

From: [Gammer, Nick](#)
To: [Ian Roberts](#)
Cc: [Rogers, Zara](#); James.Gilfillan@NFDC.GOV.UK; [Simon Mcfarlane - AJC Group](#); [Giles Moir](#)
Subject: RE: Orchard Gate, Noads Way
Date: 17 August 2023 09:32:03
Attachments: [image003.png](#)
[image004.jpg](#)
[image005.jpg](#)
[image006.png](#)
[image008.png](#)
[image009.png](#)
[image001.png](#)
[5577-003 Proposed Footway Extension.pdf](#)

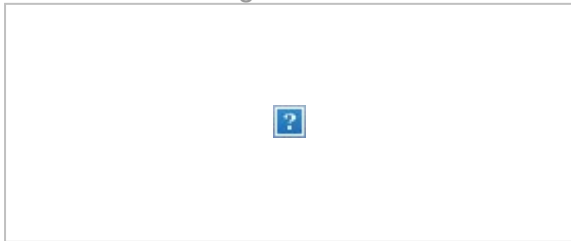
Great, many thanks Ian. This will obviously be subject to detailed design at the S278 stage, but happy it shows the principle to be secured in planning.

James – Can you reference the attached in the draft condition please?

Many thanks

Nick

Nick Gammer BA (Hons) MSc MCIHT
Principal Transport Engineer – Highways Development Planning
Hampshire 2050
3rd Floor, Ell Court South, The Castle, Winchester, SO23 8UD
Tel: 0370 779 4688
Email: nick.gammer@hants.gov.uk
Web: www.hants.gov.uk



Hampshire County Council operates a pre-application highway advice service for developers.

Hampshire County Council welcomes and encourages discussions before a developer submits a planning application. Please follow this link for further information

<https://www.hants.gov.uk/transport/developers/highwaysdevelopmentplanning>

From: Ian Roberts <ianroberts@bellamyroberts.co.uk>
Sent: Tuesday, August 15, 2023 5:13 PM
To: Gammer, Nick <Nick.Gammer@hants.gov.uk>
Cc: Rogers, Zara <Zara.Rogers@hants.gov.uk>; James.Gilfillan@NFDC.GOV.UK; Simon Mcfarlane - AJC Group <simon.mcfarlane@ajcgroup.uk>; Giles Moir <giles.moir@clplanning.co.uk>
Subject: RE: Orchard Gate, Noads Way

Caution: This is an external email and could contain malicious content. Do not open any links or attachments if you were not expecting them. If the e-mail looks suspicious, please report via the 'Report Phishing' Button found on your toolbar.

Nick,

Please find attached the footway extension plan for your records

Kind Regards

Ian Roberts MCIHT
Partner

Bellamy Roberts

Highway Transportation and Infrastructure Consultants

Clover House, Western Lane, Odiham, Hampshire, RG29 1TU

Tel: 01256 703355

Mbl: 07778 299608

Contact Email: ianroberts@bellamyroberts.co.uk

General Email: info@bellamyroberts.co.uk

Web site: www.bellamyroberts.co.uk

Please consider the environment before printing this email



This email and the information it contains is confidential and may contain copyright material. The information is intended only for the use of the person or person's to whom it is addressed. Any unauthorised use, disclosure or copying of this email or any information it contains is strictly prohibited. If you are not the intended recipient of this email, and receive it by mistake, please notify the sender immediately. Please also destroy any hard copies and delete the message from your computer. Thank you for your cooperation.

From: Gammer, Nick <Nick.Gammer@hants.gov.uk>

Sent: Tuesday, August 15, 2023 9:53 AM

To: Ian Roberts <ianroberts@bellamyroberts.co.uk>

Cc: Rogers, Zara <Zara.Rogers@hants.gov.uk>; James.Gilfillan@NFDC.GOV.UK

Subject: FW: Orchard Gate, Noads Way

Hi Ian

Following the email exchange below, would it be possible to provide an in principle plan showing the works to be secured by condition please (the extension of the existing footway provision on the eastern side of Peartree Road onto Water Lane and provision of a dropped kerb and tactile paving crossing point of Water Lane to enable access to Orchard Infant and Junior school on the desire line)?

Many thanks

Nick

Nick Gammer BA (Hons) MSc MCIHT

Principal Transport Engineer – Highways Development Planning

Hampshire 2050

3rd Floor, Ell Court South, The Castle, Winchester, SO23 8UD

Tel: 0370 779 4688

Email: nick.gammer@hants.gov.uk

Web: www.hants.gov.uk



Hampshire County Council operates a pre-application highway advice service for developers.

Hampshire County Council welcomes and encourages discussions before a developer submits a planning application. Please follow this link for further information

<https://www.hants.gov.uk/transport/developers/highwaysdevelopmentplanning>

From: Giles Moir <giles.moir@clplanning.co.uk>

Sent: Friday, August 11, 2023 4:00 PM

To: Rogers, Zara <Zara.Rogers@hants.gov.uk>

Cc: James Gilfillan <James.Gilfillan@NFDC.GOV.UK>; Simon Mcfarlane - AJC Group <simon.mcfarlane@ajcgroup.uk>; Gammer, Nick <Nick.Gammer@hants.gov.uk>; Robert Thain <Robert.Thain@NFDC.GOV.UK>

Subject: RE: Orchard Gate, Noads Way

Caution: This is an external email and could contain malicious content. Do not open any links or attachments if you were not expecting them. If the e-mail looks suspicious, please report via the 'Report Phishing' Button found on your toolbar.

Dear Zara,

Thank you for your email, having discussed your suggestion with the appellant I can confirm that we agree to secure the works as detailed in your email via a S278 agreement. My suggestion would be that the S278 agreement is secured via a planning condition.

Robert, can you please come back to us on the matters raised in Simon's email from yesterday, these are (in summary)

- drainage: agreement that the reason for refusal has been addressed and a condition can be agreed,
- open space contribution: confirmation of the level of contribution that is being sought,
- viability: a response to our submission of 20th July 2023
- conditions: comments on/ additional conditions as per the SoCG.

There is added urgency to these matters given the circulation, today, of the agenda for the CMC.

I look forward to hearing from you.

Kind regards

Giles

Giles Moir

Director

Chapman Lily Planning Limited



M: 07392 873 809

T: Wareham, Dorset Office: 01929 553818

E: giles.moir@clplanning.co.uk

W: <http://www.clplanning.co.uk>

Unit 5 Designer House, Sandford Lane, Wareham, BH20 4DY

Follow us on Twitter: @cl_planning, and Facebook: chapmanlilyplanning

To receive our newsletter containing updates on planning matters please email contact@clplanning.co.uk requesting to be added to the mailing list

This email transmission is strictly confidential and intended solely for the person or organisation to whom it is addressed. It may contain confidential information and if you are not the intended recipient, you must not copy, distribute or take any action in reliance on it. If you have received this e-mail in error, please notify Chapman Lily Planning Ltd as soon as possible via contact@clplanning.co.uk and delete it.

From: Rogers, Zara <Zara.Rogers@hants.gov.uk>

Sent: Friday, August 11, 2023 2:37 PM

To: Giles Moir <giles.moir@clplanning.co.uk>

Cc: James Gilfillan <James.Gilfillan@NFDC.GOV.UK>; Simon Mcfarlane - AJC Group <simon.mcfarlane@ajcgroup.uk>; Gammer, Nick <Nick.Gammer@hants.gov.uk>; Robert Thain <Robert.Thain@NFDC.GOV.UK>

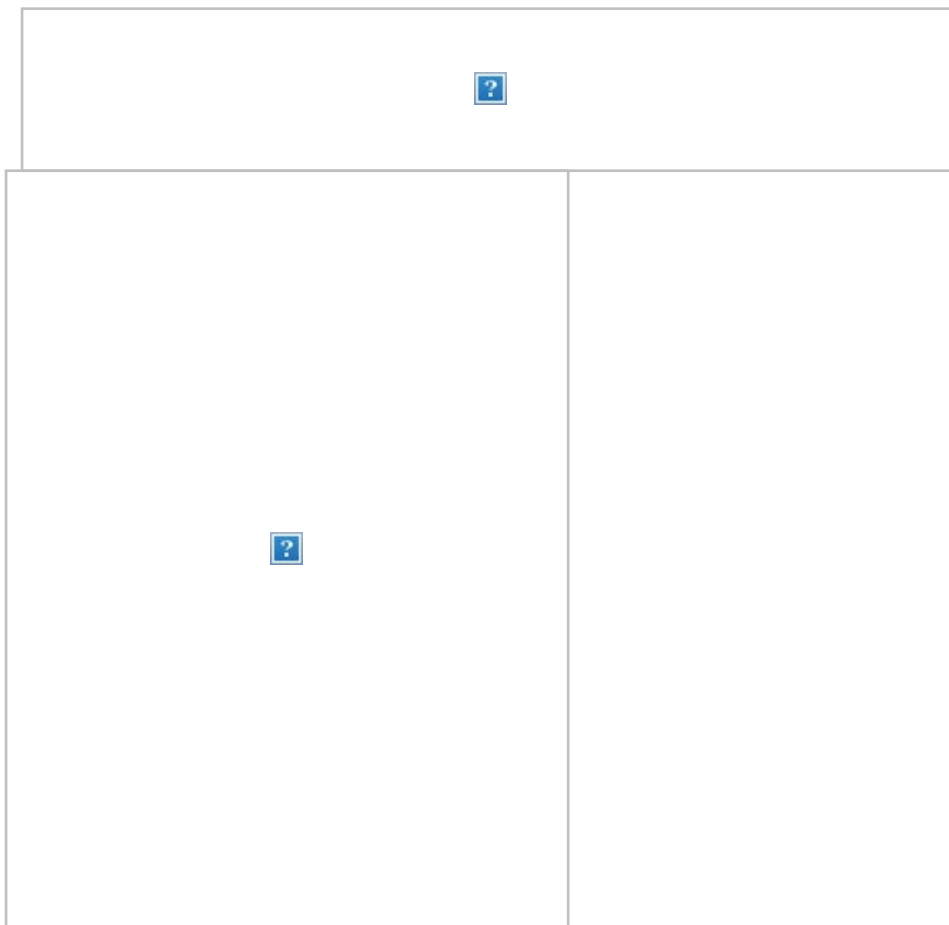
Subject: RE: Orchard Gate, Noads Way

Hi Giles,

Thank you for your email.

Regarding the contribution request of £7,500, we do not believe this is proportional to the development impact or would provide adequate mitigation for the development impact in terms of providing appropriate opportunities for sustainable transport, providing safe and suitable access for all users, or giving priority first to pedestrian movements. Thank you for the cost estimate breakdown; however, we do not agree with this as this does not accurately reflect the cost of delivering these works (for example, the values of HCC/ design/ Legal fees are insufficient, and the industry standard contingency/ optimism bias is 44% at this stage of design).

However, being mindful the mitigation should be fair and reasonable to your application proposals, we would be prepared to remove the request of the additional tactile paving/drop kerbs based on your agreement to the implementation (by the developer via S278 Agreement) of the footway extension, including associated drop kerb and tactile paving installation at Peartree Road/Water Lane junction (picture and extract below taken from the WCHAR).



This infrastructure would complete the link from your site to the catchment primary schools (Orchard Infant and Junior) and we do feel it is necessary, as well as been directly related and given the scale of the works, very fair and reasonable being the only off-site highway mitigation.

Just to note, whilst you indicate that the November cabinet reports identifies £1.6m of unspent S106 contributions relating to Transport Improvements, it is incorrect to say there are sufficient funds to undertake the required works. As I'm sure you will be aware, all the contributions making up this value have specific terms restricting where, and on what, these funds can be spent and must mitigate the impact of the development from which they were collected, meaning they're unlikely to be appropriate for mitigating the impact of your development. Furthermore, while currently unspent, much of this value is likely to be earmarked for schemes/improvements for other developments.

Finally, whilst the Council (NFDC in this case) can use funds secured via CIL contributions to make improvements, HCC have no control over this funding and no guarantee the funds would be used to deliver the required highway improvements at the appropriate time, or indeed ever. In fact, NFDC have confirmed that currently CIL funds are being directed towards Habitats Mitigation projects, with no proposal to spend any CIL receipts on highway improvements. As such, CIL contributions cannot be considered as mitigation of your site's highway impact.

Please confirm your agreement to secure within the UU delivery via S278 Agreement prior to first occupation of the footway extension and associate works as set out above ,so this final outstanding highway related matter can be resolved. I am on leave Monday 14th to Monday 21st August inclusive, so please include my manager, Nick Gammer, in your response.

Kind Regards

Zara

Zara Rogers

Transport Planner – Highway Development Planning

Hampshire County Council

3rd Floor, Elizabeth II Court South, Winchester,

Hampshire, SO23 8UJ

Email: zara.rogers@hants.gov.uk



Hampshire County Council operates a pre-application highway advice service for developers.

Hampshire County Council welcomes and encourages discussions before a developer submits a planning application. Please follow this link for further information [Pre-application advice | Hampshire County Council \(hants.gov.uk\)](#)

From: Giles Moir <giles.moir@clplanning.co.uk>

Sent: Wednesday, August 9, 2023 7:09 PM

To: Robert Thain <Robert.Thain@NFDC.GOV.UK>

Cc: James Gilfillan <James.Gilfillan@NFDC.GOV.UK>; Simon Mcfarlane - AJC Group <simon.mcfarlane@ajcgroup.uk>; Rogers, Zara <Zara.Rogers@hants.gov.uk>

Subject: Orchard Gate, Noads Way

Caution: This is an external email and could contain malicious content. Do not open any links or attachments if you were not expecting them. If the e-mail looks suspicious, please report via the 'Report Phishing' Button found on your toolbar.

Dear Robert,

Following on from Zara Rogers' email (cc'd into this email) earlier today (copy attached) it is good to see that Hampshire County Council (HCC) have confirmed their agreement to the access design.

With regard to the requested off site pedestrian improvements I have attached a letter from Bellamy Roberts (the second page of the attachment), which sets out why we believe the current request is wholly unreasonable and not related in scale and kind to the proposed development, i.e. meeting the tests of regulation 122 of the CIL regulations.

There is an opportunity should the Council/ HCC wish to see the full extent of the pedestrian

improvements be delivered that this is achieved utilising secured CIL contributions. The Council's 2018 infrastructure delivery plan sets out on page 29 that Hampshire County Council (as part of the planned provision section) may undertake works such as informal pedestrian crossings and sections of new pavement – or similar physical improvements. The description of works goes on to identify that works will include those which will encourage sustainable and healthy forms of travel to schools and other facilities, something which HCC are trying to achieve through the works that have been unreasonably identified as being required for the appeal scheme.

It is noted that the November 2022 cabinet report identifies at least £1.6m of unspent s.106 contributions relating to Transport Improvements, demonstrating that there are sufficient funds to undertake works.

There are significant contributions arising from the proposal, reinforcing the challenges that SMEs face in delivering developments. The attached report from the House Builders Federation serves only to reinforce the significance of these challenges. The contributions include habitat mitigation, air quality monitoring, public open space, nutrient neutrality, CIL, BNG and off site highway works which collectively result in a contribution of circa £25,000 per dwelling.

Can you please confirm by return that NFDC and HCC are in agreement that the contribution of £7,500.00 is fair and reasonably related in scale and kind to the development. We can then avoid time/cost at the Inquiry discussing this point.

We have a draft UU being prepared and can include the contribution straightaway.

Kind regards

Giles

Giles Moir

Director

Chapman Lily Planning Limited



M: 07392 873 809

T: Wareham, Dorset Office: 01929 553818

E: giles.moir@clplanning.co.uk

W: <http://www.clplanning.co.uk>

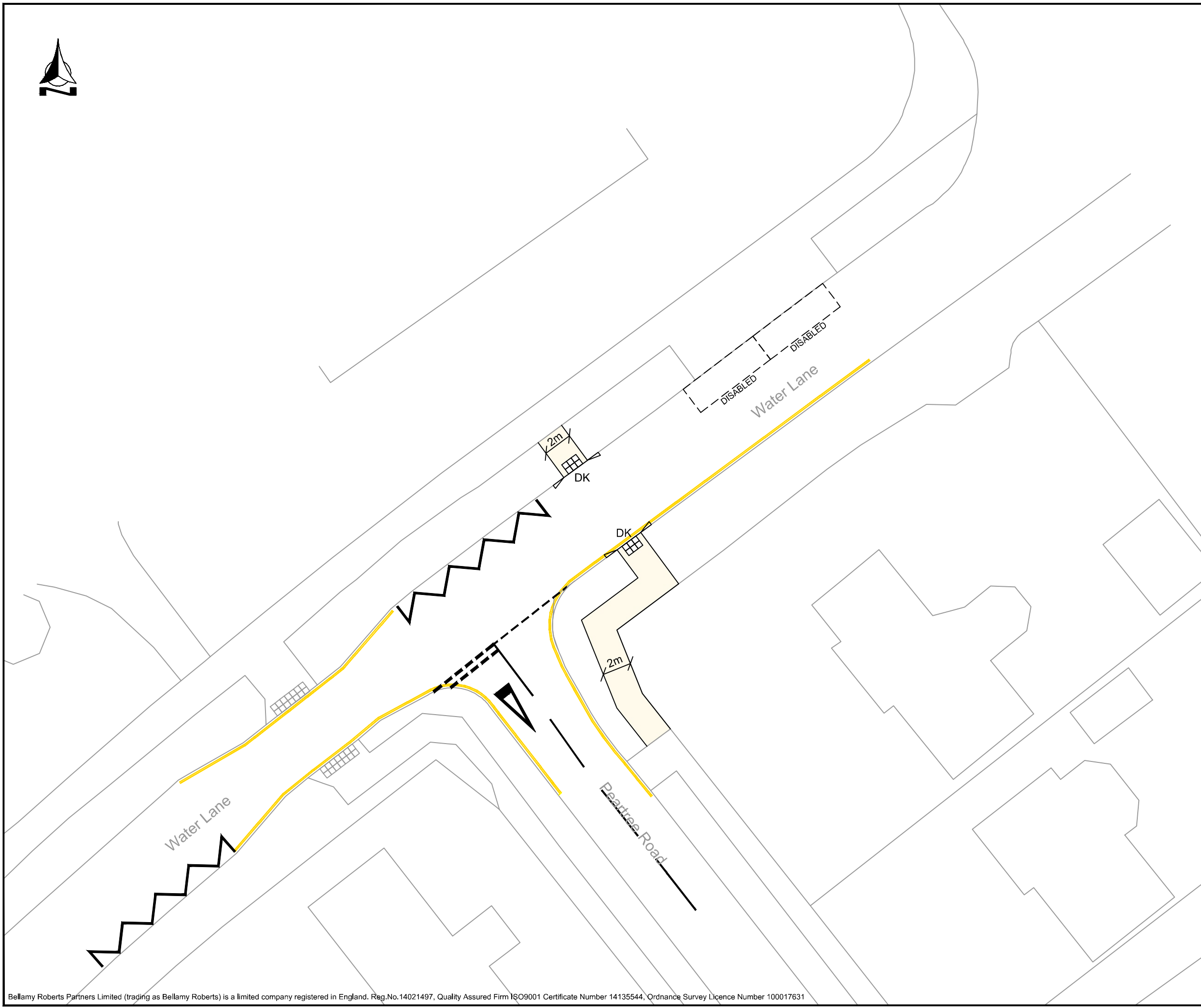
Unit 5 Designer House, Sandford Lane, Wareham, BH20 4DY

Follow us on Twitter: @cl_planning, and Facebook: chapmanlilyplanning

To receive our newsletter containing updates on planning matters please email contact@clplanning.co.uk requesting to be added to the mailing list

This email transmission is strictly confidential and intended solely for the person or organisation to whom it is addressed.

It may contain confidential information and if you are not the intended recipient, you must not copy, distribute or take any action in reliance on it. If you have received this e-mail in error, please notify Chapman Lily Planning Ltd as soon as possible via contact@clplanning.co.uk and delete it.



Notes

 Proposed footway



Bellamy Roberts
Clover House
Western Lane
Odiham
Hampshire, RG29 1TU
Tel: 01256 703355
Email: info@bellamyroberts.co.uk

CLIENT
AJC Group

PROJECT
Noads Way

TITLE
Proposed footway extension

DRAWN BY MB	DESIGN BY -	CHK BY IR
----------------	----------------	--------------

DATE 15/08/23	DRAWING No. 5577 / 003	REV No.
------------------	---------------------------	---------

SCALE 1:250 @A3		
--------------------	--	--