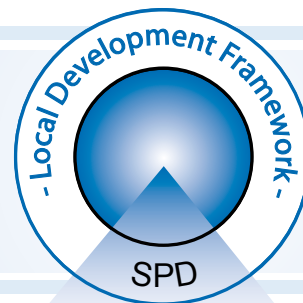




**TEST VALLEY**  
BOROUGH COUNCIL



Test Valley Borough Council

# Infrastructure and Developer Contributions

Supplementary Planning Document

February 2009



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This Supplementary Planning Document (SPD), along with its Sustainability Appraisal, was subject to a period of consultation from 18th April '08 – 23rd May '08 for a five week period. Any questions or comments should be sent to:-

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# 1 Introduction

- 1.1** The purpose of this Supplementary Planning Document (SPD) is to provide guidance on the policies in the Test Valley Borough Local Plan (2006) relating to developer contributions towards community benefits and infrastructure. This guidance is intended to bring together detailed practical information on how contributions will be negotiated. It supports the Local Plan policies by explaining in more detail how the policies can be applied successfully and quickly and details of what contributions the Council will be seeking.
- 1.2** The consultation and adoption of this statement has followed the process outlined in the Council's Statement of Community Involvement. The production and consultation of a Sustainability Appraisal coincided with this process. All comments received have been taken into consideration before the adoption of the statement as SPD.
- 1.3** It should be noted that this document should be read in conjunction with the Development Plan and other Supplementary Planning Guidance or Document such as Planning or Design Briefs prepared in relation to specific sites.

## Background

- 1.4** Appropriate benefits provided in association with new development are normally secured through the planning application process, by means of planning obligations under Section 106 of the Town and Country Planning Act 1990 (S106 agreements) and/or agreements under Section 278 of the Highways Act 1980.
- 1.5** These agreements may relate to the provision of community infrastructure on-site or off-site by the developer, or to the payment of financial contributions to the Borough or County Council or other public service body which will provide the facilities within an agreed timescale.
- 1.6** This SPD seeks to make the provision of community benefits and infrastructure an open and clear process in which developers, landowners and the wider public can have confidence by:
- setting out the Council's objectives in relation to the securing of community benefits;
  - summarising the relevant policies in the Borough Local Plan (2006);
  - suggesting general principles and protocols;
  - dealing with the processes for submission and handling of applications where community benefits will be sought.



- 1.7** The Government has introduced provisions within the planning bill for the new community infrastructure levy in order to support housing and economic growth. This SPD will be revised to reflect this guidance as and when necessary. It may also be required to revise the document following monitoring of its implementation and update of the Core Strategy.

### Government Policy Guidance and the Legal Position

- 1.8** Current national policy on planning obligations is set out in Circular 05/05<sup>1</sup> and states that obligations are *“intended to make acceptable development which would otherwise be unacceptable in planning terms”* (para B3). On this basis the Council will seek to enter into planning obligations which either prescribe the nature of development; or secures a contribution from a developer to compensate for the loss or damage created by a development; or to mitigate a development's impact (para B3).
- 1.9** Planning obligations can only be sought from a development which will cause a direct impact. To ensure that contributions are necessary and appropriate the Circular sets out a series of tests (known as the Necessity Test) which state that planning obligations can only be sought if they meet all of the following tests (para B5):
- A planning obligation must be:
- Relevant to planning;
  - Necessary to make the proposed development acceptable in planning terms;
  - Directly related to the proposed development;
  - Fairly and reasonable related in scale and kind to the proposed development; and
  - Reasonable in all other respects.
- 1.10** The Circular guidance will be a material consideration in the determination of planning applications. The benefits provided from a planning obligation are also a material consideration and the weight attached to these is a matter for the Borough Council to consider. Case law<sup>2</sup> has indicated that an offered planning obligation, which has nothing to do with the proposed development, could not be regarded as a material consideration.
- 1.11** In certain circumstances the Highways Agency will need to be consulted and obligations sought following guidance in Circular 02/2007 Planning and the Strategic Road Network (para 28) which states that *‘improvements required to mitigate the impact of traffic generated by developments will also need to address any existing issues at that location, unless the Agency already has a firm commitment to do so.’*

<sup>1</sup> Available on the Department of Communities and Local Government website at [www.communities.gov.uk](http://www.communities.gov.uk)

<sup>2</sup> Tesco Stores Ltd v Secretary of State for the Environment [1995]



## The Development Plan

- 1.12** The Development Plan in Test Valley consists of the Regional Planning Guidance Note 9 (2001), certain saved policies of the Hampshire County Structure Plan (1996 – 2011)<sup>3</sup> and the Adopted Test Valley Borough Local Plan (2006).
- 1.13** The draft South East Plan recognises that the contributions from development are required in order to deliver necessary infrastructure (Policy CC5). The draft also recognises the importance of sustainable construction within Policy CC4.
- 1.14** Para 13.2 of RPG 9 (2001) recognises that “developer contributions should assist in the delivery of the strategy set out in this [RPG] guidance”.
- 1.15** One of the objectives of the Local Plan is to meet the needs for housing, employment, community facilities, tourism and infrastructure in ways that support viable communities, maintain a robust local economy and maintain the high quality environment of the Borough.
- 1.16** The Local Plan indicates that a range of services and facilities is often necessary for development to proceed. Such services may include power, water supplies, sewage<sup>4</sup> and surface water disposal, schools, shops, recreation, transport, health, social, cultural and recycling facilities. Many services and facilities need to be connected or provided either before development takes place or at an early stage in construction or occupation.
- 1.17** The Local Plan goes on to say that where new services or facilities are required specifically as a result of the development then planning permissions will be granted subject to agreements to secure the provision of those facilities. Contributions may take the form of commuted payments for the Council to provide the facilities rather than direct provision by the developer. It also notes that developers will be expected to negotiate with the Council, and in appropriate circumstances with the relevant statutory undertaker, for the provision of infrastructure.
- 1.18** Community benefits may also be required in relation to other policies and strategies of the Borough Council and to services provided by other authorities.

<sup>3</sup> GOSE direction under para 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004.

<sup>4</sup> Satisfactory water supply and drainage are essential requirements in all new development. If existing capacity in the local sewerage system and/or the water supply network is insufficient to meet the anticipated demand, the developer will need to requisition a connection to the nearest point of adequate capacity, as defined by Southern Water. The requisitioning process is covered by sections 41 and 98 of the Water Industry Act (1991) and is the legal mechanism by which developers should provide the local infrastructure required to service their site.



**1.19** Within the local plan, the key policy which is relevant to this statement is:

- **ESN 30: infrastructure provision with new development**

This is a general policy which covers all aspects of infrastructure and community facilities directly related to and necessary for development. There are specific policies for transport and open space:

- **TRA 04: financial contributions to transport infrastructure**
- **ESN 22: public recreational open space provision**

**1.20** You are strongly advised to also refer to the relevant policies within the Borough Local Plan 2006. Guidance on Affordable Housing within settlements and rural exception sites are dealt with in a separate SPD.

**1.21** While all contributions are negotiable in relation to each individual site, each annex shows the potential charges to guide developers. These vary in relation to both scale and type of development. The Council considers that even relatively small developments create pressure on local services and infrastructure and this has a cumulative effect.

**1.22** Contributions for particular community benefits will not be required from developments where it is clear that the particular use would not create pressure e.g. contributions for education facilities would not be expected from development for elderly persons dwellings.



## 2 The Council's Objectives for Community Benefits

2.1 The community benefits which the Council are seeking to improve, in part, through developer contributions are identified within the following documents.

### The Test Valley Partnership Community Plan

2.2 The Council has produced a community plan in partnership with the private sector, organisations and the public. This has identified eight objectives, listed below, which are priorities for the Council. The contributions sought by the Council are linked to achieving these objectives.

The key aim of the Partnership is to improve the quality of life in Test Valley by:-

- Encouraging healthy lifestyles
- Supporting education and lifelong learning
- Helping to sustain a thriving local economy
- Helping to meet transport needs
- Helping to create strong local communities
- Supporting a wide range of high quality leisure and cultural activities
- Helping to maintain a high quality environment
- Encouraging community safety

### Test Valley Borough Council Corporate Plan 2007-2011

2.3 The Corporate Plan sets out six strategic priorities for improving the quality of life for Test Valley residents. The plan's priorities can be achieved, in part, through seeking contributions or works from developers.

- Creating Stronger and Safer Communities
- Improving Cultural Opportunities
- Promoting Health and Well-being
- Protecting and Enhancing the Environment
- Maximising Capacity and Impact
- Enabling a Prosperous Economy



## 3 General Considerations and Protocols

- 3.1 The Council will expect the following principles to apply to the negotiation and completion of agreements relating to the provision of community infrastructure and affordable housing:
- (a) Planning applications for development in the Borough must include provision for new, improved or additional infrastructure where necessary to address the consequences of that development.
  - (b) The Council will encourage pre-application discussions with developers which will include a checklist of the community benefits and infrastructure likely to be required. (Note that this is not always definitive or complete as issues may arise during the consultations on the development proposals. Final decisions are made by the Planning Committees).
  - (c) Provision may be made on-site or off-site in accordance with the requirements of the local plan policies or development briefs and the SPD on affordable housing.
  - (d) Developers can meet the need for community infrastructure by direct provision, for example, constructing buildings to the Council's specifications. However, the Council may seek to secure financial contributions which will speed up the Section 106 process and ensure that the Council has control over the construction of the infrastructure (e.g community building) and of any associated public consultation process.
  - (e) The Council will try to ensure, through its Capital Programme, that any facilities for which it has taken responsibility, are put in place at the time of the development.
  - (f) Contributions from smaller developments are likely to be in the form of commuted payments which will be pooled in order to provide appropriate off-site infrastructure within the Parish.
  - (g) Contributions from small developments in the rural area of the Borough will be pooled to be used for community benefits within the Parish where the development has taken place or within adjoining Parishes if appropriate, e.g. village schools tend to serve more than one Parish area.
  - (h) The provision of appropriate infrastructure will apply not only to housing and all other types of development sites allocated in the Local Plan but also to windfall sites not specifically identified.
  - (i) Planning Briefs or Position Statements will be prepared by the Council for major developments and will include the specific community benefits and infrastructure requirements.
  - (j) The Council will refuse applications if Section 106 agreements are not completed within the 8 or 13 week period for determining minor and major applications. Major applications with Environmental Statements should be determined within 16 weeks.





## **4 Submission and Determination of Planning Applications Involving Legal Agreements**

- 4.1** Below is a summary and flow diagram (pg 15) of the process of determining a planning application.
- 4.2** Upon receipt of a pre-application inquiry by a developer, where the proposal is likely to involve provision of community benefits and infrastructure, a Case Officer will be assigned. He/she will carry out consultations within the Council including the highway authority to ascertain the likely site specific requirements. From this “scoping exercise” the Case Officer will provide the developer with details of these requirements. No external consultation is undertaken during the pre-application stage. The final figures for any financial contributions will depend on the approved details of a proposal which may change during the formal consultation process on the planning application.
- 4.3** Alternatively, developers may indicate that they wish to pay the relevant charge and provided there is no need for any on-site works or provisions, officers will confirm if this is likely to be acceptable. The Council will expect a unilateral undertaking to be submitted where the developer agrees with the principle and cost of contributions required following the use of this statement or following a pre-application discussion. The undertakings put forward by the applicant do not have to be accepted by the Council.
- 4.4** When the application is submitted and the Case Officer considers that the proposal for development is acceptable in principle and likely to be recommended for approval by the officers, work will start on the preparation of the Section 106 agreement. In some circumstances this would involve the County Council as signatories. Applications for larger schemes submitted without pre-application discussions and the “scoping exercise” will inevitably take longer to process and developers may expect a refusal if the process exceeds the 8 or 13 week time limits for the determination of applications.
- 4.5** The developer will be expected to provide title details and an undertaking to pay the Council’s legal costs to enable the work to progress on receipt of the scoping document from the planning case officer. Planning applications will not be reported to the relevant Planning Committee unless and until the necessary legal agreement(s) have been agreed in final draft stage. This will allow the planning permission to be issued very soon after the Committee resolution for approval and within the Council’s targets for determination of applications.



- 4.6** The Council also wishes to prevent problems arising because developers may delay the completion of agreements, and hence the grant of planning permissions, following the Committee resolution. This has the effect of keeping applications “alive” for much longer than the current three years allowed for implementation and is contrary to the objective of delivering the Council’s housing targets. Where agreements are not completed within six months of the date of the Committee resolution and an extension of time has not been agreed in writing, the application will be treated as withdrawn and will be finally disposed of in accordance with Article 25(11) of The Town and Country Planning (General Development Procedure) Order 1995. No further action will then be taken on the application and there is no opportunity to appeal.
- 4.7** Payment of contributions will generally be sought upon commencement of development unless it is agreed that an alternative trigger is appropriate and acceptable. For large scale proposals, the Council will (where appropriate) consider payment of phased contributions according to commencement, different stages in implementation, occupation and completions on site, to be agreed by negotiation.



## 5 Monitoring

- 5.1 When agreements are completed the requirements will be monitored by the Enforcement Team in the Development Control section to ensure that all provisions have been met. However, it is the applicant's responsibility to make sure that payments are made on time. This is to ensure that the projects and works are not unduly delayed.
- 5.2 On large schemes, the Section 106 is to include an obligation that the developer will notify the Council of commencement of any trigger point being reached and an annual update of progress of completions.
- 5.3 The information on legal agreements will be summarised and reported as part of the Council's Annual Monitoring Report as required under the Planning and Compulsory Purchase Act 2004.



## 6 Use of Contributions

- 6.1** To ensure transparency in negotiation, the wording of the S106 will ensure that contribution will be spent on specific projects or uses. Agreed contributions will also be restricted within the S106 to the parish or ward in which the development is taking place unless previously agreed with the Council. Contributions received by the Borough Council are not to be spent on maintenance of existing facilities unless the contribution is explicitly for that purpose.
- 6.2** Contributions may be pooled in order to implement proposals and strategies which are to be undertaken by the Council or another responsible body. Where contributions have been received, primarily for public open space, and where the contribution is not required for the implementation of another scheme/strategy, the relevant Ward Member and the Parish Council will be notified.
- 6.3** The Council will provide each Parish Council (in whose area contributions have been received) with a financial position statement and procedure note, outlining what the Parish Council would need to do to secure the funding and the conditions on how the contributions will be released. The Council will provide Parish Councils with updates regarding contributions at appropriate times. Parish Councils will be offered the opportunity to meet with the Council to discuss what the funding could be spent on.
- 6.4** When a request is received to allocate developer contributions for an external project (i.e. one led by a Parish Council) the following steps will need to be taken:
- (a) A judgement will be made as to whether the project falls within the terms of the S106 agreement. If it does not and there is a wish to proceed with the request, then a separate report will need to be submitted to the Cabinet.
  - (b) Classification will be sought from other relevant services (e.g. leisure) to ensure that the contribution is not required for any existing or proposed Council scheme. If a scheme does exist then the contribution will be earmarked for that scheme.
  - (c) The Head of Finance will be consulted to provide an internal check that the financial implications of agreeing the proposed scheme have been assessed.
  - (d) The agreement of the portfolio holder will be sought on the principle of the contribution going to the project.
  - (e) The Council will need to see evidence of a formal proposal (with documentation) along with a letter confirming support of the Parish Council and the relevant Ward Member. Once the proposal is sound on both technical and financial grounds (e.g. scheme will meet safety standards) then the contribution will be released by the Head of Planning.<sup>5</sup>

<sup>5</sup> as agreed at Executive 02/04/08



## **7 Development Viability**

- 7.1** In certain cases the cumulative impact of planning obligations may affect the viability of developing a site (e.g. when contamination results in high remediation costs). A developer must consider the overall cost of development, including obligations, prior to purchasing a site.
- 7.2** If a developer cannot deliver all of the planning obligations required by a proposed development, it is their responsibility to demonstrate how this would threaten the development's viability. The developer must identify all the relevant issues and costs and provide sufficient financial justification for the reduction in contributions (any financial information will be treated as confidential). The financial justification (including data on construction type, materials and local examples) will be assessed by the Council's Valuer or an independent expert.

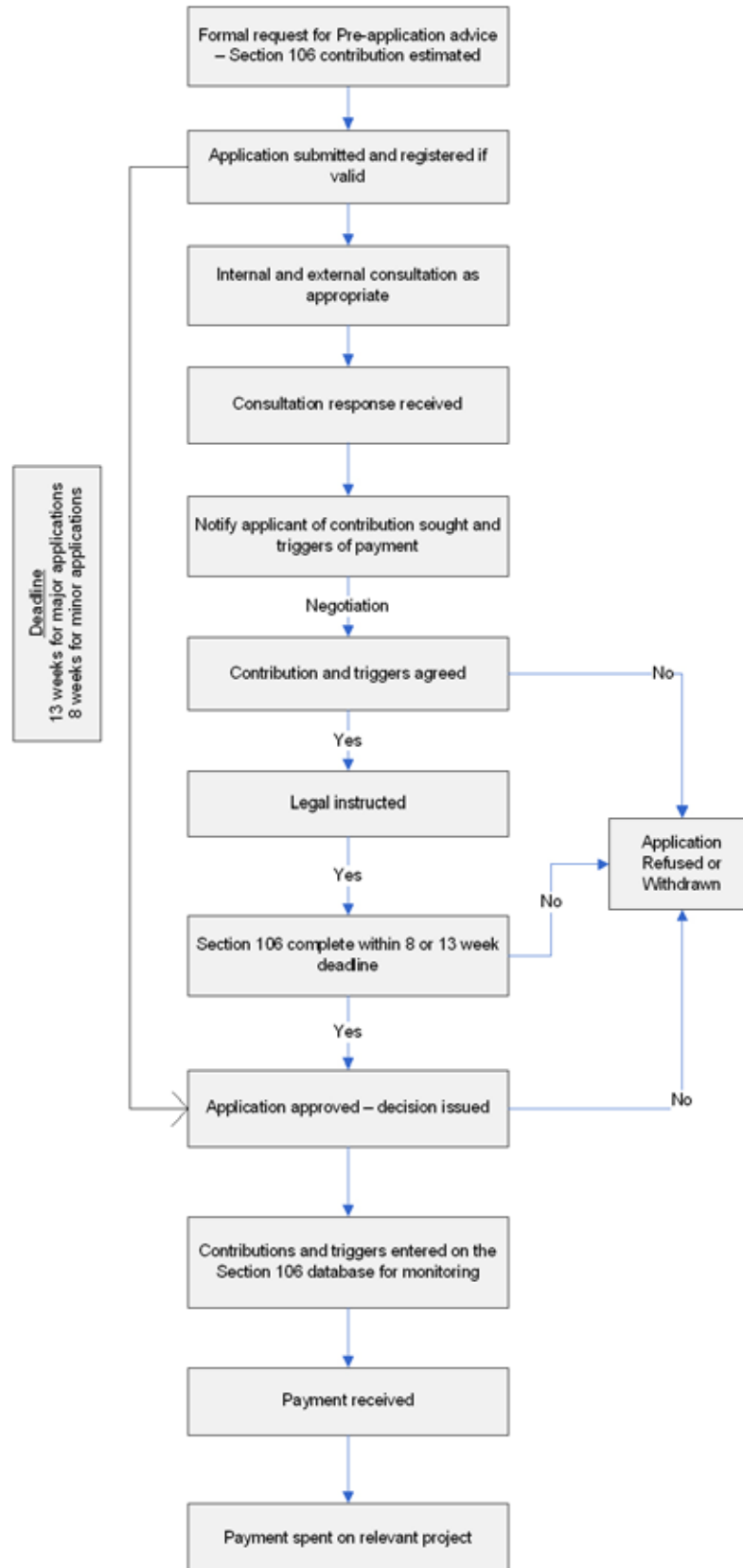


## 8 Conclusion

- 8.1 It is intended that by following the guidelines set out in this SPD developers and council officers will contribute jointly towards the efficient and effective provision of community benefits and infrastructure in Test Valley Borough. Whilst these are general guidelines for developers, the exact amount of on-site provision and financial contribution towards off-site provision will be determined by negotiation on a site by site basis.



## Flow Diagram showing process of a Section 106 agreement





# Annex 1 - Public Open Space, Sports, Community and Cultural Buildings

## Public Open Space

### Policy ESN 22: Public Recreational Open Space Provision

New housing development where there is a net increase in dwellings will be permitted subject to:

- a) the provision of open space to a standard of at least 2.8 ha per 1,000 population comprising:

sport's grounds / formal recreation	1.0ha
parkland	0.4ha
informal recreation areas	0.8ha
children's play space	0.6ha

as net areas of usable open space, excluding access, parking, ancillary buildings, landscaping and safety margins sufficient to avoid the need for visually intrusive fencing;

- b) the laying out and equipping of the open space to a high standard at an early stage in the development; and
- c) arrangements for the long term maintenance for the open space having been made.

**A1.1** PPG 17 'Planning for Open Space & Recreation' (para 33) states that "*planning obligations should be used as a means to remedy local deficiencies in the quality and quantity of open space and recreation provision. Local authorities will be justified in seeking planning obligations where the quality and quantity of provision is inadequate or under threat, or where new development increases local need*". To ensure that new residential development does not cause or exacerbate existing deficiencies in the quantity or quality of recreational open space the Council will seek either the provision of, or contributions to, public open space from anywhere where there is a net gain in dwellings.





**A1.2** Contributions are based on a per person figure and will be calculated on a case by case basis taking into account the proposal, site location and existing provision based on the Council's open space audit and the specific projects identified within the Council's 'Green Spaces Strategy' and future Council schemes. The Council will not seek contributions from types of housing which are unlikely to generate demand for such facilities e.g. sheltered housing for the elderly. With certain proposals only part contributions will be sought e.g. the Council will not seek a contribution towards parkland from schemes within a rural locale and will not require a contribution from one bed units towards a children's play scheme. The Council will not include landscaping, wildlife site, flood water storage areas or private amenity areas within the public open space calculations unless it is demonstrated that these areas have a primary recreation function. Definitions of the four types of open space can be found in annex 1 of the Borough Local Plan 2006.

**A1.3** To apply the standard the Council will use the following conversion:-

**Table 1: Applying the Open Space Standard**

Number of bedrooms per dwelling	1	2	3	4 or more
Number of persons per dwelling	1	2	2.5	3

Where an outline application has been submitted a rule of thumb conversion of 2.4 persons per dwelling will be applied to give a provisional calculation. This contribution will be revised once the house types are confirmed.



**A1.4** The per person contribution figures are derived from the cost of a sqm of each of the different types of Public Open Space and how many sqm one person requires (see table 2). This is based on the Council’s best practice in providing such facilities.

**Table 2: Public Open Space costs**

Type	sqm	Cost (£) per sqm	Financial contribution £ (2002)	Financial contribution £ (2009)
Sports Ground/Formal Recreation	10	57.68	576.80	693.50
Parkland	4	53.25	213.00	256.09
Informal Recreation	8	51.83	414.64	498.77
Children’s Play Space	6	54.00	324.00	389.56

Note: The 2002 contributions figure has been included to show the base of the index for the 2009 contribution.

**A1.5** It would be expected that on all but the largest sites a financial contribution towards sports ground and parkland will be sought rather than facilities provided. The contribution will be £693.50 per person for sports ground and £256.09 per person for parkland.

**A1.6** To calculate the space required on-site the following formulae can be used:

Informal open space:  $8,000\text{sqm} / 1,000 \times \text{number of people on site (see table 1)} = \text{informal open space requirement.}$

Where some or all of the informal open space and children’s play space cannot be provided on-site developers may provide for the need of their development off-site. This can either be directly or by a commuted sum payment towards the provision of, or improvement to, an area located in the vicinity. Where a contribution is required the Council will require £498.77 per person towards informal recreation and £389.56 per person towards children’s play space.

**A1.7** Where a financial contribution towards open space has been secured on the basis of existing provision, the Council will seek agreement of the developer to pool that contribution. This would provide flexibility to best meet the needs of the area.



**A1.8** To assist the Council has produced a table showing the relevant contributions (see table 3). To calculate the requirement for each of the four types of open space multiply the cost given for each dwelling type by the number of dwellings of this type being provided.

**Table 3: Public Open Space contributions**

	Sports Ground/ Formal Recreation		Parkland		Informal Recreation		Children's Play Space	
	On site	Off site	On site	Off site	On site	Off site	On site	Off site
Location								
Unit Type								
One bed	10sqm	£693.50	4sqm	£256.09	8sqm	£498.77	N/A	N/A
Two beds	20sqm	£1,387.00	8sqm	£512.18	16sqm	£997.54	12sqm	£779.12
Three beds	30sqm	£1,733.75	10qm	£640.22	20sqm	£1,246.92	15sqm	£973.90
Four + beds	40sqm	£2,080.50	12sqm	£768.27	24sqm	£1,496.31	18sqm	£1,168.68
Unknown	24sqm	£1,664.40	9.6sqm	£614.61	19.2sqm	£1,197.04	14.4sqm	£934.94

Note: All financial contributions are from April 2009 and will be indexed linked annually.

**A1.9** The wording of the legal agreement concerning open space will include the quantity provided and/or the contribution required, the trigger for when the work or payment should be made and when it should be completed. Where an outline application has been submitted wording shall be included which refers to the provisional contribution e.g.

*The Parkland contribution is the sum found by multiplying the figure of £256.09 (index linked) by the total number of persons taken as occupying the dwellings for which planning permission is granted (which number shall be determined in accordance with applying the open space standard table).*

**A1.10** On larger schemes where the open space is provided on-site the developer/landowner will be required to provide for the long term management and maintenance of the public open space and facilities for a period of 20 years through a legal agreement. This will include details of adoption of the open space by the Council with an appropriate commuted sum payment. Exceptionally adoption by a bonded management company may be considered. Prior to transfer and where repeated site inspections are required the Council will negotiate for the officer fees to be paid by the developer.



**A1.11** The Council has produced its Core Strategy 'Pre Submission Draft' (October '08) Policy CSP24: Public Open Space Provision. This contains requirement for 0.2ha of allotments per 1,000 population. The Council will seek the provision of allotments where appropriate.

## Sports, Community and Cultural Buildings

### **ESN 30: Infrastructure Provision with New Development**

**Development should make appropriate provision for infrastructure and community facilities directly related to and necessary for the development, having regard to the type, location, scale, and cumulative impact of the development proposed.**

**A1.12** The Council is keen to ensure that all developments where there is a net increase in the population do not overload the existing infrastructure of community, sports and cultural facilities within Test Valley. A network of community facilities is believed to be integral to the generation of a sense of community, health and pride.

**A1.13** Contributions will be sought from developers towards either the improvement of existing community, cultural and sports buildings where there is capacity to do so, or provide new facilities in areas where distinct communities are being created or significantly enlarged. Standards are provided in table 4. The Council will seek contributions towards town wide community facilities where the increase in population, arising from major sites, will have an impact on the existing provision.

**A1.14** From using the Sport England 'Sports Facility Calculator' which uses national participation rates for swimming and applies these rates to the specific population profiles based on the 2001 census it can be shown that there is a deficit of provision within Andover. It is therefore considered appropriate to require a contribution from all major residential applications. Following the same methodology there is no requirement for an additional facility within Southern Test Valley.



**Table 4: Sports, Community and Cultural Buildings**

Facility	Definition	Standard <sup>5</sup>	Contribution (£)	Trigger
Community Hall	Multi-purpose facility that can be used by the whole community for a range of leisure and cultural interests, e.g. arts, crafts. As a general rule, a new community centre requires at least one part-time Community Development Worker to generate community spirit, encourage active participation and support community groups, activities and events.	450m <sup>2</sup> hall and 1 part time Community Worker for a period of 5 years per 2,000 people.	£625 per dwelling towards the provision of, and, improvement to community facilities where justified.  New facility & part time worker required subject to local provision.	All major (10+ units [net]) residential applications.  From residential proposals of 500+ units. Considered on a case by case basis.
Sports Hall	Facility which is specifically designed for the purposes of playing indoor sport e.g. badminton, martial arts and fitness activities.	4 badminton court hall with changing accommodation.	£600 per dwelling towards the provision of, and improvement to, sports hall where justified.  New facility subject to local provision.	All major (10+ units [net]) residential applications.  From residential proposals of 500 units. Considered on a case by case basis.
Sports Pavilion	Ancillary facility that accompanies public outdoor sports facilities. They provide a minimum of toilets and changing accommodation.	1 changing pavilion when formal pitches are being provided as part of the proposal.	New facility will depend on quantity of formal pitches provided.	Requirement triggered on a case by case basis. Within Southern Test Valley contributions may be pooled for the Ganger Farm proposal. Within Northern Test Valley contributions will be spent on improving existing facilities or on-site.
Swimming Pool	Water based leisure facility that allows all sections of the community to learn and enjoy swimming either as a recreation activity or competitive sport.	1 25m pool per 60,000 population within a 15 minute drive time.	£257 per person using table 1 (above) as a guide.	All major (10+ units [net]) residential applications within Andover.

<sup>5</sup> In the absence of standard specified in the Local Plan, the following standards have been adopted from analysing existing demand, previous practices and demographics



## Annex 2 Percent for Art

- A2.1** The Council promotes the inclusion of art within new development and off site locations, both commercial and residential, to enhance the design of the scheme and create a sense of place and character within the Borough's built environment. Examples could include boundary features such as railings or a bespoke feature located within the public open space.
- A2.2** Developers will be encouraged to contribute a percentage of their own total development costs towards commissioning, providing and maintaining the feature both on and off site. The exact contribution and details of the public art required would be negotiated on a site by site basis but specific art features will be sought on residential schemes above 100 dwellings and from commercial schemes above a floor space of 1,000sqm.
- A2.3** The design and location of the public art will be agreed between the Council and the applicant to ensure that it is acceptable to both parties. The Council's Arts Officer will assist with proposals for Percent for Art. In certain circumstances both an on and off site contribution will be sought.
- A2.4** A percentage, to be negotiated, of the cost of the feature will be required to be used for the maintenance of that feature should it be adopted by the Council.



## Annex 3 Workforce Development (Skills Training)

- A3.1** The Council considers it justified in seeking an obligation towards skills training based on section B of Policy RE2 of RPG 9 which recognises that *“in order to assist access to job opportunities, the scope for the provision of training... in association with development should be explored through the use of Sec 106 agreements”*.
- A3.2** In addition guidance within PPS 1 (para 27) notes that development plans should *“promote national, regional, sub-regional and local economies by providing, in support of the Regional Economic Strategy, a positive planning framework for sustainable economic growth to support efficient, competitive and innovative business, commercial and industrial sectors”*. By securing relevant training the obligation would allow local people access to apprenticeships or jobs involved either during or post development and thus would relate directly to the development.
- A3.3** A number of agencies are involved with implementing the Government’s long term strategy to improve skills training e.g. Learning Skills Council and Jobcentre Plus. However, none of these have either the local borough-wide focus or the responsibility for undertaking the skills improvement of the local population. The use of S106 agreements therefore can assist in achieving local delivery.
- A3.4** Where a development has a significant impact on the local labour market the Council considers that it is reasonable for the developer to mitigate that effect by contributing to enhanced skills training. In South Hampshire development will contribute to local delivery against the wider PUSH skills priorities. In Andover where the labour market is relatively self contained, the impact of creating more jobs, essential for the long term economic wellbeing of the town, needs to be made sustainable by developing the local labour market both in terms of size and skill levels. If new jobs are not matched by an enhanced workforce the likely result is additional in-commuting (inevitably by car) and new employers poaching staff from existing ones.
- A3.5** To prevent this and ease the operation of the local labour market measures are required to:-
- Increase the size of the local workforce, or e.g. attracting women-returners and people on welfare benefits (behind the low job seekers allowance claimant count there are many people who would like to work if they had the transport, childcare, flexible hours presented the opportunity);
  - Increase the number of school leavers working locally – with training; and
  - Improve the skills of the local workforce through more and better training.



- A3.6** There is a great deal of evidence which supports the need for more workforce skills training within Test Valley, particularly Andover. The Index of Multiple Deprivation 2000 found that two of Andover's five wards fell in the bottom fifth of wards in England and Wales specifically in terms of Education, Skills and Training. One ward fell in the bottom 6%. The 2001 Census also shows that 22% of Test Valley's population have no qualifications and that the proportion of workers without qualifications living in Andover is higher than the Hampshire and national average.
- A3.7** In addition to this Local Training Needs surveys in 2000 and 2002 continue to confirm skills gaps and hard to fill vacancies among businesses that are growing and want to grow in the future.
- A3.8** Negotiating an obligation of this nature will vary on the type of development proposed (residential and employment) and guides the types of skills and training to be provided. Where a development is speculative the developer will be required to make a contribution and the subsequent occupiers required to enter an agreed training programme, funded by the developer, with an appropriate body. The obligations will not be used to remedy existing deficiencies but will be proportionate in scale to the development.
- A3.9** On allocations and major applications (residential and employment) the Council will require the following to be undertaken by the developer:
- Training in the skills relevant to the construction of the development;
  - Training to be to a minimum standard of NVQ level 2 of equivalent;
  - Availability of training to be advertised in local press, schools and colleges;
  - Availability of training to be notified to local training providers and colleges;
  - Fees incurred by trainees in attending training courses to be paid; and
  - Apprenticeship to be offered to applicants completing approved training courses.
- A3.10** Precise obligations will be negotiated on a site by site basis.





## Annex 4 Education Provision

Note: This annex is produced by Hampshire County Council.

Any comments or questions should be directed to them.

You are advised to contact Hampshire County Council regarding the content of obligations relating to education provision.

[Paper produced by Hampshire County Council as LEA]



### Developers' Contributions towards Children's Services Facilities

May 2007

This document sets out the principles to be applied to all negotiations. Details are subject to review in the context of changes to local and national policies and priorities.

Children's Services Department  
The Castle  
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## 1 Introduction

- 1.1 In line with central government guidance on developers' contributions given in ODPM Circular 05/2005, the County Council expects developers' contributions to meet the cost of children's services facilities required as a direct consequence of development. The purpose of this document is to establish consistent, and open, criteria so that Local Planning Authorities and Developers can make informed decisions. Children's services facilities include primary and secondary schools, provision for children with special educational needs and facilities to support young children and their families.



## 2 When Are Contributions Required?

- 2.1** With the emphasis on sites identified in Urban Capacity Studies and greater use of brownfield sites, it is likely that there will be more reliance on smaller sites to meet housing targets. Consequently, District and Borough Planning Departments are expected to consult Hampshire Children's Services Department on any planning proposals relating to a development of 10 dwellings or more. This consultation should take place when sites are allocated in local development frameworks, when development briefs are published and when planning applications are received. This should also be part of pre-application/scoping discussions so that developers are aware of the specific requirement for a contribution from the outset.
- 2.2** Where the availability of school places is particularly critical, contributions will be sought in relation to each additional dwelling. These areas will be agreed with individual local planning authorities.
- 2.3** In order to satisfy the requirement in Circular 05/2005, the County Council will make an assessment of the extent of capacity in schools in the immediate area. This will indicate the extent to which additional capacity will be required to cater for the additional demand. This can be referred to as the "sufficiency" factor. It is the County Council's policy that new primary schools be provided within major new developments. In the interests of integrating new development into existing communities and to promote sustainability principles relating to reducing reliance on the motor car, it is expected that a new development will be served by its nearest schools.
- 2.4** In those cases where there will be a shortfall in places to meet the assessed demand, the amount of contribution can be calculated in accordance with the formula set out in paragraph 5.2 below.
- 2.5** Even where there is apparently sufficient capacity to cater for all, or part, of the additional demand, there is likely to be a need for additional facilities at a school. The reason for this is that the method of assessing capacity does not take full account of the need for schools to have dedicated space for specialist facilities, such as ICT (Information and Communications Technology). Also, the inclusion of children with special educational needs in mainstream schools means that schools need spaces which can be used for individual or small group teaching, which is unlikely to have been provided in the original room allocations. In other words, schools which have theoretical spare capacity will be using those spaces for legitimate educational uses, which will need to be rehoused before those teaching spaces can be brought back into use for general class use. There may also be factors, such as an undersized hall, which would mean that it would be difficult to meet present day educational requirements if the school was full to capacity. These can be referred to as "suitability" issues.
- 2.6** Suitability issues are assessed as part of the Asset Management Plan for the school. Developers' contributions will be expected where it is necessary to remove limitations so that existing nominal capacity can be fully used to meet additional demand from a development. The cost of alleviation will vary.



### 3 School Sites

**3.1** Where a new school is required to cater for new development, the County Council will expect the developer to provide, within the required timescales, a cleared, fully serviced and accessible site free of charge, in addition to the normal level of contributions towards school buildings. The Children's Services Department needs to be consulted early in any master planning of such developments to ensure that any proposed school sites are appropriate and suitable for its requirements.

**3.2** The actual site required for a new school will depend on several factors, including location, access, shape, topography and the relationship with adjacent community and other land uses. As a general principle, the minimum useable areas should be as follows:

- 1 Form entry primary (210 places): 1.2 hectares
- 2 Form entry primary (420 places): 2.0 hectares
- 3 Form entry primary (630 places): 2.8 hectares

The areas required for new secondary schools will depend on the particular circumstances in the area.

**3.3** Where a large development is shared between several developers, it may be appropriate to make provision in the Section 106 agreements so that the burden falls on all those involved. If this is the case, it will be necessary to discuss the exact mechanism that is applicable.

### 4 How Many Places Are Required?

**4.1** In order to assess the long term demand arising from a new development, the Children's Services Department uses the following factors:

- Primary Schools (ages 4 to 11) – 0.25 to 0.30 children per dwelling
- Secondary Schools (ages 11 to 16) – 0.18 to 0.21 children per dwelling

The lower secondary factor is because secondary schools cater for five year groups, compared with seven for primary schools. The range shown for the pupil yield takes account of differing size and tenure of the new housing and its attraction to households with children, which tends to increase the proportion of children when compared with the population of the area as a whole.



- 4.2** These factors assume a mixed development in terms of size and tenure of units. It is not, therefore, appropriate to make any deduction in respect of “social” or “affordable” housing, as these will still increase the overall number of dwellings in an area which can be occupied by families with children. It is, however, acceptable to disregard one bedroom flats and units provided specifically for elderly persons.

## **5 What Level of Contribution is Required?**

- 5.1** In cases where a sufficiency factor has been identified, the actual cost will vary with the individual school, depending on factors such as the type of building and actual site characteristics.
- 5.2** A detailed analysis has been undertaken, based on actual projects designed and tendered in recent years. From this the following costs per place are indicated, as at April 2007:

Primary schools : New Schools - £18,739 per pupil place

Primary schools : Extensions - £14,959 per pupil place

Secondary schools : Extensions - £21,873 per pupil place

(A specific calculation will be necessary if development requires the provision of a new secondary school)

The cost per place for new primary schools is based on a two form entry (420 place) school and takes into account the need for core facilities (such as a hall, library, music / drama room, offices and staffroom) that are required in addition to the basic classroom spaces.

- 5.3** Applying these cost multipliers to the numbers of additional children expected from new housing, the following level of contribution per dwelling is derived:

Primary Education, where a new school is required - £5,622 per dwelling unit

Primary Education, in other cases - £4,488 per dwelling unit

Secondary Education - £4,593 per dwelling unit

- 5.4** As mentioned in paragraph 2.6, the cost of alleviating suitability factors will vary, depending on individual circumstances. The Asset Management Plan allocates ratings to individual schools. Each teaching space is placed in one of four categories - A to D - in descending order of adverse impact. For the purpose of calculating an appropriate level of contributions, in those cases where part of the demand has to be met within the existing capacity of a school where 30% or more of the teaching spaces are in Categories A or B, a contribution level of 50% of the figures in paragraph 5.2 will apply.
- 5.5** Where a specific facility can be identified and costed, for example where a primary school lacks an adequate school hall, the contribution will be based on the projected cost.



## **6 Special Educational Needs**

- 6.1** Wherever possible, children with special educational needs are educated in mainstream schools. For some specific needs, it is appropriate to provide additional resources and, in a small number of cases, to provide places in special schools or education centres.
- 6.2** Larger developments may generate a need for additional facilities. This can only be determined by the assessment of individual situations. As a guideline, an appropriate level of additional contribution is £74 per dwelling for primary provision and £138 per dwelling for secondary provision.

## **7 The Mechanism for Obtaining Contributions**

- 7.1** The County Council is pleased to work in partnership with local planning authorities to obtain contributions. As mentioned above, consultation needs to take place at several stages. Firstly, there should be a local plan / local development framework policy that sets out the basic principles. Secondly, specific requirements can be identified in development briefs. Thirdly, detailed discussion, and negotiation if necessary, can take place prior to, and when planning applications are received. The Children's Services Department expects to be involved at all of these stages.
- 7.2** The agreed requirements are included as obligations in a Section 106 agreement. This would normally be drawn up by the County Council (Chief Executive's Department) or as part of a joint County and District/Borough agreement.
- 7.3** Section 106 agreements will provide for the agreed contributions to be index-linked to an index of building costs and for appropriate triggers for payment, related to the intended phasing of development.

## **8 Contributions Towards Other Children's Services Facilities**

- 8.1** In addition to the provision of schools for children of statutory school age, the County Council has a duty to ensure that there is adequate provision for pre-school education and childcare (although not normally as a provider itself). Traditionally, pre-school playgroups have been considered as potential users of community buildings. However, with the increasing requirements for facilities and numbers of sessions that have to be offered, there is a trend towards pre-school providers looking for exclusive use of space. This will also facilitate the establishment of full day care and after school clubs.



- 8.2** The County Council expects local planning authorities to bear this in mind in considering allocations of space for, and contributions towards the cost of providing, community facilities within any new development. The Children's Services Department can provide a calculation to assess the appropriate level of demand for pre-school facilities.
- 8.3** As part of the Change for Children agenda, it is government and County Council policy to establish a network of Children's Centres. These will operate as one-stop shops for children and their parents and carers, working with local providers to secure combined pre-school education, childcare and health services. The first wave of centres are being provided in disadvantaged areas, but eventually all children and their families will have access to such a centre within a reasonable distance from home. In most cases, new housing will be within reach of a centre, but the long term population of large developments may require their own provision, or additional capacity at existing centres. It is, therefore, expected that developers will make a contribution of £98 per dwelling towards the capital costs of establishing or extending the Children's Centre serving the development.
- 8.4** In large developments there may also be a requirement for facilities for the Youth Service. This will need to be the subject of individual discussion in appropriate cases.

## **9 Status of this Document**

- 9.1** This document was approved by the County Council's Executive Member for Children's Services on 17 May 2007.

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## Annex 5 Transport Infrastructure

Note: This annex is produced by Hampshire County Council.

Any comments or questions should be directed to them or to officers within the Council's Highways department.



### Transport Contributions Policy

September 2007

## 1 Introduction

- 1.1 This policy will introduce a formulaic approach to calculating transport contribution across the County which will define the level of contribution which new development should contribute. This policy is designed to be applicable to developments of all sizes, from a single unit upwards.
- 1.2 The formula is based on the transport impact of each development in accordance with Circular 05/2005. The basic measurement of transport impact will be quantified by the number of multi-modal trips that a development is expected to generate. A financial value is then be attached to each multi-modal trip
- 1.3 In order to calculate the level of contribution payable it is necessary to first establish the net additional multi-modal trips generated by the site. This number of trips is then multiplied by the agreed cost per trip.

## 2 How to Calculate the Transport Contribution

- 2.1 The table below illustrates the cost per trip and the number of multi-modal trips per dwelling/100 sqm floor area needed to calculate the contribution payable.



C3 - Residential	Cost per Trip (£)	Household Occupancy	Multi-Modal Trips (per dwelling)	Cost per dwelling (£)
1 Bed Dwelling	535	1.3	3.7	1980
2-3 Bed Dwelling	535	2.42	7.0	3745
4+ Bed Dwelling	535	3.5	10.2	5457
B - Employment	Cost per Trip (£)		Multi-Modal Trips (per 100sqm)	Cost per 100 sqm (£)
B1 Business	230		18.7	4301
B2 General Industry	230		7.5	1725
B8 Warehouse & Distribution	230		9.4	2162

- 2.2 The residential multi-modal trip rates within the above table apply to all residential developments within the County, regardless of size.
- 2.3 The employment multi-modal trip rates within the above table only apply to those developments which do not require a Transport Assessment (TA). Where a TA is required the agreed multi-modal trip rate will be used to calculate the contribution.
- 2.4 For all other types of development, for instance leisure, retail or a nursing home, the multi-modal trip rate will be determined by the TA or Transport Statement submitted with the planning application and the cost per trip used for the employment uses (set out in the table above) will be applied.

### 3 Local Weighting Factor and Economic Viability

- 3.1 For developments other than residential, where the principal is accepted, the economic viability of the site will be considered and there may be scope to negotiate from the starting contribution calculated using this policy. However, that case must be supported by the Planning Authority to demonstrate that there is a need for the development and that the viability of the development will be put in jeopardy should the County Council insist of a level of contribution in line with the policy.





## **4 Future Review of the Costs**

- 4.1** It is intended to use appropriate indexation to review and update the policy in forthcoming years. This indexation will be in line with that used to index the financial contributions within the Section 106 Agreements.

## **5 Section 278 Agreements and Travel Plans**

- 5.1** Section 278 Agreements will identify the works required to access the site. If the package of works agreed includes some works which may be considered to have greater or wider public benefit, for instance a section of cycleway, the cost of these works may be deducted from the contribution.
- 5.2** If a Travel Plan is produced and secured by way of a Section 106 Agreement with a bond, the elements of the plan that are bonded and may provide wider public benefit may be deducted from the contributions.

## **6 What will the Contributions be spent on?**

- 6.1** The contributions collected will be spent on improvements to transport and the highway developed through the Area Transport Strategies by the Area Transport Teams. It is an addition to any contributions sought through the Travel Plan.
- 6.2** The contributions will be allocated to schemes or transport improvements which may reasonably benefit the site, in accordance to the terms of the Section 106 Agreement and Circular 05/05, and will not be spent elsewhere in the County.



## Appendix 1

### Suggested Menu for Transport Schemes and Initiatives Suitable for Funding by Developers Contributions

#### Contributions Menu

##### **LTP:**

Schemes which are in the LTP. For example:

- Town centre accessibility projects (e.g. Andover)
- Quality Bus Partnerships
- Rail interchanges

##### **Safety Engineering:**

Junction alterations  
Signing and lining schemes  
Surface Treatments  
Chicanes  
Road Narrowing

##### **Passenger Transport:**

Bus Service contributions

- Maintain a service
- Increase the Frequency of a service / Formalise services
- Implement a new service or new stop / section to an existing route.

Bus Shelters

Bus Stop poles

Timetables on bus stops

Information points



### **Cycling and Pedestrian schemes:**

- Shared surfacing, cycleways (on and off carriageways), footways
- Cycle Storage - rail, bus stations, places of work and shops etc
- Cycle maps and information - indicating cycle facilities (shops, lockable areas, travel information)
- Cycle interchanges - improving access to cycles at rail stations etc
- Cycle training for children
- Traffic speed reduction
- City bikes, bike stations, bike bridges
- Signing of cycle routes
- Pedestrian crossings – refuges, dropped kerbs.

### **Traffic management:**

Major Elements:

- Junction Improvements
- Capacity improvements
- Junction Changes
- Route Capacity Improvements
- Major highway schemes
- Major public transport infrastructure improvements

### **Minor Elements:**

- Traffic Regulation Orders (TROs)
- Residential parking schemes
- Physical measures in support of existing or proposed TROs
- Traffic signs improvements
- Real time travel information
- Vehicle speed indication signs
- Parking controls
- Pedestrian/cycle crossing
- Safety schemes - school zones, home zones, traffic calming for environmental and safety purposes

### **ITS:**

- CCTV
- Upgrading traffic lights and crossings
- Real time information and information points
- Bus priority measures (bus gates etc)



### **Safer Routes To School:**

Park and walk

Parents waiting shelters and cycle shelters in school grounds

Footways, cycleways, bridges

Pedestrian and cycle crossings

Coloured surfaces, anti-skid

Information and maps

Incentive schemes (e.g. prizes for pupils)

Yellow jackets etc.

Traffic calming and management

Flashing amber lights with a school sign

### **Travel Plans:**

Incentives : Bus vouchers, Cycle vouchers, travel discounts.

Personalised Travel Plans

Car clubs

Monitoring of impact of development using counters etc.



## Annex 6 Archaeological Investigations and Publications

- A6.1** Where an area of land may contain archaeological sites and features the Council may wish to conserve this resource. The developer/landowner will be required to provide for the long-term management of the resource. This will be achieved through a S106 Agreement as part of any ecological and landscape management plan, through a commuted sum payment negotiated on a case by case basis.
- A6.2** The developer/landowner as part of the archaeological mitigation process, will be required to provide for the long-term management of archaeological materials recovered and recorded from excavations. This would include the archiving of all materials, the production of popular and academic publications, appropriate on-site heritage display boards. Also, to include the provision for the upgrading of museum displays of the archaeological evidence in the local museum or heritage centre. This will be achieved through a S106 Agreement with an appropriate commuted sum payment negotiated on a case by case basis.



## Annex 7 Sustainable Development

- A7.1** To recognise growing support for the introduction of more sustainable methods of construction and development and the enhancement and conservation of natural resources the Council is encouraging developers to reduce the impact that their proposal may have on the environment with particular emphasis on water conservation. This approach is backed by existing and draft guidance.
- A7.2** Policy INF 2 within RPG 9 states that *“techniques which improve water efficiency and minimise adverse impacts on water resources...should be encouraged”*. The draft South East Plan (2006) also contains policies which further echo the Council’s objectives. For example, Policy CC4 on Sustainable Construction states that *“high standards of energy and water efficiency that exceed current standards required by the Buildings Regulations and reflect best practice should be adopted. For the PUSH area, policy SH14 is relevant.”*
- A7.3** Within the BLP 2006 Policy ENV 09 seeks to permit development which minimises the impact on existing water resources and incorporates measures which will reduce the long term demand for water.
- A7.4** To achieve this the Council seeks an obligation from the developer to enter into a legal agreement which states that development (non residential) would be constructed to meet ‘Very Good’ rating within the BREEAM standards with emphasis on water conservation and efficiency. Compliance within this standard must be demonstrated and agreed in writing by the Council.
- A7.5** The residential element of any development will be expected to meet Code of Sustainable Homes level 3 as a minimum. The provision of dwellings to a higher code level will be supported by the Council. Affordable Housing is required to be at level 3 as a minimum.



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