

Developer Contributions Information Note

August 2021

New Forest District outside the New Forest National Park



The content of this document is based on information that is
current as of August 2021

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1. Introduction

- 1.1. The New Forest District (outside the National Park) Local Plan 2016-2036 Part 1: Planning Strategy was formally adopted on 6 July 2020. It makes provision to deliver at least 10,420 dwellings between 2016 and 2036. The Council and developers have a responsibility, through the planning process, to manage the impact of this growth and ensure that any adverse impacts caused by development are mitigated and that the necessary infrastructure is provided. The Council expects new development to contribute appropriately to site-related and other infrastructure needs either through direct onsite provision or through financial contributions.
- 1.2. Policy IMPL1 of the adopted Local Plan 2016-2036 Part 1: Planning Strategy establishes that “all developments must provide, or contribute proportionately to the provision of, any on-site and off-site infrastructure, facilities, affordable housing, public open space and habitat mitigation measures that are necessary and reasonably required to support the development and mitigate its impacts to achieve a sustainable development.” Some development sites have site-specific policies which will set out particular planning requirements associated with the development of that site.
- 1.3. Developer contributions seek to mitigate the impacts of a development scheme, address infrastructure needs, contribute towards placemaking, and meet Local Plan policy requirements. The main types of developer contributions include:
 - Mitigation measures addressing impacts on nature conservation
 - Requirements to achieve biodiversity net gain
 - Affordable housing
 - Education provision
 - Transport infrastructure
 - Public Open Space, including playing pitches
- 1.4. In appropriate circumstances and where there is evidence of a need arising from the development, additional contributions may be required for other infrastructure, for example, healthcare facilities.
- 1.5. The purpose of this note is to explain the relevant legislative and planning policy context within which contributions are sought and provide an overview of the main types of developer contributions listed above.
- 1.6. Applicants should use the adopted Local Plan, this Information Note, the Mitigation for Recreational Impacts SPD and any published guidance, including on nutrient neutrality, air quality and affordable housing, alongside an analysis of their proposed development in order to consider the impacts of the proposed scheme and any planning obligations likely to be required to mitigate the impacts of development.
- 1.7. The Council is committed to working co-operatively with applicants throughout the planning process, and strongly encourages applicants, agents and developers to seek [formal pre-application advice](#) prior to submitting a planning application. The pre-application process offers a valuable service for potential developers and helps identify particular issues at an early stage which will need addressing as part of a planning application. The pre-application stage also offers an opportunity to agree the infrastructure, CIL and planning obligations that may be required to enable development to proceed, and to commence work on any agreement required.

- 1.8. For major planning applications, the Council will offer the opportunity to enter into a Planning Performance Agreement at the pre-application stage to enable close working through the application stage and subsequently monitor on-site implementation.

2. Policy and Legislative Context

National Context

- 2.1. Nationally, the policies relating to developer contributions and sustainable development are set out in the National Planning Policy Framework 2021 (NPPF) (particularly paragraphs 55-58) and guidance is contained in the Planning Practice Guidance (PPG).

Mechanisms for securing Developer Contributions

- 2.2. There are currently three main mechanisms used to secure infrastructure funding and provision: the Community Infrastructure Levy (CIL), s106 of the Planning Act and s278 of the Highways Act. Planning conditions may also be used to secure non-financial mitigation, to define timing or apply standards.

Planning Obligations (Section 106)

- 2.3. Planning obligations secured through s106 of the Town and Country Planning Act 1990 (as amended) are entered into as legal agreements between local planning authorities, landowners, developers and any others with an interest in the land. In certain circumstances an applicant/developer may submit a unilateral undertaking in respect of a planning obligation¹. Planning obligations are used to secure the delivery of measures necessary to make a development acceptable.
- 2.4. Planning obligations impose financial and/or non-financial obligations on those with an interest in the land and will become binding on that parcel of land.
- 2.5. The NPPF (paragraph 55) states that planning obligations should only be used where it is not possible to address unacceptable impacts of development through a planning condition.
- 2.6. The process for negotiating and securing planning obligations is set within the framework of national legislation and guidance, and local policy and guidance, and other material considerations relevant in each particular case. Planning obligations must only be sought where they comply with all of the following tests (as set out in the CIL Regulations 2010 (as amended) Regulation 122(2)):
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 2.7. Given the above, it is therefore also important to be clear and open about what the Council cannot do:
- The Council cannot expect developers to fund solutions for existing infrastructure problems, these are the responsibility of the infrastructure provider
 - The Council cannot seek provision of benefits and infrastructure over and above that necessary to make the impacts of planned development 'acceptable' and the development sustainable on balance
- 2.8. What impact is 'acceptable' is a planning judgment and it does not necessarily mean the outcome would be 'better' or 'no worse' than existing conditions. For example, Government

¹ A Unilateral Undertaking is a simplified version of a Planning Agreement and is only entered into by the landowner and any other party with a legal interest in the development site. They can assist in ensuring that planning permissions are granted speedily. A unilateral undertaking will only be appropriate in certain circumstances. A unilateral undertaking cannot bind the local planning authority because they are not party to it.

policy² says that ‘development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe’.

Highway Improvements – Section 278 Agreements

- 2.9. Where development requires work to be carried out on the existing adopted highway, an Agreement will need to be completed between the developer and either the Secretary of State for Transport (for the strategic road network for which Highways England is responsible), or Hampshire County Council as the Local Highway Authority (for the local road network), under s278 of the Highways Act 1980.

Community Infrastructure Levy (CIL)

- 2.10. As of 1 April 2015, the Community Infrastructure Levy (CIL) has been chargeable on all new residential development at a base rate of £80 per sqm, adjusted annually in line with the all-in Tender Price Index. In 2021, the index linked charge is calculated at around £102.46 per sqm. CIL liability on a development is non-negotiable and the liability becomes due on commencement of development. Home extensions of less than 100sqm gross internal floor area (GIA) are exempted from CIL. Some forms of development such as home extensions of 100sqm GIA or more, affordable housing and self-build housing can apply for an exemption from CIL. The timing of CIL payments can be also be varied in accordance with the Council’s published Instalments Policy. Full details on CIL can be found on the [CIL webpage](#) of the Council’s website.

Provision in kind

- 2.11. In certain circumstances CIL, s106 or s278 contributions may be made by developers ‘in kind’ where the developer builds or provides directly the matters necessary to fulfil the contribution.
- 2.12. The Council’s [CIL Payment in Kind Policy](#) sets out the conditions under which the Council will consider land and infrastructure payments in lieu of part, or all, of a CIL liable development.

The Interaction between s106 and s278 Planning Obligations & CIL

- 2.13. Although CIL is expected to make a significant contribution to the infrastructure requirements of the Plan area, other sources of public and private funding will continue to bear the main burden of infrastructure funding.
- 2.14. S106 Agreements and s278 Agreements will be used to address the site-specific impacts of a development whereas CIL will contribute towards the costs of infrastructure connected with the wider growth of the Plan Area. All eligible development must contribute to any site-specific requirements secured through s106 Agreements and additionally pay CIL. The provision of affordable housing lies outside of the remit of CIL and will continue to be secured through s106 Agreements.
- 2.15. CIL is therefore an appropriate delivery mechanism for infrastructure to support the sustainable development and growth of an area, rather than to make individual planning applications acceptable in planning terms.

² NPPF 2021 Paragraph 111

Planning Conditions

- 2.16. Sections 70 and 72 of the Town and Country Planning Act 1990 allow local planning authorities to attach conditions to the granting of planning permission. They cannot be used to secure financial contributions but can be used to ensure that certain elements related to the development are provided and therefore enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission³.
- 2.17. Paragraph 56 of the NPPF makes clear that Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Additionally, pre-commencement conditions cannot be used without the written agreement of the applicant to the terms of the condition (except in the case of a condition imposed on the grant of outline planning permission within the meaning of Section 92 of the 1990 Act or in the circumstances set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018)⁴.

Local Plan Policies

- 2.18. The adopted Local Plan contains a number of policies which provide the justification for the various types of planning obligations that will be required of development proposals at planning application stage. These include:
- Policy STR8: Community services, infrastructure and facilities
 - Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites
 - Policy HOU2: Affordable housing
 - Policy IMPL1: Developer contributions
 - Policy IMPL2: Development standards
 - Policy CCC2: Safe and sustainable travel
 - Saved Policy CS7 (Open Spaces, sport and recreation) from the Core Strategy (2009)
- 2.19. The site allocation policies in both the Local Plan 2016-2036 Part 1: Planning Strategy and the Local Plan Part 2: Sites and Development Management (2014) set out site-specific infrastructure requirements required to support the development of those sites.

Infrastructure Delivery Plan (IDP)

- 2.20. In consultation with infrastructure providers the Council has produced an [Infrastructure Delivery Plan \(2018\)](#). The Infrastructure Delivery Plan identifies what infrastructure is required to support the developments in the Local Plan 2016-2036 Part 1: Planning Strategy.

³ An example of this would be the attachment of a planning condition requiring water efficiency higher optional standards in the new dwellings built prior to occupation of the dwellings for reason of water scarcity in the subregion, and to help reduce impacts from treated sewage on the environment

⁴ See paragraph 036 of the Planning Practice Guidance (PPG): <https://www.gov.uk/guidance/use-of-planning-conditions#the-use-of-pre-commencement-conditions>

3. Overview of the main types of Developer Contributions

3.1. The following section provides an overview of the main general types of developer contributions. It is important to note that this section is not an exhaustive list and the exact requirements for planning obligations will be decided on a case-by-case basis with the individual circumstances of each site being taken into consideration.

Mitigation Measures to address Impacts on Nature Conservation Sites

3.2. The Plan Area includes, and is close to, a number of significant environmental designations of international nature conservation importance including:

- the New Forest SAC, SPA and Ramsar site;
- the Solent Maritime SAC, Solent and Isle of Wight Lagoons SAC, Solent and Southampton Water SPA and Solent and Southampton Water Ramsar site;
- the River Avon SAC, the Avon Valley SPA and Ramsar site; and
- the Dorset Heaths SAC and Dorset Heaths SPA

3.3. Under the requirements of the Conservation of Habitats and Species Regulations, the Council has a duty to ensure suitable mitigation is in place to enable new development to proceed in a way that will not have an adverse effect on the integrity of the international nature conservation designations. Policy ENV1 of the Local Plan 2016-2036 Part 1: Planning Strategy sets out the overall approach which will be applied to residential development to secure appropriate mitigation of impacts on international nature conservation sites from the development.

Recreation Mitigation

3.4. Policy ENV1 is supplemented by the [Mitigation for Recreational Impacts on New Forest European Sites Supplementary Planning Document \(adopted May 2021\)](#) which provides detailed guidance on how Policy ENV1 will be implemented in respect of the mitigation of recreational impacts on the New Forest international nature conservation sites, and full details of the on-site mitigation measures and/or financial contributions that residential development will be required to provide or make. These requirements apply across the whole Plan Area. Additionally, developments that are within 5.6km of the Solent and Southampton Water SPA will also be required to make a financial contribution towards the [Solent Recreation Mitigation Strategy \(Bird Aware Solent\)](#). A map showing the extent of the area covered by Solent Recreation Mitigation Strategy is available [here](#).

3.5. Details of the contribution requirements for recreation mitigation are set out in full on the [Development affecting European Nature Conservation Areas](#) webpage of the Council's website.

Air Quality

3.6. At the time of preparing the Local Plan there was inconclusive evidence regarding the cumulative impact of changes in air quality (from pollutants) arising from development on the protected New Forest habitats. Accordingly, and applying the 'precautionary principle', there is a requirement set out in Policy ENV1 (Clause v.) of the adopted Local Plan to monitor the impact of air quality on New Forest Habitats. As set out in Policy ENV1 (Clause v.), residential developments are required to make a financial contribution towards this monitoring.

- 3.7. Details of the contribution requirements for air quality are set out in full on the [Development affecting European Nature Conservation Areas](#) webpage of the Council's website.

Nutrient Neutrality

- 3.8. Development in areas with nutrient-rich water must mitigate its effects and provide a nutrient-neutral environment.
- 3.9. Evidence has shown that residential development contributes to high levels of nutrients in the water environment, specifically nitrates in Solent catchments and phosphates in the Avon catchment. Adverse effects on international nature conservation sites in the Avon and Test river catchments cannot be ruled out.
- 3.10. The extent of nutrient enrichment causes an excessive growth of plants and algae, known as eutrophication, which reduces the oxygen content in water. This process makes it more difficult for aquatic insects or fish to survive, in turn removing a food source from the food cycle for protected species such as wading birds and salmon.
- 3.11. As set in Policy ENV1 (clause iv) of the adopted Local Plan, residential and other development providing overnight accommodation will need to mitigate its effects to become nutrient-neutral, to avoid making the current situation worse. Adverse effects arise from increased sewerage treatment, and from surface water run-off from both urban and greenspace areas.
- 3.12. Full details and latest information/updates on progress being made to identify appropriate mitigation schemes to provide offsetting credits, and the planning requirements and guidance for applicants can be found on the <https://newforest.gov.uk/article/2714/Nutrient-neutral-development> of the Council's website.

Requirements to achieve Biodiversity Net Gain

- 3.13. Biodiversity net gain (BNG) is an approach to development that leaves biodiversity in a better state than before. Development can produce a biodiversity net gain if it seeks to make its impact on the environment positive, delivering improvements to biodiversity through habitat creation or enhancement after avoiding or mitigating harm.
- 3.14. The Government's intention is to introduce a 10% biodiversity net gain as a mandatory requirement in England through the Environment Bill.
- 3.15. From 7 July 2020 New Forest District Council has sought to secure a minimum of 10% biodiversity net gain as a requirement of planning permission for 'major' new build development, demonstrated using the Defra Biodiversity Metric. 'Minor development' is not exempt from providing biodiversity net gains but use of the Defra Biodiversity Metric will not normally be required. A [Small Sites Metric](#) is being developed by Natural England. Minor development consists of:
- residential development of 9 dwellings or less, on a site having an area less than 1ha
 - commercial development of less than 1000m² of floorspace or on a site of less than 1ha
- 3.16. The Council's [Ecology and Biodiversity Net Gain Interim Advice and Information Note](#) sets out in detail the Council's approach to biodiversity net gain and provides advice to prospective applicants and developers.
- 3.17. This interim policy is underpinned by the National Planning Policy Framework (NPPF) paragraph 180(d), which requires planning decisions to provide net gains in biodiversity.

Paragraph 179(b) requires plans to identify and pursue opportunities for securing measurable net gains for biodiversity.

- 3.18. Policy STR1 (Clause iii.) of the adopted Local Plan 2016-2036 Part 1: Planning Strategy has a requirement for all development to achieve an environmental net gain. The Local Plan glossary confirms that 'Environmental Net Gain' encompasses 'Biodiversity Net Gain'.

Affordable Housing

- 3.19. Affordable housing will be sought in accordance with Policy HOU2 of the Local Plan 2016-2036 Part 1: Planning Strategy. Policy HOU2 sets out the size thresholds upon which all new residential developments are required to provide affordable housing and sets out the targets for affordable housing provision to be provided as part of new residential developments. The viability of development will be taken into account in applying this policy as set out in Policy IMPL1: Developer contributions. The requirement to comply with this policy (and others) should be taken into account by a developer when either purchasing a site or securing an option from the landowner.
- 3.20. In May 2021, the Government introduced a requirement that 25% of the dwellings that each housing scheme provides through section 106 development contributions will need to be First Homes. The Government's [Planning Practice Guidance on First Homes](#) explains that First Homes are a specific kind of discounted market sale housing which must be discounted by a minimum of 30% against the market value with the discount being passed on to future sales and can only be sold to a person or persons meeting the First Homes eligibility criteria.
- 3.21. The Planning Practice Guidance states that First Homes should be considered to meet the definition of 'affordable housing' for planning purposes. Where there is already an up-to-date adopted Local Plan, the First Homes requirements will not need to be applied when considering planning applications in the plan area until such time as the requirements are introduced through a subsequent plan update. However, where an applicant wishes to include First Homes, the local planning authority should be flexible in accepting First Homes as an alternative type of tenure.

Education Provision

- 3.22. The NPPF (paragraph 95) explains that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities.

Primary and Secondary Education

- 3.23. Hampshire County Council has a statutory duty to ensure that sufficient school places are available within the area for every child of school age. Hampshire County Council publishes a [School Places Plan](#) which sets out how it expects school provision to change over the next few years. This sets out the identified need for extra mainstream school places looking six years ahead based on the current and projected school age population.
- 3.24. In line with Government guidance on developers' contributions given in paragraph 57 of the NPPF, Hampshire County Council has an expectation that developers' contributions will be sought to meet the cost of children's services facilities required as a direct consequence of development. Hampshire County Council has published guidance on [Developer Contributions towards Children's Service Facilities](#) to assist Local Planning Authorities and Developers, setting out Hampshire County Council's approach to developer contributions

and how they are calculated. To calculate the level of developer contribution required towards educational infrastructure, Hampshire County Council:

- assesses the long-term demand (the number of pupils, of the appropriate age, arising from the net increase in dwellings) arising from a new development proposal, derived from known average yields across the County
- makes an assessment of the extent of capacity in schools in the appropriate area. This will indicate whether additional capacity will be required to cater for the additional demand
- calculates the cost of providing the educational infrastructure required to meet the needs of the pupils generated from a new development

3.25. The Council will support the County Council in its legal duty to ensure that sufficient school places are available in the area. There are, however, inherent uncertainties with regards calculating future education provision requirements caused by differences between the mechanisms used to forecast future pupil numbers at particular schools and the population forecasts for primary/secondary school age groups based on demographic projections, and also by the realities of parental choice which can result in schools taking-in children from outside its catchment area.

3.26. When determining a planning application, the Council will consider whether appropriate evidence of school capacity deficit has been provided by Hampshire County Council to justify the contribution requested. In addition to the School Places Plan, such evidence should also consider longer term demographic projections and reconcile any divergence in trends e.g. ageing population.

3.27. The Local Plan 2016-2036 Part 1: Planning Strategy strategic site allocation policies for Strategic Site 1 Land to the north of Totton, Strategic Site 2 South of Bury Road, Marchwood and Strategic Site 13 Land at Moortown Lane, Ringwood contain land reserved for primary schools if required. If the land reserved for a primary school on these strategic sites is required in order to support the new development, the County Council will expect the developer to provide, within the agreed/required timescales, a cleared, fully serviced and accessible site free of charge⁵. Where the primary school site is needed to address needs arising from more than one development or development land parcel, a bespoke contributions arrangement will be needed to spread the cost burden fairly between developers.

Special Educational Needs and Disabilities (SEND)

3.28. Section 6 of Hampshire County Council's [Developer Contributions towards Children's Service Facilities Guidance Note](#) explains that wherever possible, children with SEND are educated in mainstream schools. However, for some specific needs, it is appropriate to provide additional resources and, in a small number of cases, to provide places in special schools or resourced provision attached to a mainstream school. In such instances, detailed discussions will be needed with the developer to ascertain whether there is a need for a contribution towards the additional educational facilities required for these pupils and where these will be located in relation to the development.

⁵ See paragraph 3.1 of Hampshire County Council's Developers' Contributions towards Children's Services Facilities Guidance Note:
<https://www.hants.gov.uk/educationandlearning/schoolplacesplan#:~:text=School%20places%20plan%20Hampshire%20County%20Council%20has%20a,the%20identified%20need%20for%20extra%20mainstream%20school%20places>

Early Years Education

3.29. In addition to the provision of schools for children of statutory school age, Hampshire County Council has a statutory duty to ensure that there are sufficient places available (although not normally as a provider itself) to meet the early years education (EYE) requirements for eligible two-year old and all three and four-year old children within communities. Paragraphs 7.1 to 7.4 of the County Council's [Developer Contributions towards Children's Service Facilities Guidance Note](#) sets out Hampshire County Council's approach and expects local planning authorities to keep in mind the possible needs for EYE provision when considering allocations of space for, and contributions towards the cost of providing, community facilities within any new development.

Transport Infrastructure

- 3.30. The NPPF (section 9) requires that the planning system should promote sustainable transport. The provision of viable transport infrastructure necessary to support sustainable development is important in facilitating sustainable development.
- 3.31. Policy CCC2 of the Local Plan 2016-2036 Part 1: Planning Strategy requires that new development provide, or contribute proportionately to the provision of, any highways or public transport measures necessary to enable the development to be accommodated in a safe and sustainable manner, including the requirements identified in any applicable Strategic Site Allocation Policies. The Strategic Site Allocation Policies set out site-specific requirements for sustainable transport measures identified to be necessary to support the development, informed by the [Infrastructure Delivery Plan \(2018\)](#) reflecting the Local Plan Strategic Transport Assessment and consultations with Highways England and Hampshire County Council as highway authority. The connection of a development site to the highway network is usually considered to be an opening-up cost required to develop the site and should therefore have been factored into the site purchase price.
- 3.32. In considering planning applications for new development, the impact on the transport network will be assessed and consideration will be given to how the direct impact of the development scheme on the transport network could be overcome with the use of planning conditions or planning obligations where justified. Hampshire County Council is the local highway authority for the area and so New Forest District Council consults Hampshire County Council on all planning proposals that affect the highway network. Hampshire County Council provides advice on the scope of obligations for transport infrastructure works and measures⁶ where it is demonstrated that there is a need to mitigate the impact of new development on the transport network. Planning obligations will be sought to mitigate the direct impact of a development scheme on the transport network. The main types of transport obligations that may be required of development schemes in order to mitigate their own direct impact include:
- Works required to mitigate the direct impact of the development on the off-site road network, e.g. new junctions and/or junction improvements;
 - The provision of and/or works to pedestrian footpaths and cycleways and Public Rights of Way;

⁶ Hampshire County Council has a transport contributions policy and this contributions policy calculates the level of contributions required for each development. This is dependent on the size and nature of the development proposal. The calculation looks at the increase in multi-modal trips expected from a new development: <https://www.hants.gov.uk/transport/developers/financialcontribution>, <https://documents.hants.gov.uk/transport/V80316R-TransportContributionsPolicy.pdf>

- Funding towards Traffic Regulation Orders to be undertaken by Hampshire County Council (e.g. to impose waiting restrictions, to extinguish or divert public highways);
 - Site-specific measures to improve public transport services and facilities;
 - The provision, removal or relocation of street furniture; raised or dropped kerbs; pedestrian crossings; traffic lights; signage; lighting; or trees
- 3.33. Planning obligations can only be sought where they are required directly as a result of development and are necessary to make it acceptable in planning terms (as explained in paragraphs 2.9 and 2.10 of this Information Note). Consequently, the Council cannot therefore expect or require developers to fund/provide solutions to existing transport infrastructure problems and neither can it expect developers to fund/provide highways or other transport related projects that go above and beyond that necessary to mitigate the direct impact of the development on the highway and transport network. The NPPF explains at paragraph 111 that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
- 3.34. The cumulative impacts of development on the District’s strategic transport/highways network, which cannot be directly attributed to a specific development site, will not be mitigated using planning obligations. These are the responsibility of the highway authority and where applicable Highways England. Where supplementary transport interventions will help to address a very significant local issue or benefit, the Council may consider the case for delivering these types of project using CIL receipts to supplement principal expenditure by Hampshire County Council and Highways England.

Public Open Space

- 3.35. Paragraph 98 of the NPPF recognises that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.
- 3.36. As set out in Saved Policy CS7 of the Core Strategy (2009), all new residential development is required to provide for appropriately designed public open space, either through on-site provision of new open space or by financial contribution to enhance or create off-site provision and management of public open space (based on a minimum level of provision of 3.5ha per 1,000 population). Site allocation policies give details of any on-site public open space requirements specific to that particular site. All sites over 0.5ha must provide informal open space and play space on site.
- 3.37. The standard of 3.5ha per 1,000 population comprises:
- 0.2ha per 1,000 population of designed play spaces for children and young people;
 - 1.25ha of formal recreational space per 1,000 population; and
 - 2ha of informal open space per 1,000 population
- 3.38. The Council endorses and follows the recommended guidelines set out in the [Fields in Trusts Guidance](#). The justification supporting the standard of provision for formal open space is set out in the [Standards for Formal Open Space Study \(BLP, 2017\)](#). Whilst there is no specific site size threshold above which the provision of formal open space is required to be on site, a developer must set out in their application how the formal element of open space will be provided in compliance with the required standard.

- 3.39. The Council has produced and published on its website a live [open space calculator](#) which developers should use in order to calculate the open space requirement generated from the number of dwellings on their proposed residential development scheme.
- 3.40. In all cases, the developer must demonstrate how the required standard of provision (3.5ha per 1,000 population) for open space as set out in Saved Policy CS7 will be complied with either on-site or through a financial contribution towards an appropriate specific off-site project (which the developer should identify) that is directly related to the proposed development and accords with the principles set out in the Fields in Trust Guidance. The Council will also need to be satisfied as part of this obligation that any proposal for open space will result in the actual delivery and management and maintenance of the agreed project.

Healthcare

- 3.41. NHS England commissions health services through Clinical Commissioning Groups (CCG) for Hampshire patients whilst General Practices (GPs) are the providers. New Forest District is located within the NHS Hampshire, Southampton and Isle of Wight CCG. The CCG is responsible for the majority of the local health services within the Local Plan area. The CCG does this by planning and buying (commissioning) healthcare services from local hospitals, GPs and other providers. CCGs are funded by the NHS from general taxation using a formula including factors such as population size and health characteristics⁷. The District is split into five Primary Care Networks (Totton, Waterside, New Forest, Coastal and Avon Valley) which comprise of GP practices working together with community, mental health, social care, pharmacy, hospital and voluntary services in their local areas.
- 3.42. When determining a planning application, the relevant CCG is consulted. If the CCG suggests a developer contribution might be appropriate, the Council will consider whether appropriate evidence has been provided by the relevant health body to justify any contribution towards healthcare requested. The Council can only reasonably require developers to make contributions towards healthcare provision if sufficient evidence is provided by the relevant health body at the time of the planning application to justify that such a request for a contribution is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development (i.e. accords with the requirements of the Regulation 122 tests).
- 3.43. It is important to understand that it is not appropriate for the Council to expect or require developers to contribute towards funding general improvements to healthcare provision that are not directly related to their specific development site and needed as a direct consequence of their development proposal. Most new homes are occupied by people moving within the same general area and are unlikely to constitute additional demand for facilities serving a wider area – such as hospitals.

⁷ <https://www.england.nhs.uk/wp-content/uploads/2020/02/nhs-allocations-infographics-feb-2020.pdf>