrastructure can be made available to meet demand as it arises.</p> <p>The county council will consider phased triggers where the project delivery is not at risk. Forward funding may be a consideration in some circumstances.</p>

Comment	Respondent	Remarks	Response and Action(s)
			Any borrowing cost would be applied to the project cost, chargeable to the developer. This would be clearly explained as part of the consultation discussions to agree Heads of Terms.
The 10 year spend period	1; 2; 7a; 9; 10; 12; 13; 14; 23;	If homes are built and occupied for a period of 10 years and the infrastructure has not followed, it cannot be said that there was a need for such infrastructure. Any monies should be spent within 5 years or returned to the developer. Repayment 10 years after completion would mean that on strategic sites, funding could be held for 25 years. This is not Reg 122 compliant.	The phasing of payments, particularly for strategic sites and towards strategic infrastructure, will mean that the county council will be receiving funding towards infrastructure over many years. This may also require multiple payments from a collection of sites towards key pieces of infrastructure.
Infrastructure Funding Statements (IFS)	8; 9; 18; 20; 27; 32;	The county council does not set its approach to infrastructure priorities within the Guide or explain how an IFS will be prepared. Removal of the R123 lists provides uncertainty. Double dipping remains a concern. Reporting on S106 is welcomed.	The county council is required to prepare and publish an annual IFS, the first by 31 December 2020. The IFS outlines S106 receipts and S106 agreements entered into for the reported year. This will provide clarity to the development process, outlining how and where S106 funding is spent locally. CIL will be reported by our local planning authority partners. The county council continues to work closely with our local authority partners on how S106 and CIL funding will be proportioned and where funding will be directed.
Monitoring fees	15; 16; 18; 19; 27; 32;	Monitoring fees should only relate to HCC contributions and should not be general fees applied.	Noted, and a revision to the Guide provides further clarification on this point.

Comment	Respondent	Remarks	Response and Action(s)
		A single flat rate should be requested. Large scale developments on request is supported.	
Indexation	4; 16; 17;	The indexation for each service area is unclear. Justification is required for each.	The 2 nd draft version of the Guide addresses Indexation clearly at paragraph 5.5.5 and also within the Legal Pack. The county council has reduced the number of indices to four and each index is related to the service for which the index applies. For example, it would not be appropriate to secure indexation for school projects against any other index than the BCIS index referenced by the DfE.
Objecting to applications	27;	Potential objections will need context – it cannot be the case that all of HCC infrastructure takes precedence over all others.	Noted. In order to support a planning application the county council considers existing infrastructure capacity and would apply an evidential approach to any objection. The county council would expect that, given early and ongoing engagement in local plan processes, it should be unnecessary to reach the point of an objection at the decision-making stage.
Transitional arrangements	23; 26; 30; 32;	HCC should recognise the impact of amending requests for costs for recently adopted local plans. Costs should be increased at an appropriate time to enable LPAs and developers to deliver policy-compliant development without undue disputes and delays.	Given the variance between local plan timelines countywide, the county council recognises that there is never a good time to review costs. However, it is important that the county council is able to articulate the impact of development. Whilst it is regrettable that the original Toolkit has not been updated for a number of years, the county council is faced with evidence to support changes to demographics and costs – supporting alignment with national guidance. The county council is able to articulate this on a service by service basis and seeks to work with our LPA partners to ensure that there is limited risk to the public purse as a whole. Future reviews will be considered annually and amended, depending on the variance in evidence. The county council is committed to working with our local authority partners where issues arise as a result of an amended approach to infrastructure requirements.
Review of the Guide	1; 7; 7a; 12; 13; 16; 17; 30;	The Guide should indicate how often the reviews will occur.	The Guide will be reviewed as significant changes are observed in either the approach to new national guidance, cost of projects or changes to local

Comment	Respondent	Remarks	Response and Action(s)
		<p>The Guide should be updated in accordance with all new guidance, not just work to update HCC evidence.</p>	<p>demography. As an internal process, this is intended to be considered on an annual basis.</p> <p>In instances where significant changes to a methodology or process are required, the county council will subject the Guide to consultation. The Technical Appendices may be varied on an annual basis to reflect updated costs. This may be particularly important for school costs which are updated annually by the DfE.</p>
<p>Transparency of the process</p>	<p>1; 7a; 12; 13; 16; 17;</p>	<p>There is no published timetable, no publication of responses and no proposal to show the HCC response to matters raised.</p> <p>A code of practice to demonstrate that contribution requests will be handled in a fair, open and reasonable way should be published.</p> <p>HCC is not transparent.</p> <p>The general public should be consulted on this work.</p> <p>S106 reporting information should be in the public domain.</p>	<p>An indicative timetable is shown on our website. Responses have been made available to respondents and are available upon request to any person wishing to view them. This Statement has been published to provide the HCC response to matters raised.</p> <p>The consultation is available to all, but it is recognised that, in terms of the financial implications of increases to costs, the development industry and our LPA partners will be particularly relevant. The consultation is available online and is advertised in the same way that the variety of other county council engagements are conducted.</p> <p>The Guide does not intend to prioritise projects for delivery but seeks to secure proportionate funding to mitigate the impact of growth. Any information gathered by the county council is available on request, or by FOI. The county council is publishing the Infrastructure Funding Statement alongside this review, and other accompanying documents. See also '<i>Infrastructure Funding Statements</i>'.</p>
<p>Transport</p>	<p>6; 8; 9; 14; 16; 17; 18; 21; 26; 27;</p>	<p>(1) The approach to transport is unclear. More accessible sites with less potential impact should provide lower funding.</p> <p>(2)Not all large properties are occupied by large numbers.</p>	<p>(1) The advocated approach is the basis upon which an indicative/appropriate level of contribution will be identified. It will still be necessary to identify on what schemes that contribution is likely to be spent to mitigate the impact of the development. The development will need to identify the key trip attractors associated with the development and schemes aligned with LTP4 policy 1 will be the basis on which any strand 2 contributions will be spent. More accessible sites - there is an alternative school of thought which might say</p>

Comment	Respondent	Remarks	Response and Action(s)
		<p>(3)How are small sites expected to mitigate their impact?</p> <p>(4)HCC should be clear that double counting for strand 1 and 2 will not occur.</p> <p>(5)Reduced contributions from later phases to account for the potential for transport initiatives to become self-sustaining should be considered.</p> <p>(6)Would welcome a suit of standard words for use as planning conditions.</p> <p>(7)The Guide should reference locally specific transport work, LCWIP/ IDPs etc.</p> <p>(8)2nd strand appears to be a general taxation which is not R122 compliant.</p> <p>(9)To seek the same planning obligations from all types of development based solely on bed spaces is not related to the development itself and is thus not consistent with Reg</p>	<p>more accessible sites will place the existing sustainable travel network under greater pressure, so should be contributing their fair share.</p> <p>(2) There is no way we can predict how many people will actually live in a property, equally small properties may have a lot of people living in them. All forecasting of trips is based on tried and tested trip data from sources like TRICS which have looked at thousands of developments, therefore the approach taken is reasonable and appropriate.</p> <p>(3) Fundamentally sites which are not located in sustainable locations should be resisted, smaller sites have less of an impact and should be located in close proximity to exist facilities to minimise the level of mitigation required.</p> <p>(4) Agreed. Double counting will not occur.</p> <p>(5) Sites should be masterplanned as a whole so the level of mitigation is understood from the outset, sustainable transport infrastructure often needs to be forward funded placing a greater burden on early phases. Later phases should not contribute less towards the package of measures required to mitigate the impact of the whole development.</p> <p>(6)This is provided elsewhere – this is not a matter to be included with the Guide.</p> <p>(7) This is a constantly evolving landscape and will simply become out of date as soon as it is complete. Strategies may already exist, or be in development, which can negate the need for feasibility work to identify the schemes which seek to address the cumulate impact of growth in a given area.</p> <p>(8) Disagree, strand 2 contributions are to deal with the need to address wider cumulate issues of development which no single development can be identified as being solely responsible for, however, without those wider measures the cumulative impact of growth would be unacceptable. Strand 2 contributions will be utilised to implement the wider network of sustainable transport measures, thus enabling all development to achieve the mode</p>

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		<p>122(2). I.e. specialist housing will potentially create fewer transport movements.</p> <p>(10)Use of conditions is supported.</p> <p>(11)The 2 strand approach is supported provided it is applied carefully and larger developments are not double-charged.</p> <p>(12)Pre-app advice – should be made clear this can be relied upon throughout the planning process and the role of HCC in pre-app should be clarified.</p> <p>(13)For wider transport impact where off site highway works are required in mitigation (i.e: s278), it would be unnecessary for a ‘Grampian’ style condition to be imposed in most circumstances, unless the agreed works (i.e: either temporary or permanent), are required to mitigate construction impacts. In most cases there would normally be a requirement to provide a Construction Environmental</p>	<p>share target they have assumed and to ensure that accessibility by sustainable modes is maximised in line with the Hertfordshire LTP Policies and objectives.</p> <p>(9) The basis for the calculation is a starting point, as stated above there will still need to be an assessment of how the contribution will be spent to ensure that it is directly related to mitigating the impact of the development. NB. This refers to total trips generated not just vehicle trips. The total number of trips isn’t likely to change too much however the mode of travel may vary.</p> <p>(10) Noted.</p> <p>(11) Noted.</p> <p>(12) See ‘Pre-app’.</p> <p>(13) Any Grampian condition by its nature must meet the tests of condition as outlined in the NPPF, one of which is ‘necessary’, and of course the test is necessary mitigation.</p> <p>(14) Noted and agreed.</p>

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		<p>Management Plan that would negate the need for a 'Grampian' condition.</p> <p>(14) Travel plans – open-ended financial commitments are inappropriate.</p>	
S278	8; 9; 16; 17; 27;	<p>Conditions and S278 should be used where possible.</p> <p>The proposal to mitigate the impact of larger developments via S.278 obligation where not included in a S.106, can escape/bypass the proper legal and policy tests and become a 'hidden cost'.</p>	Agreed. This approach would be supported by the county council where possible.
Education	1; 4; 5; 7; 7a; 11; 12; 13; 14; 18; 22; 23; 26; 27;	<p>How does the demographic model work in relation to forecast demand?</p> <p>Should the forecast be longer?</p> <p>Peak yield requests are unreasonable. When will HCC seek temporary and when will HCC seek peak?</p> <p>DfE guidance suggests developers should respond to initial peaks in demand through modular or temporary</p>	<p>Most respondents provided work and/or an analysis of pupil yield modelling and the use of a demographic model. Appendix 3 presents a critique of the responses relating specifically to pupil yield modelling and the demographic model and should be referred to for more detailed information.</p> <p>In brief:</p> <p>Development specific outputs from the HDM are a singular entity considered against a broader context of school place planning forecasts, current capacity and other factors. The HDM includes sector discounts for private schooling (and other factors) equivalent to 13.3% at primary and 15.8% at secondary. The authority commenced its own administrative study of mainstream yield from new build developments some months before the DfE announcement of a national study. The authority has been in close discussion with the DfE throughout their process and methodologies appear to be well aligned. The</p>

Comment	Respondent	Remarks	Response and Action(s)
		<p>classrooms – not permanent places. Over-provision risks building un-necessary capacity.</p> <p>The Central Beds approach included face-to-face interviews and should be considered more robust.</p> <p>The North Essex Garden Communities Employment and Demographic Study shows how a new development profile changes over time. It contradicts the HCC approach.</p> <p>Requests ignore the availability of current capacity. Recent experience indicates that HCC is not considering current capacity.</p> <p>The DfE will shortly be producing guidance on pupil yield modelling.</p> <p>Other parties can bring forward schools, HCC are not the sole provider.</p> <p>Private school uptakes – how are these addressed?</p>	<p>DfE, on its own assessment, has also undertaken an administrative assessment. Such assessments are superior to that of other survey methods.</p> <p>The new build dwelling cohort determined by HCC at approximately 51,000 dwellings across the period 2002 to 2019 will far exceed that collated by the DfE for their period 2008 to 2013 either for Hertfordshire itself or, for any other local authority. HCC will be well placed within the forefront of mainstream yield projections and will continue to track cohort yields, both for current cohort and future developments, as part of the longitudinal study. HCC is currently exchanging individual dwelling data sets with the DfE for cross comparison of gross pupil yields in order that both studies align.</p>

Comment	Respondent	Remarks	Response and Action(s)
		<p>There may be occasions where the necessary infrastructure can be secured at a lower cost. Should be case by case basis;</p> <p>Reference to and acknowledgement of SEN is welcomed.</p> <p>HCC should explain the SEN forecasting work and methodology.</p>	
Early Years	1; 2; 4; 6; 12; 13; 16; 17; 18; 22;	<p>Will nursery provision be sought on new school sites? It could be provided by private businesses.</p> <p>Evidence and rationale for costs is missing and it is unclear how 'for profit' delivery is assessed and funded.</p> <p>Is it a public building? Does this increase site specific costs?</p> <p>Significant cost increase from 2008;</p> <p>There may be occasions where the necessary infrastructure can be secured</p>	<p>Nursery provision will usually be sought at expanded or new primary schools.</p> <p>Costs for nursery provision will now align with DfE guidance, as outlined within the 2nd consultation.</p> <p>Childcare provision can sometimes be provided through PVI and where this can be guaranteed, the county council will discuss reductions in obligations.</p> <p>All assessments of planning applications are assessed on a case by case basis.</p> <p>Primary data shows that young families live in one-bedroom properties. This may be particularly evidence in areas with high sales values where access to affordable housing is more challenging.</p> <p>The basis for the HCC evolved approach for obligations, which looks at temporary and peak yields is now presented within the 2nd consultation.</p>

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		<p>at a lower cost. Should be case by case basis;</p> <p>Why is HCC seeking from one bed properties? Many of the residents of new developments will already live elsewhere in Hertfordshire.</p> <p>Staff: pupil ratios are based on multiples of 13, so the requirement for 30 places is contrary to new provision which would be at 26 places.</p> <p>HCC should also seek contributions from employment places too and the amount should be split proportionately between residential and employment applications.</p> <p>2008 Toolkit calculates places on temp and perm places which reflects the limited time period over which demand is expected to peak. HCC should not use peak figures alone.</p>	<p>The county council has insufficient data at the current time to secure obligations from commercial premises, but this is an area where further work is required to ensure any request is Reg 122 compliant.</p>
Youth	14; 17; 18; 27;	Bespoke sites – overly complex. HCC should demonstrate how the whole project will be funded.	The strategy for youth work is an evolving process and usually the YC team is required to act proactively and quickly to meet area specific demand. The service is not always able to forecast precisely what needs may be required for the new resident population. YC needs can be very specialised. For example, emotional well-being or sexual health clinics can be specialised projects directed at particular geographical locations as the need arises. The

Comment	Respondent	Remarks	Response and Action(s)
		<p>HCC should not seek towards youth facilities, it does not meet the Reg122 Tests.</p> <p>Totals have increased and it appears this is to meet budget cuts.</p> <p>There may be occasions where projects are cheaper than that identified.</p>	<p>YC team do make use of surveys and feedback to forward plan work as much as possible.</p> <p>The strategy will be based on an assumption on sites coming forward in the local plan based on existing service locations, and sometimes within new strategic sites.</p> <p>Requests for YC contributions have been supported by Inspectors on appeal and the county council will continue to request developer contributions for all services that need to expand to mitigate the impact of growth.</p>
Libraries	8; 9; 14; 16; 17; 22; 23;	<p>Lack of evidence for significant costs.</p> <p>Comparatively high compared with neighbouring authorities.</p> <p>HCC should not seek towards libraries, it does not meet the Reg122 Tests.</p> <p>Costs should be based on digital services only, given this dynamic and changing environment.</p> <p>There may be occasions where projects are cheaper than that identified.</p> <p>Should be identified in planning policy.</p>	<p>The costs outlined within the Guide indicate an amount of contributions the library might seek towards local projects that include the development of buildings. However, it is recognised that not all projects are the same, and on occasion the project identified might be facilitated through a re-organisation of space or expansion of equipment without significant build works. A proportionate approach to developer contributions will be assessed on a case by case basis. The revised Library Technical Appendix explains this further at paragraphs 3.10 and 3.11.</p> <p>Requests for library contributions have been supported by Inspectors on appeal and the county council will continue to request developer contributions for all services that need to expand to mitigate the impact of growth.</p>

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Waste	14; 16; 17; 22; 27;	<p>Please provide an indication of costs.</p> <p>Waste management is levied through Council Tax.</p> <p>It fails to meet the tests of Reg122.</p> <p>Content to make contributions to off-site waste services.</p>	<p>In areas of demand, an estimated methodology is included within the Guide. Contributions towards waste services include the potential expansion of existing HWRC locations and/or the development of new HWRCs or Waste Transfer Stations. Funding is not secured for the ongoing revenue costs associated with the delivery of waste management services. Growth does impact on the capacity of local centres.</p>
Fire	14; 16; 17; 27;	<p>Please provide an indication of costs.</p> <p>Fire and rescue services are levied through Council Tax.</p>	<p>This is revisited in the revised version of the Guide.</p>
Adult Social Care	14; 16; 17; 27;	<p>Adult social care is an HCC responsibility and should not be funded via developer contributions.</p> <p>ACS is levied through Council Tax.</p> <p>HCC will need to ensure Reg 122 compliance.</p> <p>It would be helpful if indicative costs were included.</p> <p>The use of this Guide in ACS developments requires further</p>	<p>Increases in demand for all Hertfordshire services can be impacted by new development coming forward.</p> <p>Currently the county council is working towards developing the evidence base for ACS services. Once completed, and the county council can be assured that requests are Reg 122 compliant, it may seek obligations to mitigate the impact of development.</p> <p>The Guide will be amended to reflect any change in approach.</p>

Comment	Respondent	Remarks	Response and Action(s)
		<p>explanation. Government has identified that the level of obligations often blocks the delivery of housing for older people.</p>	
Other services	14; 16; 17; 18; 22;	<p>Agreed that such impacts must be on a case by case basis.</p> <p>The list could usefully include other obligations such as conservation area and public realm schemes.</p> <p>Would welcome an exhaustive list.</p> <p>Must be Reg 122 compliant.</p>	<p>The 2nd draft version of the Guide does attempt to illustrate the many services that might reasonably seek developer contributions to mitigate the impact of growth in Chapter 2. Not every service is relevant in every situation, and not every service identified is a responsibility for the county council. Hertfordshire County Council contributions are outlined within Chapter 3.</p>
Appendix 1	14; 24;	<p>Legal fees are not justified planning obligations pursuant to Reg 122.</p> <p>Object to para 2.3 as RPs often refuse to be bound as a successor in title.</p> <p>Sums should be spent within 10 years, not allocated.</p>	<p>The Local Government Act 2003: 93 Power to charge for discretionary services (1) Subject to the following provisions, a [relevant authority] may charge a person for providing a service to him if— (a) the authority is authorised, but not required, by an enactment to provide the service to him, and (b) he has agreed to its provision.</p> <p>The reference to allocation has been amended in the new draft Guide.</p>
Appendix 2	2; 4; 6; 16;	<p>Guide should consider PPAs and the use of external legal services should also be considered.</p>	<p>PPAs are considered by the county council in a case by case basis. This is covered in Chapter 5, paragraph 5.2.</p>

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		<p>Clause 6 should register the primary use of the land for a “state funded school (Class D1)”. A transfer deed should register its return to the Transferor in the event that the use ceases on terms akin to the provisions in the 1841 School Sites Act and the Reverter of Sites Act 1987.</p>	<p>The transfer of land enables the county council to have flexibility in the future to support the reorganisation of assets. For example, a new school might be brought forward to support growth, but should that school need to be further expanded in 20 years to support future growth, and the land is of an insufficient size to meet that expansion, the site might reasonably need to be sold to fund the delivery of a larger school on an alternative site.</p>
Appendix 3	2; 6; 16; 17;	<p>Legal fees should be capped and agreed in advance with an opportunity to review.</p> <p>Objection to the blanket se of triggers that apply on commencement.</p> <p>Objection to 10 year repayment period.</p>	<p>Please refer to the new Legal Pack which accompanies the Guide. See ‘<i>Triggers on commencement</i>’ and ‘<i>10 year spend period</i>’.</p>
Appendix 4	16; 17;	<p>It would be helpful if points of contact were provided for the respective north east / south west divisions of the Growth and Infrastructure Unit if the team is to continue to be organised this way. The provision of an organisational chart and list of names creates confusion and is unhelpful.</p>	<p>The county council would note that changes to the way in which services have been delivered over the past six months mean that colleagues are required to work very flexibly under difficult circumstances. If in doubt, stakeholders are encouraged to email the growth@hertfordshire.gov.uk email address and use ‘For the attention of:[name]’ in the subject matter. The growth inbox is monitored daily and, especially during periods of leave, this is the most efficient and direct way of contacting team members. It should also be noted that county council email addresses are invariably: <i>firstname.surname@hertfordshire.gov.uk</i>.</p>

Comment	Respondent	Remarks	Response and Action(s)
Appendix 5	1; 12; 13; 16;	<p>The costs involved in undertaking detailed investigative work could be significant and should be paid, in part, by the County Council in any subsequent transaction.</p> <p>Land area for a 2FE school is not evidenced.</p> <p>One size fits all approach, needs to be flexible.</p> <p>Education value approach is not always appropriate.</p>	<p>See: <i>Land Transfer & School Site Sizes</i>.</p>
Appendix 6	2; 4; 6; 16; 17; 21;	<p>All obligations should be Reg 122 compliant;</p> <p>Transport section must be subject to further consultation;</p> <p>School costs are excessive, Essex are circa 18-27% lower.</p>	<p>Agreed. The Guide provides an overview of costs likely to be associated with developer contributions. The county council must balance providing an indication of likely costs to inform the plan-making stages with site specific and bespoke costs required as part of the decision-making process, which must be Reg 122 compliant.</p> <p>The Transport section has been updated for the 2nd draft and consultation.</p> <p>School costs now align with DfE guidance.</p>

Appendix 3: Consultation Responses Received Part 2

Some responses referred to the demographic model in detail and those comments and responses are shown below.

NB. Following consultation comments and DfE engagement, a significant amount of work has been concluded since the 2019 consultation and is now presented alongside the 2nd consultation for comment.

Contact	Remarks	Response
1, 7a, 12, 13,	<p>There have been no published results of a survey of new housing in Hertfordshire since 2012, although a survey has been undertaken in January 2019 for which the results are awaited, and when such a survey was last carried out, the yield level was significantly below that of the Demographic Model used by HCC.</p> <p>The HCC model produces an output over time following the build out of a development. This produces child yield along a curve, including a single year of “peak” demand. Evidence to date from our involvement on sites in Hertfordshire is that HCC always request contributions at the peak level, despite the obvious conclusion that this will build in surplus places since the phasing of developments across the area will mean that not all developments reach a peak level at the same time.</p> <p>We have provided a detailed critique of HCC’s GIU tool, the Demographic Model, for assessing child yield at Appendix EPDS 01.</p> <p>In summary, on the basis of our analyses we conclude that, due to the significance of the issues we have identified, the GIU child yield methodology and the associated GIU tool are not fit for purpose.</p> <p>We have also concluded that the child yield figures generated by the GIU tool also significantly exceed the majority of the</p>	<p>HCC is assessing pupil yield from annual development cohorts >=10 dwellings in size from 2002 to current financial year. The authority has been discussing emerging HCC methodology with that of the DfE to ensure alignment. The HCC survey will be more extensive than that of the DfE in that it will incorporate 19 years of tracked cohorts as opposed to the DfE 7-year period. It is estimated that the overall cohort will consist of >1,000 developments containing >50,000 dwellings.</p> <p>The survey conducted by the former county demographer matched only 4 years of school census data sets (2007 to 2011) to a specific cohort of developments. Primary yields can take several years following development completion to reach peak and the calculated average yield would likely have been prior to full accumulation of yield. The average is a measure of yield at Units Only – a high proportion of flatted developments within the proposals included would result in a much smaller overall mean value than if a substantial proportion of houses were included.</p> <p>Emerging evidence from the PYS indicates that peak yields can last for many years, dependent on Typology. HCC is reviewing the HDM considering “on the ground” observed mainstream yield from developments and interim constraints will be applied until a full data set is obtained. The PYS data set takes account of development phasing. HCC is in</p>

<p>child yield figures generated by the methodologies used by ten other relevant local authorities.</p> <p>It is our opinion that the HCC GIU child yield methodology very significantly overstates the impact of developments on school places when compared with the approach used by HCC Children’s Services within its school forecasts.</p> <p>We conclude that the child yield figures generated by the HCC Children’s Services’ child yield methodology are considered robust according to the requirements of the DfE and, in our opinion, are therefore fit for purpose when assessing the impact of new residential developments on local school places to ascertain the amount of S106 education contributions funding for additional school infrastructure required as a result of such developments.</p> <p>The specific areas in which we have raised concerns can be found within Section 7 of Appendix EPDS 01 and, in short, are:</p> <ul style="list-style-type: none"> • Census data evidence for the historic overstatement of required places • No adjustment for birth rate changes since 2010 • Reliance on “wholly moving households” data • Assumption that children who move into a house never move house again • No adjustment for children who do not attend state schools • Different child yield methodology used by the GIU compared with the child yield methodology used by HCC Children’s Services for school forecasting <p>Local Plans seek to provide adequate housing for predicted changes in the population, not all of which are driven by net migration. There are significant components of the need for housing which are driven by changing household composition;</p>	<p>discussion with the DfE re appropriate levels sought for peak versus temporary provision.</p> <p>HCC has made detailed responses to proposal specific submissions received from EPDS on the behalf of their clients. The following is a brief response to the points raised herein:</p> <p>School Place Planning forecasts have a very short projection horizon, they will not include within this the accumulation of yields from new build to peak within any specific forecast. The HDM provides a longer-term projection to which the accumulation of yields to peak can be observed and accounted for. The “new build” yields applied within the school place forecast are derived from “direct” primary yields arising from the Migrant Households data sets. They do not specifically account for the accumulation of early years cohorts into mainstream over a period substantially longer than that of the forecast itself. Early years cohorts would not be included in entirety until they appeared within GP registrations data sets. The DfE acknowledges that development yields accumulate to peak over several years following trajectory completion, peak can be held for several years prior to the commencement of a transition to LTA. Reliance solely upon the school place planning forecast rather than all data available within the planning toolbox will therefore under-project the number of school places required in the future.</p> <p>Whilst some variance in birth rates can occur over time the overall impact on the size of primary age cohorts in the future can be low. It is not necessarily the birth rates at time of application which are of relevance but rather the rates which can be expected upon development commencement and throughout its trajectory.</p>
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for example, more people living longer and a higher incidence of family breakdowns. Those components of the objectively-assessed need for housing do not themselves give rise to children who would not otherwise have lived in the area. This is supported by the historic Census data evidence provided in Section 7.1 of Appendix EPDS01.

HCC sets great store by its analysis of “wholly moving household” census data, and claims that this represents an analysis of those moving into new housing. The evidence of Section 7.4 of Appendix EPDS01 shows why this is flawed.

At page 12 of its Model Guide, HCC states “having regard for the requirements of Regulation 122 of the Community Infrastructure Levy 2010 (as amended), minimising the chance of over estimating the child yield is important to restrict the potential of seeking planning obligations which exceed the impact of a particular development.”

This is clearly not the actual effect of the model, as our Appendix EPDS01 fully demonstrates.

According to the Model Guide, in January 2019 HCC commenced a Pupil Yield Survey of recent housing developments to “determine whether the current strategic approach is still valid”. As HCC goes on to state, this sits well with the guidance provided by the DfE in April 2019. It would be helpful, given that the survey has been completed, if HCC set out a timetable for the publication of the survey (including the questions asked within the survey) and the analysis of these results.

On pages 21/22 of the Model Guide, when discussing a survey of new development carried out in 2012, HCC states “The authority’s demographer determined that the sample size was

The HDM applies a 13.3% reduction at primary and 15.8% at secondary to account for children in private schools or, home schooled or, attending provision out of county.

Migrant, or migration, is an umbrella term which encompasses in/out of authority and local inter/intra district moves (and vice versa). It generally represents a term which describes a “move” for which the demographic characteristics of “movers” are known to be substantially different to that of the overall population. The emerging DfE position with respect to local/migrant moves appears to be the application of spatially defined extents that equate to commonly applied statistical building blocks. It is their intent to produce gross and net yields, the latter being reductions applied to mainstream yields to account for local movements. Once the DfE publishes HCC will act on any perceived deficiencies within its projection methods. The migrant household data sets applied within the HDM are statistically robust cohorts which demonstrate the unique demographic profile of moving households. There is no data to support a difference in age structure between all moving households and those specific to new build.

The PYS data set being collated by HCC spans 2002 to 2020 and will include >1,000 developments and >50,000 new build dwellings. This will far exceed either the data being collated by the DfE for Hertfordshire, or the data collated by them for any authority in the country. It will, in effect, be an annual census of all new build dwellings within developments ≥ 10 dwellings in size, in conjunction with an ongoing longitudinal study of each annual cohort. The longitudinal aspect also permits examination of the interaction of development peaks and troughs, and the subsequent impact on normalised yield per 100 dwelling rates over time. The authority is currently exchanging data sets for the period 2007 to 2013 with the DfE to inform their pilot study.

	<p>statistically robust at county level. Whilst neither dwelling type, tenure or bed size data was collected during the survey a mean yield of 23.2 primary pupils per 100 dwellings was determined...”</p> <p>Whilst the bed size data, type and tenure is relevant to a housing yield model, it seems inconceivable that HCC could take this statement and instead use a “judgement based model of 1FE to 500 dwellings”, equivalent to a yield of 42 primary pupils per 100 dwellings.</p> <p>As will be demonstrated later in Section 8 of this document, HCC’s proposed model uses an even greater yield than 1FE to 500 places.</p> <p>Whilst the work undertaken focuses on the implications for school places, there is also a wider point. Given the overstatement of number of children there are also implications for all HCC contributions. The cumulative impact of additional infrastructure requirements set out in the Guide has implications for the delivery of local plans and the sites in these plans that are required to meet the development needs of an area.</p>	<p>The county council has limited certainty of the detailed mix of developments at the local plan stage and the application of an average yield at local plan stage could result in insufficient land being reserved for education purposes. As proposals come forward and specific development mixes are known then, where projected yields are smaller than that applied at local plan stage a reassessment of the project identified to mitigate the impact of a development will be undertaken.</p> <p>The 1FE from 500 dwellings resulted from application of the 2012 survey average, and the observed distribution, such that yields, and subsequent land reservations for education, would only be exceeded in 2.5% of instances. In comparison of the 2012 results to emerging PYS data sets (2002 to 2020) it is likely that the developments considered by the demographer at that time were dominated by flat dwelling types.</p>
3	<p>Persimmon share the HBF’s concerns regarding the robustness having regard to the NPPF tests. In particular, there is:</p> <ul style="list-style-type: none"> • Over reliance on migration data • No adjustments to birth rates since Census • No consideration of children attending private schools. 	<p>The HDM applies a 13.3% reduction at primary and 15.8% at secondary to account for children in private schools or, home schooled or, attending provision out of county. Other points are dealt with above.</p>
4	<p>At the ‘in principle level’ the model relies on data which reflects the single 12 month period April 2010 to March 2011 and may or may not be reflective of the period 2019-2031 and beyond. Indeed, whilst the 2011 Census is acknowledged to be the</p>	<p>Such an assessment will be possible upon finalisation of the PYS.</p>

	<p>most accurate, it reflects base data, immediately after a financial crisis, that significantly distorted the housing market. A credibility check is needed.</p>	
5	<p>We note that HCC uses a bespoke Demographic Model to calculate pupil yields from housing development. DfE supports robust evidence-based approaches to the calculation of pupil yields. We intend to produce a national pupil yield methodology, following detailed analysis of pupil data matched to housing developments. Once these data and methodology have been produced, HCC may wish to incorporate them into a future version of the Demographic Model. Please contact us if you require further information on this work.</p>	<p>HCC is assessing pupil yield from annual development cohorts >=10 dwellings in size from 2002 to current financial year. The authority has been discussing emerging HCC methodology with that of the DfE to ensure alignment. The HCC survey will be more extensive than that of the DfE in that it will incorporate 19 years of tracked cohorts as opposed to the DfE 7-year period. Once data sets are completed the HDM will be reviewed. It is estimated that the overall cohort will consist of >1,000 developments containing >50,000 new build dwellings.</p>
10	<p>We note that EFM's technical assessment of the County Council's Demographic Model has uncovered a fundamental flaw, which is the result of 2011 Census data being used in an amalgamated form. In brief, the Census data for private rented dwellings has been amalgamated with the data for owner occupied and shared ownership dwellings. The private rented dwellings disproportionately dominate the Migrant household data, due to higher turnover in this tenure. Furthermore, the operation of the model "ages on" the Migrant population figures in a way that is clearly inappropriate for residents in this tenure group. In our view, private rent is unlikely to represent a substantial proportion of the tenure mix within typical new housing developments in Hertfordshire.</p>	<p>Discussion with the DfE indicates that within the national pupil yield study that tenure types will be restricted to aggregate groups Open Market and Affordable Rented. Where market dwellings are purchased for purposes of private rental then fluctuations in pupil counts will be inherently included within a longitudinal study and therefore considered. In accordance with this, whilst HCC completes the overall PYS, the HDM outputs will be regulated to yields observed from the trial study.</p>
11	<p>HCC's model is inherently inaccurate, due to the aggregated nature of part of the base data that it relies upon, as explained in this note. A model using disaggregated data would produce more accurate results.</p>	<p>Discussion with the DfE indicates that within the national pupil yield study that tenure types will be restricted to aggregate groups Open Market and Affordable Rented. Where market dwellings are purchased for purposes of private rental then fluctuations in pupil counts will be inherently included within a longitudinal study and therefore considered. In accordance</p>

<p>There are a number of other matters, including the general expectation of falling household size, that is not considered in the model.</p> <p>Finally, any requirement for service provision based on a demographic model needs to consider the context, including overall demand within the area of the service provision.</p> <p>The introduction recognises that there are redistribution effects as well as inward migration effects. It should be recognised that population resident is not necessarily the same as additional demand or need. Demand and need require further understanding of the circumstances, including the capacity of existing and planned provision.</p> <p>It is recognised that the 2011 model follows a similar approach to an earlier model that used 2001 Census Data, which was developed at HCC. The basic approach, using Census Data to inform short term and long-term populations, may still be reasonable if due regard is taken for its limitations and appropriate methodology used.</p> <p>However, whilst there are positive points about the robustness of Census data, it represents a particular period in time – in this case the year prior to Census Day. In addition, migrant households are used as a proxy for households moving into new housing.</p> <p>In the case of the 2011 data, it appears that the difficult economic circumstances of the time have affected peoples' behaviour (and thus the Census results) in a number of ways that will mean the model is less reliable than expected. For example, it appears that the number of migrant households living in private rented tenures was comparatively high, and the number of migrant households living in owned properties</p>	<p>with this, whilst HCC completes the overall PYS, the HDM outputs will be regulated to yields observed from the trial study.</p> <p>The HDM provides population estimates over several years. Following development completion, wherein the number of dwellings is static, then changing population counts inherently produce varying occupancy rates. Variability in household size is therefore included.</p> <p>HCC has previously recognised that use of census data is a "snapshot" in time. The transition to PYS based data sets in accordance with DfE emerging guidance will permit the longitudinal examination of mainstream pupil yields by development characteristic metrics. The data set being collated by HCC from 2002 to 2020 will include >1,000 developments and >50,000 new build dwellings. This will far exceed either the data being collated by the DfE for Hertfordshire, or the data collated by them for any authority in the country. It will, in effect, be an annual census of all new build dwellings within developments >=10 dwellings in size, in conjunction with an ongoing longitudinal study of each annual cohort.</p> <p>The longitudinal aspect also permits examination of the interaction of development peaks and troughs, and the subsequent impact on normalised yield per 100 dwelling rates over time.</p> <p>The emerging DfE position with respect to local/migrant moves appears to be the application of spatially defined extents that equate to commonly applied statistical building blocks. It is their intent to produce gross and net yields, the latter being reductions applied to mainstream yields to account for local movements. Once the DfE publishes HCC will act on any perceived deficiencies within its projection methods.</p>
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relatively low, in 2011 when compared to 2001 Census data. Also, the turnover of private rented tenures is very high. The model methodology compounds the unexpected implications of these factors, resulting in a significant and disproportionate effect - and misleading results.

It is noted that the data table CTO173 includes six tenure types. However, CTO478 contains only two and four categories are combined into "Owned or shared ownership and private rented or living rent free" for analysis purposes.

Data for Hertfordshire commissioned by Educational Facilities Management Partnership Ltd, available as CTO806, does not amalgamate the ownership categories with the rental categories. Table 1 below shows the information by the three tenure categories in CTO806

Tenure group	All Households as a percentage of All Household total	Migrant Households as a percentage of Migrant Household total	Migrant Households as a percentage of All Households
Owned or shared ownership	67.7%	37.8%	4.1%
Social rented	18.2%	17.8%	7.1%
Private rented or living rent free	14.1%	44.4%	22.9%
Totals	100%	100%	

Table 1 Tenure Group Information from CTO806¹

It is evident from the Table 1 that the different tenure groups have different characteristics, in terms of the percentage that each represents, and in terms of turnover time.

Social rented tenure households represent about 18% of All Households and 18% of Migrant Households, and the Turnover Time suggests residents are likely to stay a long time. It seems

Dependent on the spatial extent of such boundaries the posited distinction for private rented properties may become moot, particularly where moves are local and therefore applied as reductions in calculating net yields. Where such moves are within locality, but beyond the spatial extent set by the DfE, then reductions are unlikely to be applied.

It is HHCs intent to be open and transparent with the publication of data from the PYS within constraints of statistical disclosure controls.

reasonable that residents are “aged on” each year in the model.

The position for owned or shared ownership (abbreviated to “Owned” from here on in) tenure households is similar in that a low turnover is expected. Migrant households are a much smaller proportion of the total in this tenure category (67.7% of All households, but 37.8% of Migrant households) - although methodology could adjust for this.

The Private rented or living rent free (abbreviated to “Private Rent” from here on in) households tenure group presents a significant difficulty. The number of private rent dwellings has increased considerably in recent years and the 2011 Census data shows 14.1% of All households as resident in this tenure group. However, when looking at the Migrant household data, they represent 44.4% of the total number of Migrant households. In fact, the number of Private Rent tenure Migrant households is greater than the number of Owned tenure Migrant households.

Because HCC’s model is based on amalgamated information, the demographic information being used is biased towards that observed in Private Rent households. In effect, the HCC model assumes the majority (54%) of “Owned or shared ownership and private rented or living rent free” dwellings will initially be occupied by households with the age structure characteristics of Migrant Private Rent households. This is very unlikely. Only 14.1% of All Households are occupied as Private Rent and, instinctively, it seems likely that the proportion in a typical new housing development in Hertfordshire will be lower than that.

A second problem is that Private Rent households have a very high turnover, demonstrated by the Turnover Time of 4.4 years

shown in Table 1. It is clearly not correct to “age on” residents in this tenure group within the model.

A further difficulty is that while some new dwellings may well be purchased on a “buy to let” basis or may be privately rented for particular reasons, the proportion at a given location will be difficult to assess unless there are known site specific factors that can be used – an example might be a development for key worker housing, or an institutional development being built for rental purposes.

An additional point to note is that the data being used is the number of residents, not the number of residents that attend state schools. Some parents choose to have their children educated in independent schools and some choose home education.

The above statement is accepted. It is also considered important to recognise the distinction between a peak figure and the long term, how peaks from a particular development may coincide with lower demand from elsewhere and how any peak in demand should be catered for.

HCC sets out the results of a hypothetical development of 1000 dwellings, with a mix in proportion to the observed 2011 Census Migrant Household data. EFM has developed a model that is based on the disaggregated data in CTO806, and other commissioned tables.

EFM has developed a model based on aggregated data, the purpose of which is to replicate HCC’s model. Using this aggregated data model, and the same development trajectory and dwelling mix as HCC, the model obtains a peak primary age population of 426. This is the same figure as stated by HCC towards the bottom of page numbered 12 – from which it

is concluded that the aggregated model can replicate the HCC's primary age results.

With the same input information, which includes the assumption that 44.4% of the 1000 households (and dwellings) will be Private Rent tenure, the disaggregated data model produces a peak primary age population of 435.

If the same test dwelling mix is used and the (Census observed) Private Rent tenure households are included as Owned tenure households (dwellings in the housing mix) then the disaggregated model produces a peak primary age population of 355 – a difference of 80 primary pupils. This shows the importance of the proportion of the dwelling mix that is Private Rent.

It must be appreciated that if any dwellings are assumed to be Private Rent, the results of the models, including the disaggregated model, will be very misleading. "Ageing on" of the population is a key factor in the models and the Turnover Time for Private Rent is 4.4 years. Neither HCC's model, nor the disaggregated model, make any adjustment for this quick turnover and therefore produce inaccurate figures with respect to population in Private Rent dwellings.

Furthermore, and most importantly, since the demographic information for Private Rent households is embedded in the HCC model, HCC's model is inherently inaccurate and, in our view, cannot be relied upon.

The disaggregated model can be used and will produce reasonable results on the basis that there are no Private Rent dwellings. Further work would be needed to model the effects of Private Rent dwellings – although of course it is generally very difficult to know at the development management stage

whether a substantial proportion of dwellings are likely to be Private Rent tenure.

It is noted that HCC is undertaking a Pupil Yield Survey, and it is hoped that HCC will publish full details of that work in due course. If adequate information can be made available, the operation of my disaggregated model could be tested.

Reference is made to work undertaken in June 2012. It is unclear what this work was, and whether the results are publicly available.

Section 1.1 states, "Whilst focus herein is predominantly on child yield the method is applicable to all age groups." As explained above, the model is flawed in any event. Further factors come into play as the approach is being used for age groups older than pre-school and school age groups. These factors include in and out household migration, out migration of household members (for example, a youngster may move away to attend university and not return to the family home), and deaths (which are increasingly important for progressively older age groups, of course).

Table 1 presents numerical changes in child age populations, but also confirms that the overall 0-17 population per 100 dwellings has remained broadly similar (54.4 in 2012, 54.7 in 2016). Clearly there is year on year variation, due to changing birth rates and other factors. Overall, in Hertfordshire 1,000 dwellings will sustain approximately one form of entry (equivalent to 210 primary pupils) – i.e. the current level of provision in Hertfordshire. It should be noted that the figures presented in Table 1, which result in marginally less than 210 primary age children per 1000 dwellings in 2012 and marginally more than 210 in 2016, are population figures, not pupil numbers in state funded schools – so do not allow for

home education or independent sector schools. Table 3 summarises information about Migrant Household age structure and notes the relatively higher numbers in the 0-3 years age groups. By comparison with the All Household age structure, it is also the case that there are higher numbers in the first few primary year groups and lower numbers in the later primary year groups – also evident in secondary and post 16 age groups.

The paragraph below Table 3 describes how HCC's "Units Only" model projects a primary pupil yield of 426 pupils, and explains that the figure is the result of "the cumulative transition of the higher yield per 100 dwellings age 0 to 3 cohorts into the primary sector over time" - I have referred to this as "ageing on" above. As explained above, the aggregation of base data for Private Rent households which have a short Turnover Time means the figure of 426 cannot be considered accurate.

There is also reference to migration affecting ONS National Population Projections. This is international migration and should not be confused with the Migrant Households information used in HCC's model.

In Section 1.2 reference is made to statistical analysis that has supported HCC's application of a ratio of 1 form of entry per 500 dwellings, and reference is made to this resulting in "an under-prediction of calculated primary age yield in only 2.5% of observations." This appears to be inconsistent with the last sentence in the paragraph which refers to the 1FE per 500 dwellings as supported by analysis of 2011 Census data.

Reference is made to a further aggregation of data, which is that the maximum bed size range was capped at 4+ bedrooms in the base data. This aggregation will have some implications for accuracy, although these are less likely to be much less

problematic than the aggregation of Private Rented and Owned tenures.

The comparison of various statistics in Appendix 2 needs to be treated with caution, due to the reason previously explained. What does not show is any comparison of Owned and Private Rented statistics – as this is not possible from the aggregated data, that HCC commissioned. However, the generality of the findings reported remain valid, including the higher occupancy in social rented dwellings, and the distinctive bias towards younger households seen in Migrant households seen in Figures 1 and 2.

The expectation of a transition over time from a Migrant household profile to an All household profile is a point of agreement, and I also consider it reasonable to include a transition in birth rate – both described on page 33. However, I note that the number of births used in the future is based on the observed Census information and no allowance is made for any reduction to reflect the expectation of a gradual reduction in household size. An allowance of 5% was adopted in HCC's previous (2001 Census based) model.

Figure 1 shows part of a principle calculation matrix and illustrates the ageing on of the population. The point about unborn child yield is made above in response to Appendix 2. It is noted that migration is not allowed for in the model, which is reasonable to the extent that both Owned and Social Rent households demonstrate a fairly long Turnover Time. However, there will in practice be some turnover, and in my view, it is not easy to model this.

It is reasonable to expect that households will generally become smaller over time, once new children are no longer being born. This can happen for several reasons including, as

	<p>a result of households splitting through parental separation/divorce, children leaving home and through death. These factors are unlikely to have substantial consequences for pre-school and school age children but would be more important for older age groups. Pages 49 and 50 explain the adjustments made to smooth the transition from peak (Migrant household based) to long term average value and the adjustment made to the age 75+ cohort. Again, there is no adjustment made to the long-term average figure to reflect an expectation of falling average household size, and I believe this should be reconsidered.</p> <p>Further paragraphs explain the age group population figures, which I understand to be related to service delivery requirements. The maximum figures are highlighted, which may or may not be the appropriate figure to use in each particular case. More importantly these figures are all based on the aggregated data, and therefore cannot be relied upon.</p> <p>A further general point to be made is that in many cases, households will move locally rather than be new and additional residents to Hertfordshire. Understanding the overall context, including whether demand needs to be met locally or in a wider context, is necessary in order to seek appropriate service provision.</p>	
14	<p>The starting point for considering the scale of contributions required from development is to understand the scale and nature of the population growth arising from development within an area. Hertfordshire County Council (HCC) have prepared a demographic model to assess the nature of the population change arising from new development from which it can understand the impact on its services. The County Council's modelling does not offer the necessary robustness to ensure that the proposed level of obligation is consistent with regulation 122 of the CIL regulations and paragraph 56 of</p>	<p>The HDM is not applied as a definitive figure for pupil yield but rather a robust assessment based on demographic modelling principles in order to lead/initiate discussion. HDM outputs are considered in conjunction with other information and data within the planning toolkit to assess likely demand above current capacity. Individual sites can have specific characteristics which can vary likely child yields above or below that expected "on average".</p>

	<p>NPPF – that they are directly related to the development, necessary to make the development acceptable in planning terms or fairly and reasonably related in scale and kind to the development. The approach taken by the County will overinflate the impact of new development across all services. These concerns are set out below.</p>	<p>HCC is assessing pupil yield from annual development cohorts >=10 dwellings in size from 2002 to current financial year. The authority has been discussing emerging HCC methodology with that of the DfE to ensure alignment. The HCC survey will be more extensive than that of the DfE in that it will incorporate 19 years of tracked cohorts as opposed to the DfE 7-year period. It is estimated that the overall cohort will consist of >1,000 developments containing >50,000 dwellings. Emerging results from the PYS will be used to regulate HDM outputs as an interim measure whilst the study completes.</p>
15	<p>We are aware of concerns raised by representations submitted by the Home Builders Federation which explore the use of the Hertfordshire Demographic Mode in respect of migration data, birth rates, and attendance at private schools. We do not repeat those representations here but agree with the points made therein.</p> <p>In the case of St Albans District, it is important to recognise that the housing mix which is prescribed in Appendix 6 of the Publication Draft Local Plan is considered to be materially different to supply of housing that has occurred previously and this is likely to influence future demographic characteristics associated with new housing such that the model may overestimate population change.</p> <p>We note that the consultation document does not distinguish between market housing and affordable housing, whereas the existing document does have differential cost rates in certain topic areas (Table 2 refers).</p> <p>It is important to recognise that affordable homes are provided to meet the housing need of existing residents who are unable to access housing in the open market. In this regard they are residents of the Districts that are already using local services and facilities. Consequently, they are not new residents who</p>	<p>The HDM takes account of differing dwelling types, bed size mixes and tenures in the projection process as sites come forward.</p> <p>Affordable/Social Rented housing is used more efficiently than that of Open Market dwellings. Cost per dwelling type and bed size are therefore higher than that of OM units although the overall representation of such dwellings relative to total dwelling stock is substantially smaller. The blended tenure contribution tables prevent affordable/social dwellings being viewed unfavourably by housing providers.</p> <p>Whilst affordable rented housing is allocated to locally existing residents there exists the potential of backfill to dwellings exited increasing localised education demand. Further demand will also occur where families moving into AR/SR have not reached parity. The DfE intends to publish, within their guidance, how yields within AR/SR dwellings should be accounted for, with respect to Regulation 122, and HCC will implement any amendments accordingly.</p>

	<p>give rise to an increase in the need for services and facilities in overall terms. This is not taken into account in Guide. At the very least an explanation should be given for why this approach has been discontinued to allow comments to be made in respect of this.</p>	
19	<p>The evidence base used to should be reviewed in order to demonstrate it has been prepared robustly and using the most up to date information/data. We are aware of concerns being raised over the demographic model prepared to assess the nature of the population change and an over reliance on migration data that could risk the double counting of households.</p>	<p>HCC plans to continue the Pupil Yield Study longitudinally both for the >1,000 current developments within the cohort and those proposals coming forward in future years. This will ensure that the authority evidence base is always current.</p>
20	<p>It is set out that a demographic model has been prepared in order to determine the future population and the needs arising from them. It does not explain whether the demographic model has considered the population arising from the Standard Method, which is the method by which the dwelling requirements for each of the Local Planning Authorities has been determined. The Standard Method includes an uplift for affordability, which is not based on any form of demographic equation, but includes a significant increase in the dwelling requirement for some locations. It is unclear if and how this has been factored in and how it is likely to affect the outputs then used to determine planning obligations for services.</p> <p>It sets out that the demographic model is based on 2011 census data, however, this information is some 8 years old now and for a number of data sources the trends are very different. For example, household formation is considered to be quite different as evidenced by changes to household representation rates in more recent household projection publications. Further, there have been changes to the birth rates, which have seen a steady decline. Both factors are</p>	<p>The HDM is a form of cohort component demographic modelling, this is the most commonly applied type of population projection model such as by the ONS in creation of the national and sub-national population projections. Account is taken of births, deaths and migration. The HDM takes account of differing dwelling types, bed sizes and tenures. As proposals come forward then their specific characteristics are taken into account to project likely future populace.</p> <p>Census data sets provide the most comprehensive demographic picture of a populace within a snapshot of time. Comparable, definitive, demographic data from other sources is difficult to obtain. For example, even the ONS MYE are subject to revision in the preceding inter-census period once a new census is completed. Whilst birth rates change year on year the overall effects on projected counts of children, with respect to overall cohort sizes, can be shown to be small. It is also not the current births rate which is of relevance but rather the births rate which can be expected to be present both when a development starts, and during its trajectory, which will affect primary cohorts.</p>

<p>examples where inaccurate data can artificially over inflate the need for a particular level of funding for services. Indeed, migration patterns may have changed, and it is important that the County Council recognises that not all homes will be occupied by migrants and that households may simply be relocating within the local area, as a result of climbing the housing ladder or separating, which may mean that the schooling of the children remains the same.</p> <p>Given the flaws identified above, it should not be used as a proxy for determining future developer contributions.</p> <p>From the demographic model identified above, there are no formulae to calculate how the additional requirements are quantified. Greater transparency, allowing the equations to be understood, is essential for any planning obligation, so that the test as to whether they are fairly and reasonably related to the development can be assessed.</p>	<p>Migrant is an umbrella term which encompasses out of authority and inter/intra district moves (and vice versa). HCC recognises that longitudinal studies of yield are likely to provide a more precise method of projecting future populace from forthcoming developments and welcomes the emerging DfE national methodology both in terms of process and recommendations for clarity of calculations.</p>
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