



COMMUNITY INFRASTRUCTURE LEVY (CIL) COMPLIANCE STATEMENT

PREPARED BY HERTFORDSHIRE COUNTY COUNCIL

APPEAL BY BRETT AGGREGATES

LAND EAST AT THE FORMER HATFIELD AERODROME, HATFIELD

PLANNING INSPECTORATE REFERENCE: APP/M1900/W/24/3346607

LOCAL PLANNING AUTHORITY REF: PL/0232/21 (6/3031-21)

1.0 INTRODUCTION

- 1.1 This statement addresses the planning obligations sought by Hertfordshire County Council related to the appeal scheme. This statement is provided without prejudice to the Council's case in relation to the appeal.
- 1.2 Welwyn Hatfield and St Albans Councils rely solely on Section 106 contributions and obligations as there are no CIL charging schemes currently in place.
- 1.3 The Welwyn Hatfield Community Infrastructure Levy (CIL) Draft Charging Schedule was submitted for examination on 24 October 2024. An examination in public will be held by an independent Planning Inspector from Intelligent Plans and Examinations (IPE) Ltd (date TBC).
- 1.4 The development plan comprises:
- Welwyn Hatfield Local Plan (2016-2036) (adopted 12 October 2023)
 - St Albans City & District Local Plan Review 1994 (adopted
- 1.5 St Albans local plan review is at the Regulation 19 Consultation stage (from September to November 2024). The proposed submission date is December 2024 for adoption in March 2026.

2.0 PLANNING OBLIGATION(S)

- 2.1 The s106, provided at Annex 1 of this statement, is agreed between the parties:
- Hertfordshire County Council (LPA),
 - Brett Aggregates (Appellant), and
 - Advance Research Clusters (ARC) as landowner.

2.2 The main Owner and/or Developer covenants are as follows:

Schedule 1

- 1- To pay the Sustainable Transport Contribution (£174,906) to the County Council prior to the Commencement of Development.
- 2- Not to Commence the Development until such time as a Section 278 Agreement has been entered into for works relating to the proposed new site access and removal of existing vegetation on highway land and for improved pedestrian facilities (widening of existing footway) along Hatfield Road (A1057) to assist pedestrian links between the Site and The Alban Way.
- 3- Not to Commence nor cause nor permit Commencement of the Development nor to carry out any such enabling works for the purposes of the Development until it has entered into a Section 25 Agreement substantially in the form attached at Schedule 4 to dedicate each of the Initial Bridleway, Bridleway 1, Bridleway 2, Bridleway 3, Bridleway 4, Bridleway 5, Bridleway 6 and Bridleway 7.

3.0 RELEVANT LEGISLATION AND POLICIES

3.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010, as amended, sets out the tests for the use of planning obligations. Obligations should only be sought when they meet three criteria, namely that they are:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development, and;
- c) fairly and reasonably related in scale and kind to the development.

3.2 The proposed s106 contributions are justified by the provisions of the Development Plan, in particular the following specific policies:

Section 7 – Movement

Policy SP 4

Transport and Travel

Consistent with the vision and objectives of this Local Plan, the Council will seek to support both planned growth and existing development with appropriate transport infrastructure, with the emphasis on promoting the use of sustainable modes of travel and on improving safety for all highway users. The Council will work together with the County Council as the local highway authority, Highways England, public transport operators, developers and other relevant bodies to design and fund improvements to transport infrastructure where these are necessary to support growth or to improve accessibility to existing centres, employment areas and community facilities.

Implementation

7.6 The Council will also work with Hertfordshire County Council to secure implementation through their emerging Local Transport Plan, and Growth and Transport Plan for the borough, and through membership of the A1(M) and A414 consortia. Any necessary developer contributions towards transport services and infrastructure will be secured by means of a Section 106 Agreement in accordance with the Council's adopted Supplementary Planning Document on Planning Obligations 2012 (17) or the Community Infrastructure Levy (once adopted). However, it must be noted that any necessary infrastructure works must be environmentally acceptable and the provision of adequate transport infrastructure in itself will not be sufficient to make the development acceptable if there are substantial environmental objections to it. Policy SP4 will principally be implemented through the development management system and policies SADM 2 on Highway Network and Safety and SADM 3 on Sustainable Modes of Travel.

Policy SADM 2

Highway Network and Safety

Development proposals will be permitted provided:

- i. There would be no severe residual cumulative impacts on the local and/or strategic transport network once any cost-effective and achievable mitigation measures have been taken into account. Development proposals which generate a significant amount of traffic movements must be accompanied by either a Transport Assessment or Transport Statement as appropriate in accordance with the criteria in the Hertfordshire County Council Highway Design Guidance;
- ii. There would be no negative impacts on highway safety;

- iii. They are designed to allow safe and suitable means of access to and from the site for all users; and
- iv. iv. They provide satisfactory and suitable levels of parking, in accordance with the criteria set out in SADM12 and the Council's parking standards, and taking into account the opportunities for public transport, cycling and walking.

Policy SADM 3

Sustainable Travel for All

All developments at or above the thresholds set out in Hertfordshire County Council's Hertfordshire Travel Plan Guidance will be required to submit a Travel Plan as part of a planning application. Development proposals should make provision where appropriate for:

- ii. Cyclists, through safe design and layout of routes integrated into new development and the wider cycle network and provision of secure cycle parking and where appropriate changing facilities.
- iii. Pedestrians (including disabled persons and those with impaired mobility), through safe, accessible, direct and convenient design and layout of routes within the new development and wider pedestrian network.
- v. Safeguarding existing Public Rights of Way and promoting enhancements to the network, where appropriate, to offer walking and cycling opportunities.
- vi. Public transport, through measures that will improve and support public transport and provide new public transport routes.
- vi. Community transport, through the implementation of Travel Plans where appropriate (for example including measures that will promote car pools, car sharing and voluntary community buses, community services and cycle schemes).
- vii. Servicing and emergency vehicles.
- viii. Facilities for charging plug-in and other ultra-low emission vehicles.

Section 12 – Environmental Assets

Policy SP12

Green Infrastructure

The Council will work with partners to actively support the creation and enhancement of strategic green infrastructure across the borough. Opportunities to link existing green spaces and to improve public access and amenity will be supported in order to provide a comprehensive network of functional and linked spaces for the benefit of wildlife, biodiversity and the community. The Council will aim to ensure there is no overall net loss in green infrastructure across the borough within the plan period. Development that would compromise the integrity, functionality or cause significant fragmentation of the green infrastructure network will not be permitted.

Priorities for the creation and enhancement of green infrastructure include river corridors, sites designated for their nature conservation, heritage and/or landscape value and areas of Urban Open Land that are important for community recreation. Development proposals within the borough should plan positively for, and contribute to, the creation and management of high quality, multifunctional green spaces that are linked to the surrounding green infrastructure network. To ensure beneficial results for biodiversity and habitat creation, Hertfordshire's Ecological Networks Mapping should be used (where appropriate) and, once available, the Local Nature Recovery Strategy, to inform the location and nature of green infrastructure provision.

New development should meet the standards for the provision of open space set out in the Planning Obligations Supplementary Planning Document including play spaces, allotments, sports pitches and other recreational facilities, as well as any other initiatives taking place in the borough including those listed below.

Developer contributions will be sought to deliver strategic green infrastructure including that identified in the Welwyn Hatfield Green Infrastructure Plan and green infrastructure proposals brought forward in the Local Plan. Support will be required to deliver the following projects:

- Implementation of the Hertfordshire Rights of Way Improvement Plan;
- Improvements to the River Mimram and Lea corridors;
- Greening of the urban environment in Welwyn Garden City and Hatfield;
- Implementation of the Welwyn Hatfield Green Corridor project:

Welwyn Hatfield Green Corridor

The council will work with partners and developers to enable the delivery of a Green Corridor located east to west across the borough between Welwyn Garden City and Hatfield. The diagram in Figure 8 below indicates the broad extent of the Green Corridor, its onward linkages including to existing green infrastructure, and its relationship to the new development sites allocated elsewhere in this plan.

The Green Corridor Project will provide new strategic connections to Ellenbrook Country Park, Symondshyde Great Wood and Heartwood Forest in the West, and Stanborough Park, the Commons Wood Nature Reserve, and Moneyhole Lane Park to connect to Panshanger Park, the River Mimram and Lea Valley in the east. In particular, the Council will work with Hertfordshire County Council as mineral planning authority and St Albans District Council as adjoining authority to maintain appropriate and safe public access to Ellenbrook Country Park during mineral extraction within the Park, and to restore and enhance the Park for public access and biodiversity following extraction.

The Green Corridor will connect existing green infrastructure, ecological assets, footpaths, cycleways and bridleways, and provide a community resource that will help maintain a sense of space/separation between Welwyn Garden City and Hatfield consistent with its Green Belt function. It will provide opportunities for the creation of new green spaces; wildlife and biodiversity projects; circular leisure

routes; play, sport and leisure facilities; and new off road routes linked to the surrounding area. Proposals for the development / creation of the Green Corridor will be detailed in the emerging Green Corridor Supplementary Planning Document and will be incorporated into the masterplanning of strategic sites.

Proposals for development within or adjacent to the Green Corridor must have regard to the aims, objectives and projects identified in this document and avoid any negative impact upon existing ecological assets, valuable areas of green or blue infrastructure and public rights of way. Development that would jeopardise implementation of the Green Corridor project will not be permitted.

Section 13 Infrastructure delivery

Policy SP 13

Infrastructure Delivery

To support the delivery of sustainable communities, the Council will ensure that suitable provision is made for new or improved infrastructure, required to meet the levels of growth identified in this Local Plan.

The Council's Infrastructure Delivery Plan sets out the key infrastructure projects that will be required to deliver the objectives of the Local Plan. Developers will be required to contribute to the reasonable costs of enhancing existing infrastructure or providing new physical, social and green infrastructure, required as a result of their proposals, through either financial contributions (including planning obligations or the Community Infrastructure Levy (CIL)), or by direct provision of such infrastructure on-site within the development.

The Council will use grant funding, Section 106 agreements, unilateral undertakings, planning conditions, and when adopted, the Council's CIL Charging Schedule, to secure this. The adopted Planning Obligations SPD sets out guidance in relation to the negotiation of Section 106 contributions and will be updated in due course to reflect the Council's approach to planning obligations once the Community Infrastructure Levy has been implemented.

Supporting infrastructure should be provided in advance of, or alongside, the development, unless there is sufficient existing capacity. The appropriate phasing for the provision of infrastructure will however be determined on a case by case basis.

Furthermore, the Council will continue to work with its partners to address existing deficiencies and secure appropriate levels of funding.

Operational criteria

Minerals policy 18

Operational criteria for the control of mineral development

All proposals for mineral extraction and related development shall, where appropriate:

- x) ensure that public rights of way are not adversely affected or, where this is not possible, that good quality, safe and convenient temporary alternative provision is made and long-term reinstatement or suitable replacement of rights of way is secured. The use of rights of way to obtain vehicle access to a site will not be permitted unless it can be clearly demonstrated that the safety of rights of way users can be adequately protected. Proposals should enhance the public rights of way network through the creation of new rights of way and/or open space, or the improvement of public access;

Other Policy Documents

Hertfordshire Local Transport Plan 4

Policy 5: Development Management

The county council will to work with development promoters and the district and borough councils to:

- d) Secure developer mitigation measures to limit the impacts of development on the transport network, and resist development where the residual cumulative impact of development is considered to be severe.

Application

The transport impact from any new development should be mitigated as far as possible, so as not to severely impact upon the existing transport network. Therefore via the Community Infrastructure Levy (CIL), Section 106 planning obligations or planning conditions, the appropriate levels of financial contributions or mitigation measures will be sought from developers towards any interventions required to offset transport impacts.

Policy 7: Active Travel - Walking

The county council will seek to encourage and promote walking by:
e) Supporting the implementation of the Rights of Way Improvement Plan

Application

As a general principle it would be appropriate to provide enhanced infrastructure to encourage walking and cycling for journeys up to 3 miles within towns and up to 10 miles between towns.

Hertfordshire Rights of Way Improvement Plan 2017/18 – 2027/28 (July 2017)

Core Action 4:	Promote rights of way and the health benefits of physical activity in the natural environment
Core Action 5:	Develop links into the countryside from towns
Core Action 7:	Extend the network for cyclists, horse-riders and horse & carriage drivers
Core Action 8:	Develop a range of circular off-road routes which support health and wellbeing
Core Action 9:	Ensure the off-road network is protected, extended and enhanced through development proposals

Hertfordshire County Council Guide to Developer Infrastructure Contributions 2021

2.4.3 In line with the Local Transport Plan (LTP4) the county council will actively seek planning obligations which will improve sustainable transport facilities and services for passenger transport users who are using the development and generally for those users in the surrounding area. This will also include improvements to Public Rights of Way (see also green infrastructure).

Technical Appendix 1: Transport

1.5 The county council intends to update the existing two strand approach to transport contributions. The immediate and specific impacts of larger developments are established via a TA and mitigated via S278 obligation, or funded via CIL/S106 agreement in the conventional way. This is the first strand of possible transport contributions.

- 1.5 The second strand should address the cumulative impacts of all development, large and small, facilitating delivery and enhancement of the necessary active and sustainable transport networks. These local sustainable networks must be provided in their entirety to provide the sustainable connections to the key trip generators, as such contributions will be pooled to fund these networks within the local area (subject to any legislative restrictions), as supported by National Planning Policy Framework (NPPF). This second strand contribution is intended to help implement broader transport measures in the catchments of new development from which contributions are secured. The need for second strand contributions will be balanced against the level of first strand contributions and any other relevant planning matters.
- 1.6 In areas without a Community Infrastructure Levy adopted, this second strand is the principal means of securing contributions towards broader sustainable transport infrastructure. At the time of publication, the second strand contribution generally does not apply in Dacorum, Hertsmere, Stevenage, Three Rivers and Watford as they have fully adopted CIL regimes in place.

4.0 JUSTIFICATION FOR S106 CONTRIBUTIONS

1. The use of s106 to secure sustainable transport contributions for new and improved infrastructure in the local area, specifically to provide for improvements to the existing highway network between the site access and the A1001 is justified under Policy SP13 (Infrastructure Delivery) of the Welwyn Hatfield Local Plan 2023. The proposed improvements are directly related to the traffic generated by the proposed development based on the increase in vehicle trips generated by development calculated using the Hertfordshire s106 toolkit.

2. The s106 provisions to secure the new site access and improved pedestrian facilities (widening of existing footway) along Hatfield Road (A1057) and to assist pedestrian links between the Site and Alban Way are justified in order to mitigate the impacts of the development on pedestrian infrastructure and support walking links between the A1057 and Alban Way¹ (forming a part of the National Cycle Network). The highways improvements in the vicinity are justified under Policy 13 (Highway network and safety) of the Welwyn Hatfield Local Plan 2023.
3. The use of s106 to secure extensions to the existing network (as part of the restoration scheme) including a new circular route and links to the existing footway and bridleway network to deliver improvements to the rights of way network in the vicinity of the site is justified under Policy SP12 (Green Infrastructure) of the Welwyn Hatfield Local Plan 2023 and supports implementation of the aims of the Hertfordshire Rights of Way Improvement Plan 2017 and Welwyn Hatfield Green Infrastructure Project.
- 4.2 The use of s106 to secure these provisions is consistent with Regulation 122 of the Community Infrastructure Levy Regulations 2010, as amended, and meets the relevant tests for the use of planning obligations i.e. they are necessary to make the development acceptable in planning terms; directly related to the development, and; fairly and reasonably related in scale and kind to the development. The scale of the provisions are proportionate and necessary to mitigate the impacts of the development, and support the provisions of Policy 13 (Infrastructure Delivery) of the Welwyn Hatfield Local Plan 2023.

¹ The Alban Way is a 6.3 miles trail for cyclists and walkers on a safe, flat, gentle, traffic-free route using a disused section of the Great Northern Railway, between St Albans (Cottonmill Lane) and Hatfield (Wrestlers Bridge). The Alban Way forms a part of the National Cycle Network ([Alban Way - Sustrans.org.uk](https://www.sustrans.org.uk))