



TOWN & COUNTRY PLANNING ACT 1990

PLANNING APPEAL UNDER SECTION 78

APPEAL REFERENCE:

APP/M1900/W/21/3278097

COMMUNITY INFRASTRUCTURE LEVY REGULATIONS 2010

COMPLIANCE STATEMENT

HERTFORDSHIRE COUNTY COUNCIL

December 2021

Proposed development

The planning application is for the establishment of a new quarry on land at the former Hatfield Aerodrome, including a new access onto the A1057, aggregate processing plant, concrete batching plant and other ancillary facilities, together with the importation of inert fill materials for the restoration of the minerals working (5/0394-16)

Community Infrastructure Levy Regulations 2010

Regulation 3 provides 'There shall be a charge to be known as Community Infrastructure Levy (charged in accordance with section 205 of PA 2008)

Planning obligations (s106)

The NPPF¹ states 'planning obligations must only be sought where they meet all of the following tests' -

- 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.

Section 106 obligation

The following planning obligations are agreed between with County Council and the Applicant pursuant to s106 –

1. sustainable transport contribution² for junction improvements to (a) the Hatfield Road / Ellenbrook junction and (b) Hatfield Road / Comet Way junction.
2. Improvements to pedestrian facilities (widening of existing footway) along the A1057 Hatfield Road and maintenance of the carriageway³
3. To provide 7 new bridleways as extensions to the rights of way network within the site, including all necessary drainage, surfacing, fencing, gates/ means of enclosure (as appropriate), sign posting and way marking

¹ NPPF Paragraph 57

² Hertfordshire County Councils Planning Obligations Guidance Toolkit: £1000 per one peak hour two-way trip i.e. 46 PCU's per peak hour = £46,000 towards improvements to the Hatfield Road / Ellenbrook junction and £46,000 towards improvements to the Hatfield Road / Comet Way junction. Total sum £92,000

³ Cash sum to be held by the Highway Authority to cover degradation of the highway surface caused by the additional HGV traffic generated by the proposed development. Total sum £30,000. Footway widening improvements to be delivered under s278 Highways Act.

Policy related to the s106 obligations

Hertfordshire Minerals Local Plan Review 2007 (Minerals Policies) –

- Minerals Policy 16: In assessing the likely impact of traffic movements, account will be taken of any highway improvements, traffic management or other mitigating measures that may be provided in association with the development
- Minerals Policy 18: 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's Local Transport Plan 2018 – 2031

- Policy 7: Active Travel – Walking. Delivering infrastructure to enable and encourage walking and supporting the implementation of the Rights of Way Improvement Plan

S106 proposals policy justification

The sustainable transport contributions are sought to improve two junctions affected by HGV traffic generated by the development between the site access and the primary road network identified by the Highway Authority as requiring capacity improvements. The highway improvements provided by the s106 obligation are necessary to mitigate the impacts of the development, and are justified under Minerals Policy 18

The improvements to pedestrian facilities (widening of existing footway) along the A1057 Hatfield Road are necessary to widen and improve a particularly narrow section of footway opposite the site. The improvements are justified because of the increase in HGV traffic along the A1057 generated by the development for 32 years, and are necessary because the footway will be used by additional pedestrians directed from within site onto the A1057 for sustained periods of the development.

The provision of additional dedicated routes within the site will extend the bridleway network and improve connectivity to the wider rights of way network. The s106 obligation will improve access to the countryside, in accordance with Minerals Policy 18, and Local Transport Plan Policy 7, and deliver net environmental benefits in accordance with NPPF (Paragraph 120).

Summary

The s106 obligations meet the relevant tests i.e. 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.

The s106 obligations are compliant with the CIL Regulations.