Hertfordshire

COMMUNITY INFRASTRUCTURE LEVY (CIL) COMPLIANCE STATEMENT

PREPARED BY HERTFORDSHIRE COUNTY COUNCIL

APPEAL BY BRETT AGGREGATES

ESTABLISHMENT OF A NEW QUARRY ON LAND AT THE FORMER HATFIELD AERODROME, INCLUDING NEW ACCESS ONTO THE A1057, AGGREGATE PROCESSING PLANT AND OTHER ANCILLARY FACILITIES, TOGETHER WITH THE IMPORTATION OF INERT FILL MATERIAL TO RESTORE THE MINERAL WORKINGS

LAND AT THE FORMER HATFIELD AERODROME, OFF THE A1057

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

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

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1. SUMMARY

This document updates the earlier Community Infrastructure Levy (CIL) Compliance Statement prepared by Hertfordshire County Council (HCC) dated 04 November 2024 to acknowledge that Welwyn Hatfield Borough Council operates a CIL Charging Schedule (since 01 October 2025).

The S106 agreement (signed by HCC and Brett Aggregates) provides for all of the infrastructure that is necessary to mitigate the impact of the proposed new quarry and related development.

The earlier CIL Statement prepared by HCC sets out the full justification for the S106 obligations.

2. COMMUNITY INFRASTRUCTURE LEVY REGULATIONS 2010

The Community Infrastructure Levy is a charge which can be levied by local authorities on new development to deliver the infrastructure needed to support development in their area[1] alongside S106 planning obligations.

The Community Infrastructure Levy Regulations 2010 requires an obligation to meet three specific tests in order to be considered compliant i.e. an obligation must be -

- Necessary - essential to make the development acceptable in planning terms.
- Directly Related - having have a clear connection to the specific development being proposed.
- Fair and Proportional – reasonable in scale and kind in relation to the development.

Regulation 122 of the CIL Regulations 2010 requires the Local Planning Authority to prepare a CIL compliance statement to demonstrate how the development proposal complies with the Planning Act 2008 and CIL Regulations 2010 and that the infrastructure charges being applied meet the above tests.

[1] Community Infrastructure Levy - GOV.UK

3. SECTION 106 TOWN AND COUNTRY PLANNING ACT 1990

Section 106 (Agreements regulating development or use of land) of the Town and Country Planning Act 1990[2] provides that –

(1) A local planning authority may enter into an agreement with any person interested in land in their area for the purpose of restricting or regulating the development or use of the land, either permanently or during such period as may be prescribed by the agreement.

(2) Any such agreement may contain such incidental and consequential provisions (including financial ones) as appear to the local planning authority to be necessary or expedient for the purposes of the agreement.

(3) An agreement made under this section with any person interested in land may be enforced by the local planning authority against persons deriving title under that person in respect of that land as if the local planning authority were possessed of adjacent land and as if the agreement had been expressed to be made for the benefit of such land.

(4) Nothing in this section or in any agreement made under it shall be construed—

  (a) as restricting the exercise, in relation to land which is the subject of any such agreement, of any powers exercisable by any Minister or authority under this Act so long as those powers are exercised in accordance with the provisions of the development plan, or in accordance with any directions which may have been given by the Secretary of State as to the provisions to be included in such a plan; or

  (b) as requiring the exercise of any such powers otherwise than as mentioned in paragraph (a).

[2] Town and Country Planning Act 1990

4. LOCAL CHARGING AUTHORITY

The majority of the application site is within St Albans District Council (including the haul road, processing site and all of Phases C, D, E, F, and G). The smaller portion of the site (including the lagoons, south-east corner of Phase A, and east side of Phase B) is situated within Welwyn Hatfield Council.

St Albans District Council is not a CIL charging authority.

Welwyn Hatfield Borough Council has been a CIL charging authority since 01st October 2025. The Borough Council has adopted a Charging Schedule developed from the Draft Infrastructure Delivery Plan (May 2017) and Infrastructure Funding Gap Assessment which allows for S106 agreements as an appropriate and reasonable alternative to CIL where a direct link can be drawn between a new development and the need for an infrastructure item.

Welwyn Hatfield Council is currently working on a new Local Plan for submission for examination by October 2026 and a revised Infrastructure Delivery Plan will be produced to support the examination process.

The policies for the contributions sought by Hertfordshire County Council are set out in HCC Guide to Developer Infrastructure Contributions[3].

The Welwyn Hatfield Borough Council Community Infrastructure Levy (CIL) Charging Schedule[4] lists the developments liable for CIL, and developments exempt from CIL, based on type and size.

Development which is exempt from CIL charges include:

- Developments of less than 100 sq.m., unless a new house or flat.
- Houses, flats, residential extensions and annexes built by self-builders
- Social housing.
- Charitable development.
- Buildings into which people do not normally go.
- Buildings where people only go intermittently e.g. to inspect fixed plant.
- Any structures which aren't buildings (such as pylons)

The proposed development involves the establishment of a new quarry, creation of a new access onto the A1057, and erection and operation of an aggregate processing plant and other ancillary facilities.

The proposed development is therefore exempt from CIL charges because it does not exceed the thresholds in the CIL Charging Schedule.

[3] Infrastructure requirements and developer infrastructure contributions | Hertfordshire County Council
[4] WHBC CIL Charging Schedule Paragraph 5.4

5. THE PLANNING OBLIGATIONS

Hertfordshire County Council and Brett Aggregates have signed a S106 agreement which includes the following covenants on the Owner and/or Developer:

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.

The new bridleways (3) above are shown on the Hatfield S106 Rights of Way Plan October 2024 (Core Document CD14.04.3).

6. POLICY SUPPORT FOR THE USE OF S106 OBLIGATIONS

Welwyn Hatfield Local Plan (2016 - 2036) adopted 12th October 2023

Policy SP13 (Infrastructure Delivery) supports the delivery of sustainable communities and the key infrastructure projects required to deliver the objectives of the Local Plan and the Council's Infrastructure Delivery 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.

Welwyn Hatfield Borough Council Planning Obligations SPD February 2012

Policy IM2 (Planning Obligations) provides justification for the delivery of necessary infrastructure, services and facilities that are directly related to it and necessary to the granting of planning permission. Under this policy developers are required to provide or finance the cost of all such provision which is fairly and reasonably related in scale and kind to the development, including:

- On-site facilities directly related to the proposed development in the interests of proper planning and to mitigate any possible adverse environmental effects
- Off-site improvements, services and facilities necessary as a result of the development in order to avoid placing an additional burden on the existing community and to mitigate any possible adverse environmental impact arising from the development; and
- Affordable housing in accordance with Policy H7.

This will be implemented through planning conditions and obligations agreed between the council and developers under section 106 of the Town and Country Planning Act 1990 and any related or subsequent legislation.

Hertfordshire Guide for Infrastructure Contributions[5]

The supporting technical guidance (Technical Appendix 1: Transport) sets out the items that are often more suitably delivered through a planning condition via a s278 agreement, or on occasion via a planning obligation where appropriate, and include:

- works to ensure safe access and egress to a development;
- changes to the highway network to improve capacity or safety;
- smaller infrastructure such as bus stops/shelters/raised kerbing;
- and the provision of amended highway networks, including roads/ cycleways/ footways[6].

Other items that are more likely to be considered for developer contributions, unless a planning condition is more appropriate, include:

- large infrastructure which requires partnership working with other organisations;
- a highway measure or sustainable transport scheme which has already been identified by the county council towards which a pooled contribution can be justified.
- small-scale local improvements which would not be covered by the IDP and CIL funded items;
- the provision of new or improvement to existing Rights of Way or active travel routes within green infrastructure;
- the county council's reasonable costs in ensuring that any developer-created Rights of Way meet required specifications[7].

The Community Infrastructure Levy (CIL) regulations require local planning authorities that charge CIL or enter into section 106 planning obligations to publish an annual infrastructure funding statement (IFS). Hertfordshire County Council has produced an IFS each year since 2020 setting out the income and expenditure relating to Section 106 (S106) agreements over the last financial year.

[5] Infrastructure requirements and developer infrastructure contributions | Hertfordshire County Council
[6] Technical Appendix 1: Transport: Paragraph 3.5
[7] Technical Appendix 1: Transport Paragraph 3.6

7. POLICY SUPPORT FOR IMPROVEMENTS TO THE RIGHTS OF WAY NETWORK

Hertfordshire Minerals Local Plan Review 2007

Minerals Policy 18 (Operational Criteria for the Control of Mineral Development) requires all proposals for mineral extraction and related development to:

(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.

Hertfordshire Rights of Way Improvement Plan

The Hertfordshire Rights of Way Improvement Plan (RoWIP) July 2017 aims to deliver better local paths for walkers, cyclists, equestrians (horse riders and horse and carriage drivers), and for people with disabilities. The RoWIP includes an Action Plan to secure implementation funding through financial contributions from developments, via Section 106 agreements and the Community Infrastructure Levy (CIL), along with the Local Transport Plan as the RoWIP is aligned with sustainable transport and road safety objectives[8].

Welwyn Hatfield Local Plan (2016 - 2036)

Policy SADM3 (Sustainable Travel for All) requires development proposals to safeguard existing Public Rights of Way and promote enhancements to the network, where appropriate, to offer walking and cycling opportunities.

[8] rights-of-way-improvement-plan-201718-202728.pdf (Paragraph 7.3)

8. POLICY SUPPORT FOR SUSTAINABLE TRANSPORT CONTRIBUTIONS

St Albans City and District Local Plan Review 1994

Policy 34 sets out the highway considerations to be taken into account in development control and the standards for new development to be acceptable. Development likely to generate a significant amount of traffic will not normally be permitted unless the proposal is acceptable in terms of road safety, environmental impact of traffic, road capacity, the road hierarchy, car parking provision, and when a local roads is used - the risk of accidents, the width and alignment of the road, and any adverse impacts on the rural character of the road or residential properties along it.

Policy 35 requires highway improvements in association with new development in order to mitigate the highway effects of development proposals, and where appropriate, highway improvements or contributions to the public transport system where proposals would otherwise result in detrimental highway conditions.

Welwyn Hatfield Local Plan (2016 - 2036)

Policy SP 4 (Transport and Travel) aims to support 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.

Policy SADM2 (Highway Network and Safety) positively supports development where:

(i) there would be no sever residual cumulative impacts on the local and/or strategic network once cost effective and achievable mitigation measures have been taken into account;
(ii) there would be no negative impacts on highway safety
(iii) they are designed to allow safe and suitable access; and
(iv) they provide satisfactory and suitable levels of parking taking into account for public transport, cycling and walking.

Policy SADM3 (Sustainable Travel for All) requires development proposals to make provision where appropriate for:

- cyclists, through safe design and layout or routes,
- pedestrians, through safe accessible and direct and convenient design of routes;
- safeguarding existing Public Rights of Way and promoting enhancements to the network, where appropriate, to offer walking and cycling opportunities,
- improvements to the public transport network,
- implementation of Travel Plans,
- servicing and emergency vehicles; and
- facilities to support ultra-low emission vehicles.

Hertfordshire Local Transport Plan (2018 – 2031) Adopted May 2018

Policy 5 (Development Management) requires new development to:

- Encourage movement by sustainable transport modes and reduce travel demand in accordance with the LTP Transport User Hierarchy.
- Ensure access arrangements are safe, suitable for all people, built to adequate standards in line with Highway Design Standards.
- Ensure road layouts meet appropriate adoption requirements.
- 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.
- Require travel plans line with 'Hertfordshire's Travel Plan Guidance'.
- Only consider new accesses onto primary and main distributor roads where special circumstances can be demonstrated in favour of the proposals.
- Resist development that would either severely affect the rural or residential character of a road or other right of way, or which would severely affect safety on rural roads, local roads and rights of way especially for vulnerable road users.

Policy 7 (Active Travel – Walking) encourages and promotes walking by:

a) Implementing measures to increase the priority of pedestrians relative to motor vehicles, especially in town centres, and creating walking friendly town and neighbourhood centres.
b) Delivering infrastructure to provide safer access to key services, and pedestrian facilities to enable and encourage walking.
c) Identifying and promoting networks of pedestrian priority routes.
d) Promoting walking as a mode of travel and for recreational enjoyment.
e) Supporting the implementation of the Rights of Way Improvement Plan.

9. JUSTIFICATION FOR S106 OBLIGATIONS

The S106 obligation secured as part of the development provides for:

(1) the Sustainable Transport Contribution (£174,906)

(2) improvements to existing pedestrian facilities (widening of existing footway) along Hatfield Road (A1057)

(3) delivery and dedication of the new bridleway routes as extensions to the existing rights of way network (as shown on Hatfield S106 Rights of Way Plan October 2024 (Core Document CD14.04.3)).

These provisions are essential to make the development acceptable in planning terms, they have a clear connection to the proposed development in this case, and are reasonable in scale and kind to the development being proposed.

The S106 obligations therefore meet the requirements of Regulation 122 of the CIL Regulations 2010 and are fully justified in accordance with the relevant policies of the Development Plan.