



New Forest District outside the New Forest National Park

Local Plan Review 2016-2036

Part One: Planning Strategy

# A Guide to Developer Contributions

Supplementary Planning Document

***Consultation Draft***

June 2018

# A guide to developer contributions

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## 1 Introduction

### 1.1 The purpose of the document

- 1.1.1 The New Forest Local Plan Review Part 1: Planning Strategy makes provision to deliver around 10,500 homes between 2016 and 2036. This growth will result in increased pressure on local infrastructure, services and facilities, creating demand for new provision. The Council and developers have a responsibility, through the planning process, to manage the impact of this growth and ensure that any harm caused by development is mitigated and that the necessary infrastructure is provided. The Council expects new development to contribute to site-related and other infrastructure needs either through direct onsite provision or through financial contributions.
- 1.1.2 The purpose of this Supplementary Planning Document (SPD) is to build upon and provide more detailed advice on the policies in the Local Plan, to help applicants make successful applications and to aid infrastructure delivery.
- 1.1.3 Throughout the Local Plan Review there are a number of policies which refer to securing the provision of infrastructure, notably Policy 34 Developer Contributions which states:

#### **Policy 34: Developer Contributions**

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.

Where the development is part of a larger site, the developer will be expected to demonstrate how the provision of infrastructure and services for the application area forms a coherent part of a comprehensive solution for the site as a whole, and how the proposal can be delivered without prejudicing the development of the site as a whole.

In exceptional circumstances where it is demonstrated in a robust and independently tested viability study that there are previously unidentified cost considerations that render development unviable, and the delivery of the development is strategically important to the implementation of this Local Plan, the Council will explore options to restore viability in the following order of preference, starting from the position that there will be a commensurate percentage reduction in returns to the developer and land owner for any reduction in developer contributions agreed.

- i. Varying the development proposal if development costs could be reduced without unacceptably compromising design quality or sustainability.
- ii. Where it is possible, phase or defer the required contributions in whole or part, including by the use of Grampian planning conditions.
- iii. Reduce or remove contributions that would have the least impact on the achievement of sustainable development.

As last resort development that would be unsustainable without the inclusion of necessary but unfunded infrastructure, facilities, affordable housing, public open space or recreational mitigation, will be refused planning permission.

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1.1.4 Other policies relating to the provision of infrastructure are:

- Policy 7 Strategic transport Proposals;
- Policy 8 Community services, infrastructure and facilities;
- Policy 10 Mitigating the impact of development on International Nature Conservation sites; and
- Policy 17 Affordable Housing

1.1.5 This SPD does not address any non-standard site specific infrastructure required and in some instances, dependent on site specific circumstances, additional mitigation measures outside the scope of this SPD may be sought.

1.1.6 In liaison with infrastructure providers the Council has produced an Infrastructure Delivery Plan (IDP)<sup>1</sup>. The IDP identifies what infrastructure is required to deliver the development anticipated by the Local Plan 2016-2036. The IDP is a live document and will be updated on a regular basis as further details about infrastructure requirements and costs are known.

1.1.7 The SPD should be read alongside the CIL Charging Schedule<sup>2</sup>, IDP and Regulation 123 list<sup>3</sup> as developer contributions secured through S106 planning obligations<sup>4</sup> are additional to Community Infrastructure Levy (CIL) payments, although the Regulations ensure that developers are not

paying for the same item of infrastructure through S106 and CIL.

## 1.2 Background

1.2.1 The Plan Area (see Figure 1 below) lies on the south coast between Southampton and the Christchurch / Bournemouth/Poole conurbation, forming an arc around the New Forest National Park in its centre.

1.2.2 With a population of around 146,000, the area is characterised by a dispersed pattern of small to medium sized towns and villages around the borders of the National Park. It also lies on the shores of the Solent and Southampton Water. The District Council is the local planning authority for the area of New Forest District outside the National Park (the New Forest National Park Authority is a separate planning authority).

1.2.3 The six principal towns in New Forest District (outside the National Park) are Totton (approx pop. 28,500), New Milton (approx pop. 24,500), Hythe (approx pop. 20,300), Lymington (approx pop. 15,500) Ringwood (approx pop. 13,700) and Fordingbridge (approx pop. 6,000). The main villages include Blackfield, Bransgore, Fawley, Holbury, Marchwood, Milford on Sea, and Sandleheath. The area is subject to significant environmental constraints, most notably European nature conservation designations, and other national nature conservation and landscape designations, which have previously been reflected by planning policies (at both regional and local level) which seek development restraint in the area. The impact of development on European nature conservation sites is a significant issue throughout the Plan Area.

<sup>1</sup> The Infrastructure Delivery Plan is able to view on the Council website

<sup>2</sup> <http://www.newforest.gov.uk/CHttpHandler.ashx?id=25697&p=0>

<sup>3</sup> <http://www.newforest.gov.uk/CHttpHandler.ashx?id=28529&p=0>

<sup>4</sup> A planning obligation is a legal document made under S106 of the Town and Country Planning Act 1990 by which a person agrees to provide a planning authority with a sum of money for a planning purpose, or agrees to restrict the use of land in a specified way, or to carry out specific operations or activities.

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Figure 1 the Plan Area

1.2.4 This Supplementary Planning Document (SPD) sets out New Forest District Council's proposed approach for securing developer contributions from new development that requires planning permission.

## 1.3 Structure of the document

1.3.1 This document considers the role s106 planning obligations have in the area covered by the Local Plan Review 2016-2036: Planning Strategy by setting out the council's approach and legislative context. The process for negotiating planning

obligations is then outlined and the 5 types of routine developer contribution<sup>5</sup> to be sought by the Council are detailed namely:

- Affordable Housing
- Habitat Mitigation
- Public Open Space
- Transportation
- Education

1.3.2 Finally, the procedure and management processes for planning obligations are explained.

## 1.4 Status of Document

1.4.1 This is a draft Supplementary Planning Document. It provides further and more detailed information, to the policies in the Local Plan Review 2016-2036: Planning Strategy.

1.4.2 Whilst this document is not part of the Local Plan itself, it is a key document for achieving the economic, social and environmental dimensions of sustainable development and securing the appropriate infrastructure requirements required to mitigate the impacts of new development.

1.4.3 This document is published for public consultation and comments received will be considered by the Council. The SPD will not be finalised or adopted until the Local Plan Review is formally adopted. However, the Council will use the guidance it provides as a basis for pre-application and planning application discussions with developers and site promoters from the date of consultation.

<sup>5</sup> Site specific obligations may also apply to specific schemes

- 1.4.4 Throughout this draft document there are a number of questions for which comments are sought. This is not an exhaustive list and comments are also sought on any other issues relating to this document.

## **Question 1**

**Are there any other types of general developer contribution not covered by Policy 34 that you feel should be covered in this Supplementary Planning Document?**

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## 2 Mechanisms for securing Developer Contributions

### 2.1 Introduction

2.1.1 This section gives details of planning obligations and other charges which may apply to development.

### 2.2 Planning Conditions

2.2.1 Planning permission may be granted subject to conditions to secure matters that are needed in order to make a development acceptable in planning terms. 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 permission.

2.2.2 To reduce the number of conditions required, planning permission will not be granted until full details have been provided and agreed, including on the following matters:

- Details of how mitigation on European sites is to be provided (including future management and maintenance);
- Landscaping and open space provision;
- Heritage and archaeology;
- Ecology;
- Site related transport improvements;

### 2.3 Planning Obligations (s106)

2.3.1 Planning obligations secured through s106 of the Town and Country Planning Act 1990<sup>6</sup> (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 obligation. Planning obligations are used to secure the delivery of measures necessary to make a development acceptable and may include, for example, funding of an extension to a primary school and/or provision of a new road access/junction.

2.3.2 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.

2.3.3 The National Planning Policy Framework states that planning obligations should only be used where it is not possible to address unacceptable impacts of development through a planning condition.

### 2.4 Community Infrastructure Levy (CIL)

2.4.1 As of 1 April 2015 the Community Infrastructure Levy (CIL) has been chargeable on all new residential development<sup>7</sup> at a base rate of £80 per sqm. In 2018, the index linked charge is calculated at around £96 per sqm. CIL liability on a

<sup>6</sup> [http://www.legislation.gov.uk/ukpga/1990/8/pdfs/ukpga\\_19900008\\_en.pdf](http://www.legislation.gov.uk/ukpga/1990/8/pdfs/ukpga_19900008_en.pdf)

<sup>7</sup> Affordable housing, charitable development and self-build developments are, however, eligible to apply for relief.

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development is non-negotiable and the liability becomes due on commencement of development.

2.4.2 Full details on CIL can be found on the Councils website<sup>8</sup>.

## 2.5 The Interaction between Planning Obligations & CIL

2.5.1 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.

2.5.2 CIL will contribute towards the costs of infrastructure connected with the wider growth of the plan area. The provision of affordable housing lies outside of the remit of CIL and will continue to be secured through s106 Agreements.

2.5.3 The principle is that all eligible development must pay CIL, as well as contribute to any site specific requirements secured through s106 Agreements.

2.5.4 CIL is an appropriate delivery mechanism for infrastructure to support the development and growth of an area, rather than to make individual planning applications acceptable in planning terms.

2.5.5 The Council publishes on its website a Regulation 123 List, which sets out the projects or types of infrastructure that it

defines as 'relevant infrastructure' and will not collect S106 contributions for. This is to ensure that no double counting takes place between the infrastructure to be funded by the CIL from that funded from s106 Agreements.

2.5.6 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. When carrying out negotiations for planning obligations, the Council must meet the statutory tests set out in the CIL Regulations 2010 (as amended) Regulation 122, namely that:

2.5.7

***A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -***

- 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.***

Table 1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended)

## 2.6 Highway Improvements – Section 278 and Section 38 Agreements

2.6.1 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

<sup>8</sup> <http://www.newforest.gov.uk/CIL>

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 Section 278 of the Highways Act 1980<sup>9</sup>.

- 2.6.2 Examples of such works could be the construction or improvement of a new access or junction, or safety related works such as traffic calming or improved facilities for pedestrians and cyclists. There may also be an agreement under s38 of the Highways Act relating to the subsequent adoption of roads by Hampshire County Council.

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<sup>9</sup> [https://www.legislation.gov.uk/ukpga/1980/66/pdfs/ukpga\\_19800066\\_en.pdf](https://www.legislation.gov.uk/ukpga/1980/66/pdfs/ukpga_19800066_en.pdf)

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## 3 Determining contributions through the application process

### 3.1 Pre-Application Stage

- 3.1.1 Applicants, agents and developers are encouraged to seek 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 commence work on any agreement required.
- 3.1.2 Applicants should use this SPD alongside an analysis of their proposed development to consider the impacts of the proposed scheme and any planning obligations likely to be required to mitigate the impacts of development.
- 3.1.3 For major planning applications, the Council will offer the opportunity to enter in to a Planning Performance Agreement at the pre-application stage to enable close working through the application stage and subsequently monitor on site implementation.

### 3.2 Application Stage

- 3.2.1 Applications for new housing should include an Affordable Housing Statement confirming the extent to which the proposal meets local need and demand for market and affordable

housing and, exceptionally, evidence supporting any deviation from policy requirements.

- 3.2.2 Full and reserved matters planning applications must also incorporate a detailed Housing Mix Schedule, including the type, size of the market housing and the type, size, tenure and proposed delivery vehicle for the affordable housing.
- 3.2.3 Applications for all types of development should address in a planning statement how the application meets the requirement for developer contributions as set out in the relevant policies of the local plan and as detailed in this document.

### 3.3 Viability

- 3.3.1 Viability testing has demonstrated in general terms that housing development is likely to be viable in the Plan Area taking into account the known or likely costs of meeting the policy requirements of this Local Plan and its supporting documents. This work has included discussions with infrastructure and service providers to establish the likely development costs that would be borne by the Strategic Site Allocations, as set out in the Infrastructure Delivery Plan.
- 3.3.2 In response to a Financial Viability Statement being submitted by a planning applicant as part of an application or a potential developer at the pre-application stage, the Council will commission an independent assessment. The starting point for a valuation is that land or site value shall reflect policy requirements and planning obligations. This work is undertaken at the applicant's cost and the money for the initial response must be provided to the Council, before any work is

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undertaken. The scale of fees will be advised and agreed before work commences.

submitted information in to account when they consider the proposal.

- 3.3.3 It is recognised that circumstances vary, and it will be up to developers to clearly demonstrate why any exception from the policy is necessary. This will be tested using an economic viability assessment toolkit which will examine specific site viability, based on 'open book' information relating to a particular development. The Financial Viability Statement must fully justify all costs and values especially if they are a departure from the whole plan viability study.
- 3.3.4 Any supplementary work would be charged for at an hourly rate and would only be undertaken if considered to be relevant by the Council following confirmation from the Applicant that they will pay the additional fees. These fees are paid at the completion of the exercise but the hourly rates will be identified before work commences.
- 3.3.5 Prior to any work being undertaken it is crucial that sufficient information is available to carry out an assessment. All information must be provided to the Council prior to any work being undertaken.
- 3.3.6 The Council publishes all viability statements submitted in respect of planning applications in full, together with the independent valuation assessment and any relevant correspondence in full on the Councils website. It essential that such matters are dealt with in an open and transparent manner so that those interested in any proposal are aware of all the facts and the Members of the Planning Committee can take the

## Question 2

**Do you have any comments to make about the Council's approach to determining contributions and viability as part of the application process?**

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## 4 Affordable Housing

### 4.1 Introduction

- 4.1.1 A mixed community requires a variety of housing, particularly in terms of tenure, including private rented housing, to provide homes for different households such as families with children, couples, single person households and older people. As well as seeking to provide opportunities for local people to rent or buy a home, it is also important for a variety of housing types and sizes, including plots for self-build, to be provided to help achieve balanced and sustainable communities.

### 4.2 Relevant Local Plan Policy

#### Policy 17: Affordable housing

There is a requirement for all new developments of 11 or more dwellings, or of more than 1,000 sqm gross internal area of residential floorspace, to provide affordable housing as follows:

- i. In Totton and the Waterside area, the requirement is for 35% of new homes to be affordable housing.
- ii. In the rest of the Plan Area, the requirement is for 50% of new homes to be affordable housing.
- iii. The tenure mix requirement is to provide 70% of affordable homes for rent, split equally between social and affordable rent, and 30% intermediate or affordable home ownership tenures including shared ownership.

- iv. Affordable housing provided should be indistinguishable in appearance from the market housing on site, and distributed evenly across the site.

The viability of development will be taken into account in applying this policy as set out in [Policy 34: Developer Contributions](#).

### 4.3 Affordable Housing and Market Housing Mix

- 4.3.1 A diverse housing mix should be achievable on strategic site allocations and other larger green field development sites. On smaller and brownfield sites the Council will take a practical view of the forms of homes that are suitable. This will take into account the physical characteristics of the site, the character of the area, community context, local housing need and existing provision.
- 4.3.2 As stated in the supporting text of the Local Plan Part 1 2016-2036 Planning Strategy, where there is a particular local need social rented housing will be sought in the form of family housing, with commensurate adjustments to the size, tenures and mix of other forms of affordable housing to be provided, to achieve equivalent development viability.
- 4.3.3 The Council has assessed the issue of the economic viability of affordable housing provision. This has shown that all new residential schemes over 11 dwellings are able to provide affordable housing as set out in the policy.

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## 4.4 Where Affordable Housing provision is not met in full on site

- 4.4.1 In the circumstances where the Council agrees that off-site affordable housing provision will be delivered in whole or part provision / contributions in the following order of preference.
- i. A mix of on-and off-site delivery with the level of affordable housing to be achieved to be broadly equivalent to that which would have been delivered on-site;
  - ii. Full off-site delivery equivalent to that which would have been delivered on-site;
  - iii. Part off-site delivery and part commuted sum;
  - iv. A commuted sum only.
- 4.4.2 Offsite contributions will be based on the cost of providing an equivalent dwelling in the area on the open market.
- 4.4.3 Planning permission will normally be refused where it is clear that a site is being under-used or sub-divided into smaller development parcels in order to avoid providing affordable housing.

## 4.5 Spending Affordable Housing Financial Contributions

- 4.5.1 S106 contributions for commuted sums towards affordable Housing are not earmarked for specific expenditure projects. Therefore, while schemes funded from S106 contributions can be identified in any financial year, expenditure on any specific scheme is funded from overall resources available and is not linked to any specific s106 agreement.

### Question 3

**Do you agree with the Council's approach to negotiating affordable housing in the exceptional circumstances where on site affordable housing is not provided in accordance with Policy 17?**

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## 5 Site specific Habitats Regulations Assessment measures

### 5.1 Introduction

5.1.1 This section sets out the Council's approach to securing the necessary financial obligations to meet the requirements of the Habitats Regulations Assessment; it does not set out the mitigation approach itself.

5.1.2 This section sets out the approach to securing the necessary contributions towards:

- Recreational Impact habitat mitigation
- Phosphorus mitigation (River Avon)
- Air Quality Impacts

### 5.2 Relevant Local Plan Review Policy

#### Policy 10: Mitigating the impacts of development on International Nature Conservation sites

- i. Except as provided for in the first paragraph of [Policy 9 \(saved Policy DM2\): Nature Conservation, Biodiversity and Geodiversity](#), development will only be permitted where the Council is satisfied that any necessary mitigation, management or monitoring measures are included as part of the proposal and will be implemented in a timely manner, such that, in combination with other plans and development proposals, there will not be adverse effects on the

integrity of any of the following International Nature Conservation sites:

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

For residential development adverse effects can be adequately mitigated by implementing approved measures relevant to the site location, including as set out in the [Mitigation for Recreational Impacts SPD and in the Solent Recreation Mitigation Strategy](#), and to be set out in the forthcoming [River Avon Nutrient Management Plan \(2019 Update\)](#)<sup>10</sup>. For non-residential developments, the requirement for mitigation will be considered on case-by-case basis with regard to the nature, scale and location of the proposed use.

The approved mitigation measures for residential developments currently include:

- i. For developments providing 49 or fewer net additional units of residential accommodation, a financial contributions towards the provision of recreational mitigation measures as set out below and in the [Mitigation for Recreational Impacts SPD](#):
- (a) Projects for the provision of alternative natural recreational green spaces and recreational routes: new or improved open space and recreational routes of a quality and type suitable to attract residents

<sup>10</sup> Other mitigation strategies may be added in the future if necessary.

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of new development within the Plan Area who might otherwise visit the International Nature Conservation sites for recreation; and

- (b) Access and Visitor Management: measures to manage the number of recreational visits to the New Forest and Solent Coast International Nature Conservation sites; and to modify visitor behaviour within those sites so as to reduce the potential for harmful recreational impacts; and
  - (c) Monitoring of the impacts of new development on the International Nature Conservation sites and establishing a better evidence base: to reduce uncertainty and inform future refinement of mitigation measures.
- ii. For developments of 50 or more net additional residential dwellings:
    - (a) Direct provision by the developer of at least 8 hectares of natural recreational greenspace per 1,000 population located on the development site or directly adjoining and well connected to it; and
    - (b) A financial contributions towards Access and Visitor Management and Monitoring as set out above at i(b) and i(c).
  - iii. Additionally for all residential developments within 5.6km of the Solent and Southampton Water SPA, as shown on Figure 5.1, a financial contribution is required towards a Solent-wide programme of visitor management, monitoring and development mitigation projects.
  - iv. Additionally for residential developments within the catchment of the River Avon, a financial contribution or other appropriate mechanisms to achieve phosphorus-neutral development.
  - v. Additionally for all residential developments, a financial contribution towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site.

## 5.3 Recreational Habitat Mitigation

- 5.3.1 The Habitats Regulation Assessment of the Local Plan Review 2016-2036: Planning Strategy has identified potentially harmful recreational impacts arising from new residential development on both the New Forest and Southampton Water / Solent Coastal European sites. An increase in the residential population of the District through the provision of new homes is likely to lead to an increase in the number of residents visiting those parts of the New Forest and the coast which are designated for their nature conservation importance. Recreational visits for personal recreation and for dog walking may lead to disturbance to the habitat of ground nesting birds, overwintering waders and wildfowl which contribute to the designations of these areas as European nature conservation sites.
- 5.3.2 Following the ruling by the Court of Justice of the European Union (CJEU) in April 2018 ([Case C323/17](#)), development likely to have an impact on a European Site, will need to be subject to Appropriate Assessment (AA) at detailed planning stage (planning application). The AA will be able to take into account the provision of mitigation measures which will be secured as part of the development, by direct provision or through a combination of Community Infrastructure Levy and/or Section 106 Agreement. Provision of mitigation in accordance with Policy 10 of the Local Plan Review 2016-2036 Part 1: Planning Strategy and the supporting mitigation SPD, will normally be considered to provide the required mitigation.

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5.3.3 Under the terms of the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations)<sup>11</sup>, permission cannot be granted for development which would have, either on its own or in combination with other plans and projects, a significant effect on the integrity of the European sites. Consequently, the Council imposes a condition on all planning permissions for residential development that requires appropriate mitigation measures to offset the adverse effect of development to be secured prior to the commencement of development. There are two ways in which this can be achieved, either:

- i) Contribute to funding the Council's suite of mitigation projects identified in adopted Mitigation Strategy SPD, or
- ii) Provide an alternative mitigation project to mitigate the impact of the proposal to equivalent effect.

5.3.4 Full guidance on the mitigation measures required from all new Mitigation for Recreational Impacts on European Sites Supplementary Planning Document (review of the Mitigation Strategy for European Sites SPD adopted in June 2014).

## Financial Contributions to offsite recreational mitigation (developments of 49 homes or less)

5.3.5 The following tables provide summaries of the financial contributions which will be required towards off-site recreational mitigation measures.

5.3.6 Typically, the amount of Community Infrastructure Levy (CIL) paid per dwelling will be sufficient to cover the offsite recreational mitigation projects element of the Council's mitigation scheme. However, having regard to any CIL relief or exemptions, if the amount of CIL paid is less than the total of the sum indicated for offsite recreational mitigation projects then the shortfall (i.e. the difference between CIL paid and the relevant figure) will need to be made up with an additional payment, secured by Section 106, in order that the total amount of contribution paid towards Habitat Mitigation Measures per dwelling including your CIL charge is no less than the amount indicated in tables below.

5.3.7 In this way, the total cost of mitigating the impact of development per dwelling is normally met by a combination of CIL (or on-site provision) and a direct payment secured through a Section 106 agreement which in combination will amount to the sum payable in tables 2 to 5 and will fulfil the requirements to mitigate the recreational impact of development in accordance with Policy 10 of the Local Plan Part review and the Habitat Regulations.

<sup>11</sup> <https://www.legislation.gov.uk/uksi/2017/1012/contents/made>

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## Developments of less than 50 dwellings within 5.6km of the Solent Coast European Sites

Bedrooms	Offsite Recreational mitigation projects	Access Management	Monitoring	Total
<b>1 bed</b>	£2,500	£641	£60	<b>£3,201</b>
<b>2 bed</b>	£3,300	£943	£60	<b>£4,303</b>
<b>3 bed</b>	£4,900	£1,289	£60	<b>£6,249</b>
<b>4 bed</b>	£5,500	£1,564	£60	<b>£7,124</b>
<b>5 + beds</b>	£5,500	£1,695	£60	<b>£7,255</b>

Table 2 Contribution rate for development less than 50 within 5.6km of Solent Coast European Sites

## Developments of less than 50 dwellings not within 5.6km of the Solent Coast European Sites

Bedrooms	Offsite Recreational mitigation projects	Access Management	Monitoring	Total
<b>1 bed</b>	£2,500	£304	£60	<b>£2,864</b>
<b>2 bed</b>	£3,300	£456	£60	<b>£3,816</b>
<b>3 bed</b>	£4,900	£652	£60	<b>£5,612</b>
<b>4 bed</b>	£5,500	£815	£60	<b>£6,375</b>
<b>5 + beds</b>	£5,500	£815	£60	<b>£6,375</b>

Table 3 Contribution rate for development less than 50 NOT within 5.6km of Solent Coast European Sites

## Developments of 50 or more dwellings within 5.6km of the Solent Coast European Sites

Bedrooms	Offsite Recreational mitigation projects	Access Management	Monitoring	Total
<b>1 bed</b>	Provided on-site	£641	£60	<b>£701</b>
<b>2 bed</b>	Provided on-site	£943	£60	<b>£1,003</b>
<b>3 bed</b>	Provided on-site	£1,289	£60	<b>£1,349</b>
<b>4 bed</b>	Provided on-site	£1,564	£60	<b>£1,624</b>
<b>5 + beds</b>	Provided on-site	£1,695	£60	<b>£1,755</b>

Table 4 Contribution rate for development of 50 or more within 5.6km of Solent Coast European Sites

## Developments of 50 or more dwellings not within 5.6km of the Solent Coast European Sites

Bedrooms	Offsite Recreational mitigation projects	Access Management	Monitoring	Total
<b>1 bed</b>	Provided on-site	£304	£60	<b>£364</b>
<b>2 bed</b>	Provided on-site	£456	£60	<b>£516</b>
<b>3 bed</b>	Provided on-site	£652	£60	<b>£712</b>
<b>4 bed</b>	Provided on-site	£815	£60	<b>£875</b>
<b>5 + beds</b>	Provided on-site	£815	£60	<b>£875</b>

Table 5 Contribution rate for development of 50 or more NOT within 5.6km of Solent Coast European Sites

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- 5.3.8 Meeting the obligations of the Habitats Regulations is mandatory and it will not be possible to occupy a development without securing the provision of appropriate recreational mitigation measures either directly on site by provision of alternative mitigation measures or by payment of the recreational mitigation charges per dwelling as listed above.
- 5.3.9 If recreational impact mitigation is not provided in accordance with Policy 10, the development and its alternative mitigation provision will need to be subject to a detailed Appropriate Assessment process where additional evidence will need to be provided by the developer to show alternative measures proposed will address or avoid impacts on the European sites.

## Question 4

**Do you have any comments to make on the Council's approach to securing the necessary financial contributions towards to implementation of mitigation for recreational impacts of European sites?<sup>12</sup>**

<sup>12</sup> The Council is separately consulting on a draft SPD on this topic which contains further details on this topic.

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## 5.4 Phosphorus - River Avon

- 5.4.1 The River Avon Special Area of Conservation (SAC) is currently failing to meet the Common Standards Monitoring Guidance (CSMG) targets in relation to phosphorus (P) due to a combination of diffuse and point sources. CSMG targets are typically used by Natural England as a tool to assess the conservation status of protected sites including SACs. The River Avon SAC is unlikely to achieve the CSMG targets within the next river basin management planning cycle (2015-21).
- 5.4.2 The Nutrient Management jointly published by Natural England, Environment Agency, and Wiltshire Council set out the rationale and approach to meet the CSMG targets, however it is recognised that this approach was failing. Therefore, in a joint statement of common ground a series of interim progress goals have been agreed by NE and the Environment Agency (EA)<sup>13</sup> Wiltshire Council (WC) and this Council towards meeting the longer term goals of the CSMG targets before the period review period 24 and achieving favourable conservation status.
- 5.4.3 This will be kept under review and revisited at periodic review period 24. Achievement of the ambition targets is largely focussed on significant reductions in diffuse sources of P through targeted Catchment Sensitive Farming (CSF), as substantial reductions in point sources have already been achieved by Wessex Water at their Sewage Treatment Works (STWs) during AMP3–AMP5 period (2000-2015). Nonetheless, the NMP also took account of a projected increase in P loading from point

sources by 2021 due to population increases as a result of planned growth.

### Implications of the NMP for planned growth

- 5.4.4 The STWs in the catchment operate under discharge permits which were subject to a Review of Consents under Regulations 63-64 of the Habitats Regulations by the EA in 2010; the starting point for assessing the effects of planned growth should therefore normally be that these permits are compliant with the Habitats Regulations, and that the Review of Consents may therefore be relied upon to demonstrate that planned growth which can be delivered within the permitted headroom would not have an adverse effect on the integrity of the SAC (see Section D5 of the NMP).
- 5.4.5 However achievement of the ambition targets is based on a projected balance of diffuse reductions due to CSF with increasing point sources due to population increases associated with growth. Therefore in circumstances where the NMP growth projections are exceeded, it is possible that the balance could shift and planned growth could 'compromise the deliverability of the NMP', particularly in certain sub-catchments where the NMP projections are finely balanced. The NMP therefore stipulates that in this scenario, the Local Planning Authority may need to secure further P reductions in the catchment to prevent compromising the achievement of the ambition targets, and such measures would most likely need to be supported by developer contributions (see Section D6 of the NMP).
- 5.4.6 In the New Forest, where phosphorus from a development may adversely affect the River Avon Special Area of Conservation (SAC), a planning permission will only be issued if subject to the

<sup>13</sup> <http://publications.naturalengland.org.uk/publication/4520877345472512?category=432368>

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imposition of a “Grampian<sup>[1]</sup>” condition which prevents the commencement of development until implementation of the necessary mitigation or off-setting has been secured.

- 5.4.7 The planning condition gives the developer the freedom to choose to provide mitigation by contributing to the Council’s Phosphorus Mitigation Strategy (or update to the existing NMP), or by some other means of their own devising. Where mitigation is achieved by contributions, they would be payable regardless of any reliefs or exemptions to CIL for which a development may be eligible.
- 5.4.8 If developers chose to provide and fully fund their own alternative mitigation approach, it must be supported by an independent assessment under the Habitats Regulations, and would be evaluated on its own merits. Such evaluation will need to take account of the precautionary principle applying to such judgements and would need to mitigate the impact of the development to no less a degree as would be achieved by the agreed strategy. Any alternative proposal would need to be implemented before the condition could be discharged.
- 5.4.9 The Council is working with Wiltshire Council on a mitigation strategy/revision to the existing NMP in relation to this issue. It is likely that this will be in place around the end of 2018 and will be

<sup>[1]</sup> Reg 123(2) states that: “A planning obligation may not constitute a reason for granting permission for the development to the extent that the obligation provides for the funding or provision of relevant infrastructure”. Such contributions would still be subject to the pooling restrictions under reg 123(3). While the impact of this could be reduced by ensuring that contributions were for named infrastructure projects, the recent government consultation proposes to remove these restrictions where a CIL is in place.

included within the adopted version of these developer contributions Supplementary Planning Document.

## *Phosphorus condition applied to relevant planning permissions:*

*No development shall be carried out until proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), including mechanisms to secure the timely implementation of the proposed approach, have been submitted to and approved in writing by the local planning authority secured. Such proposals must:*

- a) Provide for mitigation in accordance with the Council’s Phosphorus Mitigation Strategy (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;*
- b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing monitoring of any such proposals which form part of the proposed mitigation measures.*
- c) The development shall be carried out in accordance with and subject to the approved proposals.*

*Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the River Avon Special Area of Conservation (SAC), in accordance with the Council’s Phosphorus Mitigation Strategy*

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## Question 5

**Do you have any comments to make on the Council's approach to securing the necessary financial contributions wards mitigating the impacts phosphorus in the River Avon?**

### 5.5 Air Quality

- 5.5.1 Traffic-based air quality assessment work for NFDC and the Park Authority has identified the potential for in-combination effects of Nitrogen Oxides (NOx), Nitrogen Deposition (NDep) and Ammonia emissions) (background growth plus local plan) on European sites in our local plan areas. Data limitations, however, mean that it has not been possible to conclude whether the potential effects of air quality on the European sites will be significant.
- 5.5.2 The Habitats Regulation Assessment of the Local Plan Review 2016/2036 Part 1: Planning Strategy has concluded that the proposed growth identified (10,500 new homes) will have an impact on air quality due to the levels of Nitrogen Oxide, Nitrogen Deposition and Ammonia on the European sites.
- 5.5.3 A second stage of screening was undertaken to determine whether potential effects on European sites need to be investigated further. This concludes that although the impact from the residential development proposed in the Local Plan

Review is minimal, further monitoring should be undertaken to ensure that air quality levels remain within acceptable standards.

- 5.5.4 The mitigation strategy, produced by consultants Ecological Planning & Research Ltd<sup>14</sup>, proposed a monitoring regime be established in order to monitor the air quality levels at selected sites.
- 5.5.5 Based on the Air Quality Mitigation Strategy, initially a financial contribution in the order of £20 per new home will be required for further monitoring. The contribution will be secured via a Section 106 agreement and will be payable on commencement of development.
- 5.5.6 In the event that air quality levels are significantly exceeding expected levels then further work will be required to be undertaken by the Council which could include some physical interventions such as limiting speed. If any such infrastructure projects are required then Community Infrastructure Levy (CIL) funding will be used to secure this.

## Question 6

**Do you have any comments to make on the Council's approach to securing the financial requirements mitigating the impacts on Air Quality in relation to the proposed residential development proposed in the Local Plan Review Part 1: Planning Strategy?**

<sup>14</sup> New Forest Air Quality Ecological Mitigation Plan EPR 2018

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## 6 Public Open Space and Sport and Recreational Facilities

### 6.1 Introduction

- 6.1.1 All new residential development on sites over 0.5ha, is required to make provision for public open space as part of development as set out in Policy 15 (saved policy CS7).

### 6.2 Relevant local plan review policies

#### Policy 15 (Saved Policy CS7: Open Spaces, Sport and recreation)

The aim is to provide, as a minimum standard, the equivalent of 3.5 hectares of public open space per 1,000 population to serve the ~~district's~~ Plan Area's towns and ~~larger main~~ villages. This provision will be supplemented by support for the community use of sports pitches on educational land and by private provision.

There will be a presumption against any development that involves the loss of a sport, recreation or play facility except where it can be demonstrated that alternative facilities of equal or better quality will be provided in an equally accessible location as part of the development.

Improvements will be made to enhance recreation, play and sports facilities within communities. Outdoor opportunities to improve the physical fitness of all age groups will be enhanced by providing accessible green spaces within our towns and villages, especially where new development takes place, and by creating safe environments for walking and cycling within and adjoining our towns and villages, where access is compatible with environmental designations.

The improvement of play, sports and other public open space provision will be implemented in the following ways:

- ~~a. through the identification of new sites in the Sites and Development Management Development Plan Document;~~
- b. through requiring all new residential developments to make provision 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);
- c. through requiring all new residential developments on sites of 0.5ha or over to provide appropriately designed informal public open space on site and to include the provision of designed good quality play spaces;
- d. through giving priority to addressing the shortfall in the provision of play spaces designed for children's play and young people;
- e. by creating new designed play spaces for children and young people within existing informal open spaces;
- f. through the protection and improvement of existing facilities, including changes in open space management to address specific community needs;
- g. through securing more community use agreements with schools;
- h. through improving informal leisure opportunities created by green infrastructure within settlements; and
- i. in order to prevent adverse effects on internationally designated nature conservation sites, the Council will work with other local authorities to develop and implement a strategic approach to

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protecting such sites from recreational pressures, including provision for new and enhanced open spaces.

New open space provision should contribute to wider open space objectives, including enhancing local biodiversity and healthy lifestyles.

Allocations will be made for additional provision of new allotment gardens, to meet local needs identified through community plans.

The Council will work with the Partnership for Urban South Hampshire (PUSH), the National Park Authority and other local authorities to develop green infrastructure strategies; and with landowners and local communities to preserve and enhance green infrastructure and green links between open spaces.

## 6.3 Provision of open space as part of a development

6.3.1 Policy 15 sets the standard for public open space of 3.5 hectares of public open space provision per 1000 population.

6.3.2 This standard comprises:

- 0.2 hectares per 1000 population of designed play spaces for children and young people;
- 1.25 hectares of formal recreational space per 1000 population; and
- 2 hectares of informal open space per 1000 population.

6.3.3 The policy requires that all sites over 0.5ha must provide informal open space and play space on site. Whilst there is no specific threshold for provision of formal open space on site, a developer must set out in their application how the formal element of open

space will be provided. Site specific policies give details of on-site requirements.

## 6.4 Contributions to offsite provision

6.4.1 Where it agreed between the Council and the developer that the provision of formal open space should not be on-site, an appropriate financial contribution will be required to secure a specific off-site project that is directly related to the proposed development (in accordance with the planning obligations set out in Table 1 of this document). The Council will need to be satisfied as part of this obligation that any proposal for formal open space will result in the actual delivery of the agreed project.

## 6.5 Transfer of open space

6.5.1 Typical practice will require that ownership of all natural recreational green spaces and typically public open space will be transferred from the developer to the District Council with a one-off payment which will be used for fund future maintenance and management on the open space in perpetuity. This provision will be secured by a S106 legal agreement.

6.5.2 Where a development is required to provide open space on-site, the developer is normally expected to maintain the open space during a defect period of at least 1 year. Developers will then be required to transfer the open space at nil cost together along with a financial contribution which will cover the cost of management and maintain of the open space in perpetuity. (80 years). In some circumstances it may that the Council is willing to accept an early transfer.

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6.5.3 In some circumstances a decision may be taken that it is not appropriate for the land to be transferred to the District Council. In these circumstances the developer will be required to ensure that the open space is managed in perpetuity through establishment of a management company to at least the equivalent standard as it would be in public ownership.

6.5.4 A clause will be included in the Section 106 legal agreement requiring a management plan to be agreed with appropriate management and maintenance obligations in place with an appropriate bond should the Council be required to step in and takeover if agreed standards are not maintained.

## 6.6 Monitoring contributions

6.6.1 A financial contribution will be sought via a S106 agreement to monitor:

- the implementation of on-site open space ;
- the implementation of alternative natural green space;
- compliance with conditions (as stated in paragraph 1.3.1)

6.6.2 The monitoring will take the form of a number of site visits and the monitoring cost will be based on full cost recovery for the officer time.

## 6.7 Maintenance and Management Contributions for open space

6.7.1 The Council is currently undertaking a detailed study on the specific amount of maintenance and management contribution

required to maintain and manage open spaces in an appropriate condition and in perpetuity, including play areas.

6.7.2 As a guide, the contribution is likely to be in the order of £100k - £120k per hectare of open space provided. Management and maintenance for play areas are likely to be greater than this guidance figure.

### Question 7

**Do you have any comments to make on the Council's approach to securing the necessary financial obligations for off site provision and the necessary contributions towards to future management and maintenance of open space provided on site?**

### Question 8

**Do you have any comments to make on the requirements to provide all necessary open space information as part of the application process and/or the potential for the Council to take an early transfer of open space provided on site?**

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## 7 Transport and Highways

### 7.1 Introduction

7.1.1 The Infrastructure Delivery Plan identifies a package of coordinated transport measures that are needed to mitigate the traffic impacts resulting from housing and other development proposed in the Local Plan. This includes:

- improvements to the local road network,
- improved public transport,
- cycling and pedestrian routes, and
- 'Smarter Choices' promotional measures aimed at encouraging behavioural change towards more sustainable modes of travel.

7.1.2 These measures will be secured via the necessary planning obligations in accordance with the S106 rules set out in Table 1 of this document.

### 7.2 Relevant local plan review policies

#### Policy 7: Strategic Transport Priorities

The Council will support and facilitate major projects that improve public transport services, reduce traffic congestion or improve accessibility or road safety, provided that they can be achieved without an unacceptable impact on the local environment and local communities.

#### Policy 31: Safe and Sustainable travel

New development will be required to:

- i. Prioritise the provision of safe and convenient pedestrian access within developments, by linking to and enabling the provision of more extensive walking networks wherever possible, and where needed by providing new pedestrian connections to local facilities;
- ii. Provide or contribute to the provision of dedicated cycle routes and cycle lanes, linking to and enabling the provision of more extensive cycle networks and providing safe cycle routes to local schools wherever possible;
- iii. Consider and wherever possible minimise the impact of development on bridleways and horse riders;
- iv. Provide sufficient car and cycle parking, including secure cycle parking in schools and colleges, work places, bus and rail stations, and in shopping areas in accordance with the adopted [Parking Standards Supplementary Planning Document](#);
- v. Incorporate infrastructure to support the use of electric vehicles; and
- vi. 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](#).

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## Policy 32 (Saved Policy DM26): Development generating significant freight movements

Development that generates significant freight movements within the Plan Area should be located close to the main road network. Links between such developments and the main road network should be capable of accommodating the additional freight movements anticipated. Appropriate measures to mitigate any demonstrable adverse impact of additional freight movements along such links will be sought. In addition, developers will be expected to work with occupiers of freight distribution developments, to ensure that numbers of, and timings of, lorry movements and access routes are managed to minimise adverse impacts on communities and congestion.

## 7.3 County Highways and Other Travel Measures

7.3.1 Hampshire County Council (HCC) are the Local Highway Authority for the New Forest Local Plan area. New Forest District Council consults Hampshire County Council on planning proposals that affect the highway network. Hampshire County Council provides advice on the scope of obligations for transport infrastructure works and measures where it is considered there is a need to mitigate the impact of new development on the transport network. A range of transport measures may be required as a result of individual schemes. The main types of obligations are likely to be:

- Works required to secure safe access and egress from the development site to the adjoining highway network or to mitigate the direct impact of the development on the off-site road network;

- Provision of internal roads to adoptable standard;
- Site-specific pedestrian and cycle facilities;
- Site-specific measures to improve public transport services and facilities;
- The provision, removal or relocation of street furniture; dropped kerbs; pedestrian crossings; traffic lights; signage; or trees;
- Contributions to car clubs; and
- Traffic Regulation Orders

## 7.4 Travel Plans

- 7.4.1 A Travel Plan is a package of measures to reduce car travel to and from a proposed site, and to encourage the promotion of more sustainable forms of transport by increasing the awareness of travel options, such as walking and cycling, and through the provision of facilities to support such options. Travel Plans should include targets for the reduction in travel related impacts and include resources for supporting and maintaining the travel plan.
- 7.4.2 HCC will require a fee for the monitoring of the travel plan which will be secured via a Section 106 and payable directly to HCC on commencement of development.

## 7.5 Traffic Regulation Orders

- 7.5.1 Traffic Regulation Order is a legal instrument by which Highway Authorities control the use of the highway. TROs are made under the provisions of the Road Traffic Regulation Act 1984 and are designed to regulate, restrict or prohibit the use of a highway, or

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any part of the width of a highway, by vehicular or non-vehicular traffic.

7.5.2 TRO's are commonly progressed for the following:

- Waiting / parking restrictions
- Speed Limit alterations
- Restricted turns at junctions
- Prohibition of driving
- Weight / width and height restrictions

7.5.3 In general terms, and where a TRO is relatively simple and attracts few (if any) objections, the process should normally take approximately 6 months. If the proposals are more complicated, and particularly where the proposed TRO attracts significant objections, the process may take significantly longer, and will also be governed by Committee timescales.

7.5.4 Where HCC requires a TRO to be arranged as part of a development, the full cost to the County Council (or its Agents) are required to be paid. Costs for the progression of the TRO constitute Officer time in preparing and progressing the advert, trying to resolve any objections and preparing the report for approval. In addition, there are costs associated with the advertising of the Order in the local press.

7.5.5 As each TRO is different, costs for processing each application will vary and the County Council requires its full costs to be covered. In general terms, the total cost of progressing a TRO is between £3,000 and £6,000.

7.5.6 A Section 278 or 38 Agreement provides for the recovery of costs to the County Council in connection with the provision of a TRO.

7.5.7 Where a Section 278 or 38 Agreement is not in place at the time of making the application, a written undertaking that the full costs of processing the TRO will be paid is required by the County Council before commencing work.

7.5.8 Where a Developer or Consultant submits an application in advance of design approval being granted, the Developer / Consultant shall acknowledge the risk that if the scheme details change this may impact on the legality of the TRO. Should a further TRO be required as a result of scheme changes the Applicant will be responsible for paying the full costs incurred to the County Council.

## Question 9

**Do you have any comments to make on the Council's approach to securing the necessary financial contributions towards transportation and highways infrastructure?**

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## 8 Education

### 8.1 Introduction

8.1.1 Hampshire County Council has a statutory duty to ensure that sufficient school places are available within the area for every child of school age:

- Whose parents wish them to have one;
- To promote diversity,
- Parental choice and high educational standards;
- To ensure fair access to educational opportunity and
- To help fulfil every child's educational potential.

8.1.2 Since 2011, new providers of school places have been able to establish state funded Free-Schools. There are also a growing number of academies, which are independent of local authority control. Schools places are no longer, therefore, solely provided by the Council so they must work with these other providers to ensure that the need for school places is met.

### 8.2 Relevant Local Plan Review Policy

#### Policy 8: Community services, infrastructure and facilities

In order to ensure the provision of adequate infrastructure and services to meet the current and future needs of residents and businesses in the Plan Area:

- i. The Council will work with:

- a. Community service and infrastructure providers and business interests, to support or enable their delivery of transport<sup>15</sup>, utilities, communications and community service<sup>16</sup> infrastructure projects and facilities that help to address the current and future needs of communities and businesses in the Plan Area; and
- b. Developers through the planning application process, to ensure that proposed developments make sufficient provision for the needs of future occupiers, and mitigate their impacts on existing services and facilities in accordance with **Policy 34: Developer Contributions** and the requirements set out in the **Strategic Site Allocation Policies** and the **Infrastructure Delivery Plan**.
- ii. The Council will support proposals for:
- c. Utilities, communications and transport infrastructure developments that are designed to avoid wherever possible, otherwise to minimise and adequately mitigate, any adverse environmental, health, safety and landscape impacts.
- d. The provision of education, health, social and other community services that are located to be accessible to all sectors of the community.
- e. Development to enable innovative delivery of public services including through the use of mobile services and information technology.
- iii. There will be a presumption against any development that involves the loss of education, health, social and other community services, unless the use of the site or building is redundant, or the service will be provided in another way following a service review

8.2.1 The District Council has been working closely with the County Council to explore new sites for development or extensions to

<sup>15</sup> Strategic Transport Network Assessment (2016), at the above link

<sup>16</sup> New Forest District Council Standards for Formal Open Space August 2017

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existing sites where required to ensure that school provision is considered from the start. It is important for the council to understand the future demographic profile of the area and the current and future capacities of schools.

- 8.2.2 The Demographic Projections for New Forest District (2017) uses the Council's housing trajectory to model what level of population growth might occur if housing delivery comes forward as expected. The number of people aged 4-10 is projected to increase slightly over the first year of the projection and then level off until about 2024. Following that, there is projected to be a period of increase in the age group until around 2028, before the population in this age group begins to decline. By 2036, it is projected that overall the population aged 4-10 in the District will be very slightly lower than in 2016.
- 8.2.3 There are some differences by sub-area, with the South Coastal Towns projected to see an increase in the population aged 4-10, and Totton & the Waterside a decrease.
- 8.2.4 For secondary education, it can be seen by 2036, that the population aged 11-16 is projected to be around 14% higher than it was in 2016. For sub-areas, the analysis suggests increases in the population aged 11-16 in South Coastal Towns and Totton & the Waterside, with a modest decline in Avon Valley & Downlands.
- 8.2.5 Based upon this work, the District Council needs to ensure that the level of additional education provision to meet the additional needs of the population without resulting in either a shortfall or oversupply (due to a decline in the school age population towards the end of the plan period) is provided.

8.2.6 The County Council have undertaken preliminary work to understand where existing schools in the district have the possibility to be expanded and where the peaks will be met over the plan period. The work has also looked at where new school provision is required when expansion is not possible to accommodate planned growth, or where it would not adequately serve new residential developments.

8.2.7 The HCC School Place Plan 2018-2022 shows that at this point of time:

- There is a surplus in Fordingbridge, Ringwood and the general Waterside (albeit schools be at capacity due to out of catchment enrolments from parental choice);
- The existing need is met in Lymington and New Milton;
- There is a deficiency in Totton.

8.2.8 In line with central government guidance on developers' contributions given in paragraph 204 of the National Planning Policy Framework (NPPF), HCC has an expectation that developers' contributions to meet the cost of children's services facilities required as a direct consequence of development will be sought. HCC have published guidance<sup>17</sup> to help developers make informed decisions about the potential level of contributions they may be required to make towards education facilities. The figures quoted in the next sections are in accordance with this guide

<sup>17</sup>

<http://documents.hants.gov.uk/education/DeveloperContributionGuidanceDocumentMay2017.docx>

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## 8.3 Primary Education Facilities

8.3.1 Based on the level of proposed development, HCC have identified where new capacity is required. The following is a subarea breakdown with specific primary schools identified:

### Totton and the Waterside

- Totton – Generates 1.4FE<sup>18</sup> additional primary age pupils. 1FE expansion of Calmore Infant and Junior School (**approximate cost £1.4m**) plus 0.5fe expansion of another local school (1.9m). Or, new school provision within the strategic site SS1 – S106 funded (land reserved in policy)
- Marchwood – Generates 1.6fe additional primary age pupils. 1FE expansion at Marchwood Infant/Junior Schools (**approximate cost £4.2m**) for sites SS2 and SS3 – S106 funded. Depending on the timing and the pressure/forecasts at the time, additional expansion of another local school may be required.
- Fawley – Generates 1.4fe additional primary age pupils. Expansion required or relocate school for site SS4 (**approximate cost £4.2m**)

<sup>18</sup> FE means Form of Entry (1 Form of Entry (FE) equals 30 places per year group. Primary schools typically have 7 year groups from reception through to year 6; therefore a 1FE school has 30 x 7 = 210 pupils. Many primary schools also have a nursery class, typically with 30 places which operates morning and afternoon sessions.)

### South Coastal Towns

- Lymington – Generates 0.4fe additional primary age pupils. 0.5FE expansion at Pennington Infant and Junior (as the closest school) or Our Lady and St Joseph Catholic Voluntary Aided Primary School for sites SS5 and SS6 (**approximate cost £1.8m**)
- Milford on Sea – Generates 0.1fe additional primary age pupils. 0.5FE expansion at Milford on Sea CE Infant and Junior School for site SS7 (**approximate cost £1.8**)
- Hordle – Generates 0.1fe additional primary age pupils. Potential solution of 0.5FE expansion at Hordle Primary School for sites SS8 and SS9 (**approximate cost £1.8m**)
- New Milton – expansion of New Milton Infant and Junior (1FE) and Ashley Infant and Junior (0.5FE) for sites SS10 and SS11 – S106 funded (**approximate cost £1.8m**)

### Avon Valley and Downlands

- Ringwood – 1.5FE expansion required to Ringwood CE Infant and Junior Schools/Poulner Infant and Junior Schools for sites SS13 and SS14 (**approximate cost £4.2m**)
- Fordingbridge – 1.5FE expansion required to Fordingbridge Infant and Junior Schools for sites SS15, SS16 and SS17 (**approximate cost £4.2m**)

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- 8.3.2 Contributions will only be collected for primary education contributions if at the time of a planning application suitable evidence is provided by HCC to justify the demand at the time of application without resulting in an under capacity in future. Contributions will be collected in line with the Hampshire County Council policy regarding contributions.

## 8.4 Secondary Education Facilities

- 8.4.1 HCC have indicated that there is capacity within the existing secondary schools to accommodate proposed development over the plan period. However, there may be some instances over the plan period where additional facilities are required as follows:

### Marchwood

1fe expansion of Applemore College is likely to be required if all housing is approved. **(Approximate cost £5.5m)**

### Lymington

0.5fe expansion of Priestlands School is likely to be required if all housing is approved. **(Approximate cost £3m)**

### New Milton

If all proposed housing allocations are approved, an expansion of The Arnewood School would need to be considered. **(cost to be determined if required depending on size of expansion )**

### Fordingbridge

The Burgate School takes pupils from outside of its catchment, but it is full. A Permanent expansion may not be required but A Permanent expansion may not be required but contributions may be needed to mitigate at least the initial impact of development. **(cost to be determined if required depending on size of expansion )**

- 8.4.2 The Department for Education set out baseline costs to provide a new school or extensions to schools which have been benchmarked looking at local circumstances to expand within the New Forest area. Therefore the same costs are given local indices across the board based on site specific issues relevant to the local area.
- 8.4.3 Where school provision will be made by providing new schools or expanding existing schools located offsite that are specifically required to serve new development sites, S106 obligations will be collected in accordance with Regulation 123 of the CIL Regulations 2010 (as amended).
- 8.4.4 If land reserved on a strategic site for education is required then this will be offered as a payment in kind in lieu of any financial contribution.

## Question 10

**Do you have any comments to make on the Council's approach to securing the necessary financial contributions towards education provision?**

# A guide to developer contributions

## 9 Completing the agreements

### 9.1 When is the necessary planning obligation/legal agreement negotiated?

9.1.1 It is normal practice to secure the provision of developer contributions which are negotiated as part of a private development through a legal agreement (known as a 'Planning Obligation') under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended). The cost of drawing up such an agreement will be met by the applicant.

9.1.2 To speed the planning process, pre-application discussions will clarify the Council's requirements. A planning application should be accompanied by a statement identifying a willingness to enter into an Agreement to pay contributions and confirmation of the scale/extent of the contributions offered. The terms of any planning obligation/ legal agreement will be agreed and an Agreement should be drawn up and signed as part of the application process.

### 9.2 Trigger Points

9.2.1 During the s106 negotiation process, trigger points for each obligation will be agreed upon between the developer and the Council.

9.2.2 There are established trigger points which are suitable for s106 agreements and triggers selected in each case will be based on the nature of the obligation and the stage at which mitigation is required. The established trigger points are:

- Upon the date that the agreement is signed;
- Upon or prior to commencement of the development;
- Upon or prior to first occupation/first use of the development.
- For larger scale development it may be appropriate to agree phased infrastructure provision.

9.2.3 The Council starts managing and monitoring each s106 Agreement/Unilateral Undertaking from the moment it is signed. This is a complex process with multiple trigger points and obligations.

### 9.3 Enforcement of Obligations

9.3.1 If it is evident that a Planning Obligation is not being complied with, officers will consider instigating enforcement action if other measures fail. Planning contributions are enforceable by New Forest District Council.

9.3.2 In the courts by applications for an injunction or recovering contributions payable by carrying out any operations required by the Planning Obligation and recovering the cost from the person(s) against whom the obligation is enforceable.

### 9.4 Index-Linking Payments

9.4.1 Financial contributions will be index-linked in order to allow for the fluctuation of prices between the date the agreement is signed and the date the payment is made. This is calculated based on the indexation adjustment of the relevant index, from the date the s106 agreement is signed to the expected date of

payment. The additional amount paid on top of the financial contribution adjusts the contribution in accordance with inflation.

- 9.4.2 The method of indexation should be specified within the planning obligation and will usually be the Retail Price Index (RPI published by the Department of Trade and Industry (DTI)) In the event that the index shall decrease, the contribution shall not fall below the figure set out in the s106 agreement.

# A guide to developer contributions

## 10 Further Information

- Local Plan Review Part 1: Core Strategy
- Local Plan Part 2: Sites and Development Management

### Planning Contacts

For general enquiries about this SPD or other planning issues relating to the Local Development Framework please contact:

Planning Policy Team  
Appletree Court  
Beaulieu Road  
Lyndhurst  
SO43 7PA  
Tel: 023 8028 5555  
Email: [policyandplans@nfdc.gov.uk](mailto:policyandplans@nfdc.gov.uk)

For general enquiries relating to the development of a specific site/pre-application enquiries please contact:

Development Control  
Appletree Court  
Beaulieu Road  
Lyndhurst  
SO43 7PA  
Tel: 023 8028 5345  
Email: [dev.control@nfdc.gov.uk](mailto:dev.control@nfdc.gov.uk)

### Useful Links

Other information relating to the Council's Local Development Framework can be found on the Council's website – [www.newforest.gov.uk](http://www.newforest.gov.uk)

This includes:

## **Appendix 1**

### **Comment form for submitting comments**

Please use this form to submit any comments you may have on this draft document.

You do not have to answer every question.

Forms should be returned to [policyandplans@nfdc.gov.uk](mailto:policyandplans@nfdc.gov.uk) by midnight 30 September 2018

Please do not use this form if you are commenting on any of the other draft supplementary planning documents listed in the form or if you are looking to submit a representation on the pre-submission draft of the Local Plan Review 2016-2036: Planning Strategy



New Forest District Council Local Plan

Ref:

(For official use only)

## A Guide To Developer Contributions

### Supplementary Planning Documents Representation Form

New Forest District Council has prepared a following draft Supplementary Planning Document (SPD) on the above topic to provide further details on certain policies contained within the New Forest district (outside of the National Park) Local Plan 2016-2036 Part 1 Planning Strategy – Pre-Submission Draft

These documents are available for public consultation from 7 July 2018 to 30 September 2018. All comments made should be restricted to the content of the draft SPD.

**Do not use this form to make representations on the Pre-submission draft Local Plan.**

Further copies of the form can be obtained from the Planning Policy Team, downloaded from the Council's website or you can photocopy this form.

#### Part A

##### 1. Personal Details\*

##### 2. Agent's Details (if applicable)

\*If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in 2.

Title

First Name

Last Name

Job Title

Organisation

(where relevant)

Address Line 1

Address Line 2

Address Line 3

Postal Town

Post Code

Telephone Number

Email Address

(where an email address is given, this will be used as the primary means of contact)

Signature:

Date:

#### Would you like to hear from us in the future?

I would like to be added to the database to receive updates on the Local Plan

Please do not contact me again

# A Guide To Developer Contributions

## Supplementary Planning Documents Representation Form

(For official use only)

**PART B: Your Comments**

Please set out your comments below using additional sheets as necessary. Your comments should be set out in full – this will help the Authority to understand the issues you raise.

Please return completed forms to [policyandplans@nfdc.gov.uk](mailto:policyandplans@nfdc.gov.uk) by midnight on the 30 September 2018.

**Sharing your personal details**

**Representations cannot be treated as confidential and will be published on our website alongside your name.** If you are responding as an individual rather than a company or organisation, we will not publish your contact details (email / postal address and telephone numbers) or signatures online, however the original representations are available for public viewing at our council office by prior appointment.

*(Continue on separate page /expand box if necessary)*

Question 1 Are there any other types of general developer contribution not covered by Policy 34 that you feel should be covered in this Supplementary Planning Document?

Question 2 Do you have any comments to make about the Council's approach to determining contributions and viability as part of the application process?

Question 3 Do you agree with the Council's approach to negotiating affordable housing in the exceptional circumstances where on site affordable housing is not provided in accordance with Policy 17?

Question 4 Do you have any comments to make on the Council's approach to securing the necessary financial contributions towards to implementation of mitigation for recreational impacts of European sites?

Question 5 Do you have any comments to make on the Council's approach to securing the necessary financial contributions wards mitigating the impacts phosphorus in the River Avon?

Question 6 Do you have any comments to make on the Council's approach to securing the financial requirements mitigating the impacts on Air Quality in relation to the proposed residential development proposed in the Local Plan Review Part 1: Planning Strategy?

Question 7 Do you have any comments to make on the Council's approach to securing the necessary financial obligations for off site provision and the necessary contributions towards to future management and maintenance of open space provided on site?

Question 8 Do you have any comments to make on the requirements to provide all necessary open space information as part of the application process and/or the potential for the Council to take an early transfer of open space provided on site?

Question 9 Do you have any comments to make on the Council's approach to securing the necessary financial contributions towards transportation and highways infrastructure?

Question 10 Do you have any comments to make on the Council's approach to securing the necessary financial contributions towards education provision?

Do you have any further general comments to make on the document?