

**Chief Executive and  
Director of Environment: John Wood**

Strategic Planning and Regeneration  
Dacorum Borough Council  
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**SPATIAL AND LAND USE  
PLANNING**

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My ref:  
Your ref:

Date: 12 March 2014

Dear Sir,

**DACORUM BOROUGH COUNCIL COMMUNITY INFRASTRUCTURE LEVY –  
CONSULTATION ON THE DRAFT CHARGING SCHEDULE**

Thank you for consulting the County Council on the Borough Council's Draft Charging Schedule. This response represents the County Council's position as a strategic infrastructure provider and is made on behalf of the Environment Department (in the County Council's capacity as Local Transport Authority and Local Highway Authority) and the Development Services Team (in relation to the County Council's other services namely Children's Services (including Education, Youth and Library) Waste, Fire and Rescue, Health and Community).

Last year the County Council responded to the consultation on your Preliminary Draft Charging Schedule. At the time updated guidance relating to CIL had been issued and we highlighted the implications for both the Borough Council and County Council. We listed the changes that are likely to have greatest implications for the preparation of the Community Infrastructure Levy (CIL) charging schedule and which relate to the provision of strategic infrastructure provided by the County Council which included,

- the need for a more comprehensive and transparent approach to infrastructure planning and delivery at the outset,
- the need for greater clarity as to the relationship between CIL and Section 106 (S106) arrangements;
- the need for collaboration between the Borough Council and County Council in relation to setting the levy rate and agreeing how the levy will be spent in two-tier areas in relation to key strategic infrastructure;

- ability to treat major strategic sites as a separate geographical zone for the setting of CIL rates,
- more onerous requirements relating to the updating and republishing of the Regulation 123 list.

### Draft Charging Schedule

Clearly it is for the Borough to determine what the appropriate charging rate should be for the area and the schedule of proposed charges are listed in the Draft Charging Schedule (January 2014). It appears that the proposed levy rate is based upon viability work part of which has been undertaken in conjunction with other authorities within Hertfordshire.

In relation to the types of development which will be liable for CIL, the clarification regarding the definition of "Retirement Housing" within the table of CIL rates is helpful. As we understand this will only relate to private retirement housing. We would be grateful if this note could be expanded to include the following words "*...For the avoidance of doubt this excludes registered not for profit care homes.*"

### Draft Regulation 123 list

We previously stated that when considering the use of S106 and CIL within the Borough (in as much as it relates to the provision of strategic infrastructure provided by the County Council), it is considered that for the larger, more strategic sites the most effective approach is likely to be the continued use of S106 agreements to fund infrastructure items which are directly related to those developments. In response the Regulation 123 list places clear thresholds for the application of CIL and S106.

In relation to highway and transport matters, it is noted that for any transport proposal large or complex enough to require a Transport Assessment, S106 will still be used to secure mitigation in line with the tests listed in the CIL Regulations. It is also noted that several specific sites associated with developments at West Hemel Hempstead and Spencers Park are also excluded from CIL and therefore S106 will still apply. The delivery of improvements to several junctions in Berkhamsted relating to SS1 and LA4 in the south of the town will also be delivered via S106.

It is assumed any works necessary to directly access any site or associated with a site access will still be secured through S278 via S106 or planning conditions. This will continue to apply to all works meeting these criteria not just sites identified in the Site Allocations Development Plan Document.

Therefore, your strategy appears to ensure CIL monies will be more appropriately used to fund infrastructure requirements generated from smaller developments, but may also be necessary to address the cumulative impact of development occurring across the borough as a whole.

The majority of growth across the borough is to be delivered in Hemel Hempstead. To the east of Hemel Hempstead, Maylands Business Park is set to expand. We notice that Spencers Park is excluded from CIL and therefore S106 will apply. The area outside this site will be subject to the Zone 3 charge. Any further significant growth in the area will require supporting infrastructure funded by the CIL. In particular, we would welcome the opportunity to discuss how the introduction of this proposed CIL Charging Schedule may affect the North East Relief Road/ Maylands Growth Corridor project which has been considered as necessary to facilitate growth in the area and where the majority of the required funding has previously been considered to be via developer contributions.

We are aware that the area to the east of Hemel continues to be considered as a potential location for further housing development by St Albans City and District Council. HCC would welcome the opportunity of commenting further on any additional development planned in that area in due course, in order to ensure that appropriate infrastructure is available.

In relation to Education matters, the following amendments are suggested:

- “Early Years Education and Childcare facilitates” are listed as items for CIL with the exception of those within new school buildings. It would be helpful if the current wording within the Exceptions column was amended to read *“Early Years Education and Childcare facilities where provided alongside new schools secured under S.106”*.
- “Primary Education and Childcare facilities”. Where developments of 500 or more dwellings give rise to new primary education facilities both the land for the school and the funding to build it will be sought via S106. However, the school required in relation to the Hemel Hempstead Hospital site is different as it will need to serve a larger area than the proposed development itself and care needs to be taken to ensure requirements of Regulation 122 are met. Accordingly, we would welcome the opportunity to discuss and agree how this provision can be achieved.
- “Secondary Education Facilities”. Although it currently appears unlikely that any new secondary schools will be required from the new developments currently proposed, (though increases in the scale of development to the east of Hemel Hempstead in St Albans City and District may alter this, hence our comments on further discussions above), it would be helpful to include a caveat within the Exceptions column to cover instances where sufficiently large scale development may come forward which would require on site secondary education provision (such as the development mooted to the East of Hemel Hempstead). This could be achieved with the addition of the following wording: *“Any new Secondary Education Facilities arising from significant strategic scale growth not currently identified within the Core Strategy”*

Further information can be provided in respect of HCC’s school site standards and buildings costs if necessary.

The last paragraph of the Regulation 123 list paper, regarding the possibility of infrastructure associated with large site to be secured via S106 and Exceptional Circumstances Relief to be available is acknowledged and welcome.

### Exceptional Circumstances Relief

The fact Exceptional Circumstances Relief will only be available where it can be demonstrated that the items of infrastructure have been identified as essential within the Council's Infrastructure Delivery Plan is noted. We would be grateful if DBC could confirm that Education infrastructure has this classification within the document.

The proposal that Exceptional Circumstances Relief would only be available on 25% of the total CIL liability is also noted and we would welcome an opportunity to discuss this with you.

### Payment in Kind Policy

The inclusion of the Payment in Kind Policy is noted and welcome. We would be happy to discuss this matter further when required, particularly given the note that HCC would be one of the infrastructure providers potentially being able to receive land provided via this mechanism.

### Next Steps

The County Council as a strategic infrastructure provider is committed to working with the Borough Council in a timely and effective manner to meet the requirements of the revised CIL guidance. As previously noted, the new requirements set out within the CIL guidance bring with them a number of challenges which is likely to require parallel political processes to determine how CIL monies should be prioritised.

As previously discussed, there will be a need to agree appropriate governance arrangements between the two authorities and the level of CIL monies that will be made available to the County Council for the provision of strategic infrastructure. HCC welcomes the invitation to comment on the suggested arrangements already circulated and looks forward to discussing these further.

We hope that you find the above comments useful and would be happy to attend the examination if necessary. We look forward to continuing to work with you in taking forward the implementation of CIL within Dacorum.

Yours sincerely,

James Dale

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Hertfordshire County Council**

Alexandra Stevens

**Planning Obligations Officer  
Hertfordshire County Council**