

Growth & Environment
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Respond to: growth@hertfordshire.gov.uk

24 September 2026

Dear Planning Officer

**Response by HCC's Growth & Infrastructure Unit to 25/02571/OP
BA1(Land East Of North Rd And North Of Railway Line); BA10(Land Between
Railway Line And Royston Rd); BA3 (Land West Of A505); BA2 (Land South Of
Clothall Rd); Walls Field; Urban Open Land West Of A505, And Land West Of
North Rd, Baldock**

Due to viability documents received, I am writing in respect of revised planning obligations sought towards non-transport services to minimise the impact of development on Hertfordshire County Council Services for the local community. Based on the information to date for the development of **3185 dwellings** we would seek financial contributions towards the following projects:

Primary Education Contribution

Level of Provision

We welcome the sufficient provision of land for up to 6 Forms of Entry (FE) of primary education capacity split between two new up to 3FE primary schools on the development. We also welcome the inclusion of nursery capacity within the new primary capacity.

Therefore the county council will require land towards two new up to 3FE primary schools on BA1. It is planned to mitigate the yield arising from the delivery of homes in the south of Baldock at BA2 initially by utilising surplus capacity in existing schools in the existing settlement utilising a Baldock Town first approach to school places. In order to provide future flexibility we will also require the option to call on the land for both the up to 3FE primary schools.

Based on the post-viability financial offering HCC has set out the following financial contribution requests and triggers;

- First 2fe primary school (with nursery class): £11,813,175
 - 1st financial contribution (10% cost of 2fe primary school (£1,181,318)) = Prior to residential reserved matters for BA1
 - 2nd financial contribution (60% cost of 2fe primary school (£7,087,905)) = Prior to 200 occupations on BA1
 - 3rd financial contribution (30% cost of 2fe primary school (£3,543,952)) = First anniversary of transfer of land
- Second 2fe primary school (with nursery class): £11,813,175
 - 1st financial contribution (10% cost of 2fe primary school (£1,181,318)) = Prior to 600 occupations on BA1
 - 2nd financial contribution (60% cost of 2fe primary school (£7,087,905)) = Prior to 800 occupations on BA1
 - 3rd financial contribution (30% cost of 2fe primary school (£3,543,952)) = First anniversary of transfer of land
- 1fe expansion:
 - £4,947,278 = Prior to 1,400 occupations on BA1
 - £3,069,799 = Prior to 1,600 occupations on BA1

Site Areas

HCC sets out below indicative call for dates for primary education. Whilst indicative triggers are set out for calling on the land, to aid the understanding of when land may need to be available, HCC will need flexibility on when to call on the land, giving an appropriate notice period. HCC sets out these below;

- First primary school land call for date begins at: = **Commencement of the first Residential Reserved Matters Area within BA1**
- Second primary school land call for date begins at: = **500 occupations on BA1**
- First primary school expansion land call for date begins at: = **1,400 occupations on BA1**
- Second primary school expansion land call for date begins at: = **1,800 occupations on BA1**

Land transfers call for date triggers will have the addition within the legal agreement of “...unless a different occupation trigger is agreed in writing by the County Council”. This is to add some flexibility to these triggers. In particular, we acknowledge that flexibility is required if only 3fe of on-site primary education provision needs to be delivered.

Sport England have made it known that community use of the primary schools is possible and that any use will need to be agreed with both NHDC, the applicant and Sport England. Any additional costs of using the primary schools for community use, such as enhancing pitches to adult size will need to come from alternative budgets, not education budgets.

Therefore HCC will require the following planning obligations to mitigate the impacts of this development;

towards the delivery of two new primary schools on the development and expansions up to 6FE and/or provision serving the development **(Total £31,643,427) index linked to BCIS 1Q2024 plus regional factor)**

Secondary Education Contribution

Level of provision

This development proposes 3185 new homes, therefore based on the strategic planning ratios, there is a need for the county council to be able to mitigate up to 7FE of pupil yield.

Therefore in addition to the circa 2FE of secondary school capacity that could be available through pushing back the current inflow of pupils from outside the town, this application requires the mitigation of 5FE of additional Secondary education capacity. This is to be achieved through one of three identified projects. The final option of which will be determined through the Education Review process. The three identified projects are;

1. Option 1 – Knights Templar expansion and relocation to BA3: Relocation and expansion (up to 12FE) of Knights Templar School to BA3.
2. Option 2 – Knights Templar expansion: Expansion of Knights Templar on existing site (up to 10FE).
3. Option 3 – Additional secondary school on BA3: Provision of additional secondary school (up to 5FE) on BA3.

There is a request to enter in to a community use agreement on the secondary school land. Whilst the principle of this is accepted, the school land must be curriculum first, and the pitches must be BB103 compliant (or whichever guidance applies at the time). Any additional cost to make these available to the public must be from alternative funding and not from educational funding. The secondary school is also not needed until later in the development, therefore careful consideration will be needed as to the wider community sport offering and timing of provision.

The response to the planning application by Sport England is noted and the request for a 3G pitch to be a part of the secondary school. This will need further consideration and conversation around the funding and operation of such a facility. Additional provision of sporting facility must not arise from Education budgets.

Transport to school

This new development will yield new children before the county council delivers additional secondary school provision. Consideration will need to be given to the sustainable movement of pupils between new residential parcels and the

existing/proposed secondary school locations, in particular for the years prior to the delivery of new provision.

Site Areas

There are varying site areas dependant on the final project chosen, it is welcomed that the land specification documents have already been received by HCC for the secondary school land.

A land transfer call for date trigger will be required in the legal agreement and will have the addition within the legal agreement of “...*unless a different occupation trigger is agreed in writing by the County Council*”. This is to add some flexibility to the trigger.

To deliver the three options we will require the following planning obligations; towards the delivery new secondary school provision and/or provision serving the development. Final project option to be determined through the process set out in the S106 legal agreement. The three project options are as follows, only one will be delivered;

1. Option 1 – Knights Templar expansion and relocation to BA3: Relocation and expansion (up to 12FE) of Knights Templar School to BA3.
2. Option 2 – Knights Templar expansion: Expansion of Knights Templar on existing site (up to 10FE).
3. Option 3 – Additional secondary school on BA3: Provision of additional secondary school (up to 5FE) on BA3.

Land transfers triggers will have the addition within the legal agreement of “...*unless a different occupation trigger is agreed in writing by the County Council*”. This is to add some flexibility to these triggers.

Total contribution £30,531,071 index linked to BCIS 1Q2024 plus regional factor

Nursery Education Contribution

This covers children aged 3-4 years old. The county council will provide new nursery places for 3-4 year olds at the new primary schools on the Baldock developments. This in accordance with DfE guidance Securing Developer Contributions for Education, which recommends that all new primary schools should come with a nursery and that developer contributions may be used to fund this requirement. The cost of including the nursery provision in the new primary school is included within the cost of the new primary school outlined above and therefore will not be paid separately.

Childcare Contribution

0-2 Year Olds

The county council has a statutory duty to ensure sufficient childcare provision under the Childcare Acts 2006 and 2016 notwithstanding that the private, voluntary, and independent sector will usually deliver places. The development is expected to yield approximately 688 0-2 year old service users whose parents are likely to seek childcare. In the area there is currently a small surplus of places, however given the extent of the yield, new projects will be required to mitigate the impact of

development on the childcare sector. The extent of the yield is driven by the Government's offer of free childcare which has seen very high uptake.

HCC will therefore require planning obligations towards increasing the capacity of 0-2 year old childcare facilities through the provision of up to 3 new 50 place childcare settings on site and/or provision serving the development. The contribution request is for **£638,979**. All figures are **index linked to BCIS 1Q2024**. Each 50 place childcare setting will need to be delivered to the HCC standards as set out in the Service Provision and Place-making Guide

(<https://www.hertfordshire.gov.uk/media-library/documents/environment-and-planning/planning/service-provision-and-place-making-guide.pdf>). This requires 325sqm of space (275sqm internal and 50sqm external) per 50 place childcare setting. A further conversation will be required over the location of these and the timing of provision of these across the development.

Childcare Contribution

5-11 Year Olds

The county council will secure childcare provision for 5-11 year olds at the new primary schools. This form of childcare must be delivered at the same school where the child is receiving primary education, as its purpose is to allow parents to work while children receive care around core school hours. Parents will therefore be unable to use provision at any school elsewhere in the area. Financial contributions will therefore be towards increasing the capacity of 5-11 year old childcare facilities at the new on-site primary schools and/or provision serving the development (**£44,567 index linked to BCIS 1Q2024**) to be paid on receipt of the residential reserved matters parcel within which the infrastructure is to be delivered.

Special Educational Needs and Disabilities (SEND) Contribution

There is an increasing and significant need for SEND provision across the county and HCC is focused on increasing its overall level of provision in response. Pupils yielded from new developments, such as this Growing Baldock site, will add to this pressure. Current SEND school provision is unable to mitigate the proposed growth in the area. HCC therefore requires planning obligations from this development towards new SEND school places at the new EAST SLD SEND school and/or provision serving the development (**£5,448,150 index linked to BCIS 1Q2024 plus regional factor**).

Library Service Contribution

towards increasing the capacity of Baldock Library and/or provision serving the development (**£297,832 index linked to BCIS 1Q2024**) to be paid prior to commencement of the development.

Youth Service Contribution

It is assumed that the community centre will be delivered by the applicant. HCC therefore is seeking resourcing costs for a provision within the community centre. HCC will need to work with the applicant to ensure the community centre meets the HCC specification within the Service Provision and Place Making Guide (<https://www.hertfordshire.gov.uk/media-library/documents/environment-and-planning/planning/service-provision-and-place-making-guide.pdf>). This is to ensure that the Youth service can utilise this building.

Planning obligations will be required towards the resource requirements to support the delivery of youth work with young people arising from the development at the new community centre on site and/or provision serving the development (**£465,134 index linked to BCIS 1Q2024**).

A discussion will be needed around the opening timeline of the new community centre and the triggers for financial obligations including the security of rent at the new community centre.

Waste Service:

The county council has responsibility over disposal of local authority collected waste and management of the recycling centre network. We are expanding the capacity of our waste transfer and recycling centre facilities as there is significant growth coming forward for which the current facilities/provision need increased capacity in order to mitigate. This will ensure that new developments such as this have suitable waste disposal provision.

This development is required to provide suitable land for the delivery of 3.5 hectares for a combination of transfer station, recycling centre and depot.

Triggers for the transfer of the land are to be discussed.

Fire and Rescue Service Contribution

New developments bring forward an increased risk of incidents, changes the risk profile for the area and increases attendance times to incidents. Baldock Fire Station does not have sufficient capacity to accommodate the additional, cumulative, growth proposed for the area, which includes this development and therefore a contribution is required from it to provide additional capacity at this fire station.

Therefore HCC is seeking financial obligations towards the expansion of Baldock Fire Station and/or provision serving the development (**£247,690 (residential) PLUS £604,680 (Commercial) index linked to BCIS 2Q2025**).

PLEASE NOTE THE FOLLOWING:

Consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, who may request the provision of fire hydrants through a planning condition.

Children's Homes

HCCs understanding of the need for children's homes has significantly evolved. HCC is facing notable challenges in placement location, availability and choice. This is a nationwide issue impacting all Local Authorities, driven by factors such as age, urgency in placement, and a national shortfall in foster carers. Capacities will only become more exacerbated with growth from housing developments. Under the Children Act 1989 (<https://www.legislation.gov.uk/ukpga/1989/41/contents>), the county council has a statutory duty to take steps to ensure, as far as reasonably practicable, that children (aged 18 and under) in their care are provided with suitable accommodation that meets their needs and is within the authority's area, unless there is a compelling reason that requires otherwise. This development will also add to the growing need for provision of Children's Homes, therefore HCC requests that the delivery of **one new children's home** is provided on the development. The Children's Home should be built in accordance with HCC specification and located in accordance with HCC specification. The Children's Home is required to be delivered as a C2 unit. Part 2 of the HCC service provision

and place making guide explains this request in more detail.
<https://www.hertfordshire.gov.uk/media-library/documents/environment-and-planning/planning/service-provision-and-place-making-guide.pdf>

Adult Care Service

HCC requires the delivery of a 70-80 bedroom C2 nursing home on-site. A nursing home needs an area of between 5,200 and 6,200 sqm, depending on the number of stories. HCC will require first refusal of the nursing home in the legal agreement.

HCC requires 6 self-contained units of supported housing for people with learning and/or physical disabilities with a land size of around 2,000 sqm. Please see the Adult Care Services sections of the Service Provision and Place-Making Guide 2024 for more details

(<https://www.hertfordshire.gov.uk/media-library/documents/environment-and-planning/planning/service-provision-and-place-making-guide.pdf>).

Monitoring Fees

HCC will charge monitoring fees. A fee of £9,000 per land site specification review is attributable to each land transfer. This totals **£54,000 index linked to RPI January 2024**. Monitoring fees for the legal agreement are also chargeable, these will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of **£420 (adjusted for inflation against RPI January 2024)**. For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

The CIL Regulations discourage the use of formulae to calculate contributions however, the County Council is not able to adopt a CIL charge itself. 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. HCC views the calculations and figures set out within the Guide to Developer Infrastructure Contributions as an appropriate methodology for the obligations sought in this instance.

The county council methodology provides the certainty of identified contribution figures based on either a known or estimated dwelling mix, the latter of which might be agreed with the local planning authority based on expected types and tenures set out as part of the local plan evidence base. This ensures the contributions are appropriate to the development and thereby meet the third test of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (amended 2019): “fairly and reasonably relates in scale and kind to the development”.

OUTLINE ONLY: Outline applications will require the ability for an applicant to recalculate contributions at the point of a reserved matters application and as such a calculation Table will be provided as part of the S106 drafting process. This approach provides the certainty of identified contribution figures with the flexibility

for an applicant/developer to amend the dwelling mix at a later stage and the financial contribution to be calculated accordingly.

Please note that current service information for the local area may change over time and projects to improve capacity may evolve. This may potentially mean a contribution towards other services could be required at the time any application is received in respect of this site.

Justification

The above figures have been calculated using the amounts and approach set out within the Guide to Developer Infrastructure Contributions (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet 12 July 2021 and is available via the following link: [Planning obligations and developer infrastructure contributions | Hertfordshire County Council](#)

In respect of Regulation 122 of the CIL Regulations 2010 (amended 2019), the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations." Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development. The NPPG states "No payment of money or other consideration can be positively required when granting planning permission."

The development plan background supports the provision of planning contributions. The provision of community facilities is a matter that is relevant to planning. The contributions sought will ensure that additional needs brought on by the development are met.

(ii) Directly related to the development.

The occupiers of new residential developments will have an additional impact upon local services. The financial contributions sought towards the above services are based on the size, type and tenure of the individual dwellings comprising this development following consultation with the Service providers and will only be used towards services and facilities serving the locality of the proposed development and therefore, for the benefit of the development's occupants.

(iii) Fairly and reasonably related in scale and kind to the development.

The above financial contributions have been calculated according to the size, type and tenure of each individual dwelling comprising the proposed development (based on the person yield).

PLEASE NOTE THE FOLLOWING:

Consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, who may request the provision of fire hydrants through a planning condition.

I would be grateful if you would keep me informed about the progress of this application so that either instruction for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested financial contributions and provisions. Should you require any further information please contact the Growth & Infrastructure Unit.

Yours faithfully

Xavier Preston
Senior Planning Officer