

HCC has responded to this consultation online, however in doing so it has broken all of the useful weblinks included in the below, therefore I am also sending you this version which I would appreciate that you refer to when reading HCCs response to see the background evidence and other useful documents that HCC has online on this topic.

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1. Name of Organisation

Hertfordshire County Council (HCC)

2. How does your funding request process work?

HCC has two teams which request funding via S106, the Growth and Infrastructure Unit (on behalf of non-transport services) and Transport for Hertfordshire (on behalf of all transport services). HCC requests S106 contributions via a formal response to planning applications, this will come as a separate response from both teams which reflects the professional expertise within each team. Several internal teams are consulted as part of the internal HCC process to collate service-wide responses.

On collation of internal data, both teams rely on robust evidence which is publicly available (see [our Guide here](#)). This evidence will inform a defensible S106 contribution request to mitigate the impact of development. HCC is confident in its ability to defend contribution requests at planning appeal and has a successful history of doing so.

Examples of HCC responses to planning applications are widely available on the NHDC planning portal.

3. How are contribution amounts determined? (How do you work out how much you need to request?)

**Growth and Infrastructure (GIU)**

For Full planning applications, GIU determines a fixed amount per service which is based on the Hertfordshire Demographic Model, informed by up-to-date demographic modelling, using development mix and build trajectory information as inputs.

For Outline (or hybrid) applications, a multiplier table will instead be generated, enabling the development mix to be finalised at a later date, and the full development still be appropriately mitigated meeting the 3 tests for S106 as set out in Reg 122 of the CIL Regulations 2010 (as

amended). The multiplier table will provide a cost per service per unit type (broken down by size, type and tenure). This is also informed by the Hertfordshire Demographic Model.

Larger strategic scale sites may be required to provide land for new infrastructure and, where it can be demonstrated that the new development would not be acceptable in planning terms without the complete delivery of a particular project, the full cost of delivery may also be sought. There is often a policy requirement in the local plan for that piece of infrastructure, often at a defined scale.

For more information on how the Hertfordshire Demographic Model works, please see the online information: [2021 Guide to the Demographic Model](#) and [PUPIL YIELD METHODOLOGY](#).

## **Transport for Hertfordshire**

### **A fixed Travel Plan will be added to applications**

In accordance with the National Planning Policy Framework (NPPF, December 2024, paragraph 118), all developments that generate significant amounts of movement must provide a Travel Plan, supported by a Transport Statement or Transport Assessment, to assess the likely impacts of the proposal. Similarly, Hertfordshire County Council's Local Transport Plan 4 (LTP4) Policy 5 requires that development proposals reflect the Transport User Hierarchy, encourage sustainable modes of travel, and reduce travel demand.

To ensure compliance with these policies, the Highway Authority will secure a Travel Plan through a Section 106 Agreement. A fixed Travel Plan contribution will be applied to all qualifying applications. In addition, a Travel Plan Evaluation and Support Fee of £1,200 per annum, index-linked to the Retail Price Index (RPI) from March 2014, will be secured via the same agreement, in line with the County Council's Travel Plan Guidance.

### **Sustainable Travel Contributions**

Hertfordshire County Council operates a two-strand approach to mitigation:

#### **Strand 1 – Site-Specific Mitigation (Section 278 Agreement)**

The immediate and specific impacts of larger developments, identified through a Transport Assessment or Transport Statement, will be mitigated via a **Section 278 Agreement**. Typical measures include:

- Bus stop improvements (e.g., Kassel kerbs, Real-Time Information systems, shelters)
- New or improved footway links
- Dropped kerbs and tactile paving crossings

#### **Strand 2 – Strategic Sustainable Transport Contribution (Section 106 Agreement)**

To address the wider cumulative impacts of development, the Highway Authority will seek a financial contribution towards sustainable transport infrastructure. This is consistent with the revised NPPF (December 2024) and the provisions of Section 106 of the Town and Country Planning Act 1990, as governed by the Community Infrastructure Levy (CIL) Regulations. The

current contribution rate is £9,861 per dwelling, index-linked to SPONS from March 2024. These funds will support measures that promote accessibility by sustainable modes, including bus, cycling, and walking infrastructure, in line with HCC's LTP4 objectives.

### **Key points**

**Calculator:** To provide an estimate of the contributions that we might request from a scheme, HCC has an [indicative-s106-contributions-calculator-2025.xlsx](#) with its guide found here: [non-education-model-and-indicative-s106-contributions-calculator-guide-2025.pdf](#).

**Indexation:** HCC will ensure that every contribution request is translated into a planning obligation within legal agreements and in order to protect the real terms value of the requested money, the contribution will always be linked to an index (currently BCIS) to ensure that inflation is added to the payment. The base date of the index is detailed in the [HCC Guide to Developer Infrastructure Contributions](#) which is updated annually.

**Viability:** For planning applications with a viability challenge, HCC would expect review by the determining authority and a copy of each viability assessment to be made publicly available. Each development will be considered on a case-by-case basis and HCC will only consider a reduction in contribution requests where the methodology behind the viability assessment is robust and every opportunity to pay the contributions has been taken. HCC may also consider objecting to the planning application due to insufficient S106 contributions being secured.

#### 4. What is the internal process for allocating contributions

### **Growth and Infrastructure (GIU)**

Contributions are specific to the service they have been collected for, albeit HCC requires flexibility in legal agreements as to the final project for that service - this enables funding to be spent in line with service priorities which may change over time as developments build out. Defined projects will often have been secured through Local Plan policy or otherwise are worked out through strategies for other windfall developments. Contributions will be allocated where needed to mitigate the impact of the development, this will be towards a suitable project in line with the legal wording secured within the S106 legal agreement. The work to determine selected projects is done via engagement and consultation with specialist internal services and informed by up-to-date data. There is a formal approval process supported by finance and legal teams, in coordination with HCC Members. HCC maintains strategy documents to assist this process and ensure that cumulative growth impacts are always considered.

### **Transport for Hertfordshire**

Transport contributions are allocated in accordance with the specific requirements agreed at the planning stage. To ensure effective governance and delivery, the Highways Authority convenes quarterly meetings of the Officers Delivery Group (ODG). These meetings bring together a range of internal and external stakeholders to review both new and existing contributions. During these sessions, project schemes are prioritised, outlined, and recorded following a structured process designed to ensure timely progress and accurate data

management. All schemes discussed and advanced through this process must remain fully compliant with the legal obligations set out in the respective Section 106 Agreements.

5. How much community engagement is carried out before making a request?

None, contributions are evidence based, the evidence is produced under scrutiny and consultation.

6. How are the priorities for allocation identified?

In liaison with each service, the most appropriate project will be determined prior to the request for S106 monies, and only where no surplus capacity exists will a mitigation project be identified. This will be data driven and appropriate in line with the Regulation 122 of the CIL regulations. Within the limits of the CIL 122 regulations, HCC will seek to fully fund a project before moving on to another project.

7. How is the spend of funding communicated back to North Herts Council?

Local authority partners receive a report 3 times a year that includes all S106 funding held by HCC, with details of which projects the funding has been allocated towards. The spend itself is detailed in the Infrastructure Funding Statement, which is published by HCC and all local authorities which have S106 and CIL funding, on an annual basis. The latest version is available on our website: [IFS 2024](#)

8. What do you do with the money once you receive it?

All funding is allocated to the service for which it has been collected and will be spent according to the legal clause within the agreement. Projects may have funding coming from multiple sources or have a long lead in time for delivery so there is often a gap between funding receipt and spend. Legal agreements for each development will determine the deadlines for expenditure and any associated refund clause should the monies not be used. HCC will typically seek a ten-year period post notice of completion of development prior to refund being available should the monies not have been spent/allocated/committed to a project already. Once the ten-year period post completion of development has elapsed the applicant has a period of 12 months to apply for the unspent monies to be returned.

9. What is your experience with communicating and dealing with North Herts Council?

NHDC have engaged proactively with HCC through the planning application process. NHDC has supported HCC S106 obligation requests and helped defend the position with developers. Any issues or challenges which have arisen have been communicated by NHDC officers quickly and clearly.

NHDC has considered HCC requests, including any amendments which are required to Officer Reports to Planning Committee, to help clarify the position of HCC obligations.

When there have been viability challenges, NHDC officers have been helpful in providing the necessary information within an appropriate timeframe.

Monthly 'coordination' meetings are held between NHDC and HCC officers which are a useful forum to have open discussions regarding planning applications, S106 contributions and raise any other issues. This is a very efficient and effective use of officer time. Overall HCC experiences a positive working relationship and good communication with NHDC.