

# Test Valley Borough Council Consultation for Local Plan 2040 Regulation 18 Stage 2

## COMMENTS FORM

Test Valley Borough Council has published its Local Plan 2040 Regulation 18 Stage 2 document for public consultation. This consultation document sets out a vision for Test Valley up to 2040, objectives for achieving this vision, our development needs alongside allocations for residential and employment development and theme-based policies.

The consultation period runs from Tuesday 6<sup>th</sup> February to noon on Tuesday 2<sup>nd</sup> April 2024. Please respond before the close of the consultation period so that your comments may be taken into account.

You can respond to our consultation by filling out the form below. This form has two parts:

Part A: Your Details

Part B: Your Comments (please fill in a separate sheet for each comment you wish to make)

Further information can be found on our website at:

[www.testvalley.gov.uk/localplan2040](http://www.testvalley.gov.uk/localplan2040)

Once the form has been completed, please send to [planningpolicy@testvalley.gov.uk](mailto:planningpolicy@testvalley.gov.uk) below by **noon on Tuesday 2<sup>nd</sup> April 2024**.

Following receipt of your comments from, we will keep you informed of future consultation stages unless you advise us that you want to opt out of such communication.

If you are unable to send via email, please send a postal copy to our address below.

### Contacting us

Planning Policy and Economic Development Service  
Test Valley Borough Council  
Beech Hurst  
Weyhill Road  
Andover  
SP10 3AJ

Tel: 01264 368000

Website: [www.testvalley.gov.uk/localplan2040](http://www.testvalley.gov.uk/localplan2040)

Email: [planningpolicy@testvalley.gov.uk](mailto:planningpolicy@testvalley.gov.uk)

## Part A: Your Details

Please fill in all boxes marked with an \*

Title* Mr/Mrs/Miss/Ms/Dr/Other (please state)	Miss	First Name*	Katherine
Surname*	Miles		
Organisation* (If responding on behalf of an organisation)	Pro Vision		

Please provide your email address below:

Email Address*	
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Alternatively, if you don't have an email address please provide your postal address.

Address*			

If you are an agent or responding on behalf of another party, please give the name/ company/ organisation you are representing:

The Trinley Estate (respondent 10091)
---------------------------------------

### Personal Details and General Data Protection Regulation

Please note that representations cannot be treated as confidential. If you are responding as an individual, rather than as an organisation, we will not publish your contact details (email/ postal address and telephone number) or signatures online, however the original representations will be available for public viewing at our offices by prior appointment.

All representations and related documents will be held by the Council until the Local Plan 2040 is adopted and the Judicial Review period has closed and will then be securely destroyed.

The Council respects your privacy and is committed to protecting your personal data. Further details on the General Data Protection Regulation and Privacy Notices are available on our website here:  
<http://www.testvalley.gov.uk/aboutyourcouncil/accesstoinformation/gdpr>

## Part B: Your Comments

Please use the boxes below to state your comments. This includes one box for general comments and another for specific comments related to an area of the Local Plan.

Insert any general comments you may have that do not relate to a specific paragraph number or policy in the general comments box below.

If you are suggesting a change is needed to the draft Local Plan or supporting document, it would be helpful if you could include suggested revised wording.

If you are commenting on a document supporting the draft Local Plan (such as a topic paper, or the Sustainability Appraisal), please indicate so.

General
<p>The draft plan is unsound as it is underpinned by flawed, and incomplete evidence (in particular a flawed Sustainability Assessment) and, in any event, includes allocations that are not based on correct evidence.</p> <p>For further details, please see attached submission document</p>

For specific comments, please make it clear which paragraph, policy or matter your comments relate to where possible. Please use the box below.

If you are suggesting a change is needed to the draft Local Plan or supporting document, it would be helpful if you could include suggested revised wording.

Paragraph Ref	Specific Comments
Sustainability Assessment	Methodology indicates that more sustainable sites have been passed over in favour of less sustainable ones.  Assessment methodology for omission sites is also flawed and has failed to take previously submitted documentation into account
Policy SS3	The housing requirement is too low
Policy SS6	Less sustainable sites have been allocated in favour of more sustainable ones
Policy ENV4 (and Inset Maps 1 and 19)	Enham Alamein/Smannell proposed Local Gap is unjustified by the evidence within the submission
	See accompanying Statement for further commentary in relation to all of the above matters

### What happens next?

All valid responses received within the consultation period will be acknowledged and you will be given a reference number. Please quote this reference number when contacting the Council about the Local Plan 2040. If you have an agent acting on your behalf, correspondence will be sent directly to your agent.

All responses received will be taken into account as part of the preparation of the Local Plan 2040.



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Surname*	Miles		
Organisation* (If responding on behalf of an organisation)	Pro Vision		

Please provide your email address below:

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Alternatively, if you don't have an email address please provide your postal address.

Address*			
		Postcode	

If you are an agent or responding on behalf of another party, please give the name/ company/ organisation you are representing:

The Trinley Estate
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Please use the boxes below to state your comments. This includes one box for general comments and another for specific comments related to an area of the Local Plan.

Insert any general comments you may have that do not relate to a specific paragraph number or policy in the general comments box below.

If you are suggesting a change is needed to the draft Local Plan or supporting document, it would be helpful if you could include suggested revised wording.

If you are commenting on a document supporting the draft Local Plan (such as a topic paper, or the Sustainability Appraisal), please indicate so.

General
<p>We consider that the plan is unsound, particularly in respect of meeting housing needs and the plan period. Please see further comments below.</p>

For specific comments, please make it clear which paragraph, policy or matter your comments relate to where possible. Please use the box below.

If you are suggesting a change is needed to the draft Local Plan or supporting document, it would be helpful if you could include suggested revised wording.

Paragraph Ref	Specific Comments
Policy SS3	<p>The Plan Period will not allow for a minimum 15 years from adoption and as such is contrary to Paragraph 22 of the National Planning Policy Framework. It should be extended to at least 2041.</p> <p>The housing requirement should be increased by at least 550dpa to account for an additional 1 year to the plan period.</p> <p>Additionally, from reviewing the SHMA evidence in respect of affordable housing need, it is clear that an uplift to the housing requirement to 730dpa is justified.</p>
Policy SS1	<p>Smannell is a settlement within the “open countryside” according to Draft policy SS1, yet it is a settlement with both a school and a pub and church. It therefore contains a number of community facilities. It is considered that the village can support a small linear development at its eastern end. Such a development would be in line with Paragraph 83 of the Framework.</p> <p>We consider that the draft Local Plan should positively identify the Estates land as appropriate for development.</p>

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All responses received will be taken into account as part of the preparation of the Local Plan 2040.

**TEST VALLEY LOCAL PLAN 2020-2040**  
**REGULATION 18 CONSULTATION**  
**LAND AT FINKLEY FARM, ANDOVER**

Prepared by Pro Vision on behalf of the Trinley Estate

April 2024

LAND AT FINKLEY FARM, ANDOVER  
TEST VALLEY LOCAL PLAN 2020-2040  
PROJECT NO. 1721

PREPARED BY:  
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SENIOR PLANNER

CHECKED BY:  
KATHERINE MILES MRTPI  
DIRECTOR

DATE:  
APRIL 2024

PRO VISION



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## 1.0 Introduction

- 1.1 These Representations have been prepared by Pro Vision on behalf of our client the Trinley Estate in response to the 2<sup>nd</sup> Stage of Test Valley Borough Council's (the Council's) Regulation 18 Consultation ("the 18B consultation") to the Draft Local Plan 2020 to 2040 (the "emerging Local Plan" or "eLP").
- 1.2 Our client welcomes the opportunity to be involved in the preparation of the Local Plan Update and it is within this context that they wish to make representations to the draft Local Plan.
- 1.3 Our client owns land in the Borough that has been promoted previously for development in response to earlier Council's consultations, including:
- a) the Strategic Housing Land Availability Assessment (SHLAA) in 2015;
  - b) a Call for Sites exercise in October 2017;
  - c) the Issues and Options consultation and the Strategic Housing and Economic Land Availability Assessment (SHELAA) in September 2018;
  - d) the Refined Issues and Options Consultation in August 2020; and
  - e) the Stage 1 Regulation 18 Consultation (the "18A consultation") in April 2022<sup>1</sup>.
- 1.4 The larger of the 2 sites (Land South of Finkley Farm, Finkley Road) features in the 2024 SHELAA as sites 231. The smaller (Land North of Finkley Farm, Finkley Road), is not within the 2024 SHELAA document, but features in the Sustainability Appraisal (SA) that accompanies the 18B consultation (as site 305).
- 1.5 The sites are suitably located to the east of Andover and offer the potential for a residential-led development within a broad location for potential development to help meet the development needs of the next plan period. Full details regarding the development opportunities, including Concept Masterplans and a summary of initial technical work undertaken, are provided in the Site Promotion Document contained within Appendix A of these representations. This is summarised in Section 8 of these representations.
- 1.6 Our client wishes to work collaboratively with the Council with the aim of securing the sustainable development of the site through an allocation within the eLP. To be clear, whilst

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<sup>1</sup> The Promotion Document referred to elsewhere within this document, or an earlier version of it, was provided to the Council as part of Events (b), (d) and (e)



our client is promoting both sites, it is quite feasible for either, or both, to come forward in phases and with a lower yield than promoted reflecting local needs.

- 1.7 These representations therefore draw upon the planning merits of allocating the sites in the context of helping to address the wider matters identified within the consultation.
- 1.8 While this information has previously been submitted to the Council, we do not consider that it has been fully, or correctly, taken into consideration in the preparation of the Regulation 18 Stage 2 Draft including, and particularly, how the site is considered in the Sustainability Assessment.
- 1.9 These representations therefore respond to the draft Local Plan and its evidence base with reference to the merits of allocating the sites for development, alongside the wider matters identified within the Document, building upon the information previously submitted.
- 1.10 These representations have been prepared in recognition of prevailing planning policy and guidance, particularly the National Planning Policy Framework (NPPF) (December 2023) and Planning Practice Guidance (PPG). In particular, having regard to paragraph 230 of the Dec 2023 NPPF, it is noted that the Local Plan will be examined against the test of soundness set out in paragraph 35 of the Dec 2023 NPPF.
- 1.11 Whilst, at this stage, we consider that the Local Plan Review is unsound, we have provided some recommendations to ensure that the Plan is made more robust.

## 2.0 Context – Adopted Local Plan

- 2.1 This section outlines relevant background to the representation deriving from the adopted Local Plan (LP).

### Adopted Local Plan

- 2.2 The current [Local Plan](#) covers the period 2011 to 2029 and was adopted in January 2016. That plan sought to make provision for 10,584 dwellings over the 18 years of the plan at 588 dwellings per annum (dpa) <sup>2</sup>.

### Historic Delivery relative to Five Year Housing Land Supply Requirement

- 2.3 Table 4 of the latest Annual Monitoring Report for the period 1 April 2022 to 31 March 2023<sup>3</sup>, indicates that the annual delivery of housing has exceeded the Borough-wide 588dpa figure every year since 2015/16 (i.e. since the adoption of the Local Plan) except for the most recent year for which data is available (2022/2023). Delivery in this most recent year (396 units total within the Borough) is 67.3% of the annual requirement<sup>4</sup>.

	TVBC Net Gains	% of Annual Requirement (588dpa)
2015/16	1004	170.7%
2016/17	891	151.5%
2017/18	793	134.9%
2018/19	809	137.6%
2019/20	948	161.2%
2020/21	878	149.3%
2021/22	854	145.2%
2022/23	396	67.3%

- 2.4 Annual Monitoring Reports<sup>5</sup> for the Borough indicate that the Council has consistently maintained a supply of housing in excess of 5 years' supply for both Northern Test Valley (NTV) and Southern Test Valley (STV). The results of the Housing Delivery Tests (HDT) also indicate regular provision in excess of the requirement<sup>6</sup>.

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<sup>2</sup> 10,584/18

<sup>3</sup> <https://www.testvalley.gov.uk/assets/attach/20098/Authority-Monitoring-Report-22-23.pdf>

<sup>4</sup>  $(396/588) \times 100 = 67.3$

<sup>5</sup> <https://www.testvalley.gov.uk/planning-and-building/planningpolicy/amr>

<sup>6</sup> HDT results:

- [2022](#) – 189%
- [2021](#) – 184%

## Affordability

- 2.5 Notwithstanding the above requirement delivery and HDT performance in recent years, median affordability within the Borough during the plan period<sup>7</sup> has risen from 8.76 in 2011 to 10.91 in 2022, and in the period since the adoption of the current Local Plan, affordability has consistently exceeded 9.9:

YEAR	2011	...	2016	2017	2018	2019	2020	2021	2022
TVBC	8.76		10.06	10.30	10.12	9.91	9.93	10.58	10.91
<i>South East</i> <sup>8</sup>	<i>8.07</i>		<i>8.53</i>	<i>8.85</i>	<i>8.92</i>	<i>8.77</i>	<i>8.74</i>	<i>10.00</i>	<i>9.41</i>

- 2.6 In other words, the average property in the Borough is now nearly 11x the average household income, and this has substantially worsened in the period of the adopted plan. For TVBC, this worsening represents a 24%<sup>9</sup> increase above the 8.76 level of 2011, compared with a 16%<sup>10</sup> increase in the wider South East over the same period. Thus, Test Valley has performed demonstrably worse than the SE average at maintaining housing at affordable levels.

- 
- [2020](#) – 173%
  - [2019](#) – 195%
  - [2018](#) – 265%

<sup>7</sup> from Table 5c in [22 March 2023](#) edition of dataset - from [this webpage](#) – this is the link provided within Step 2 of the Need Calculation on [Housing and economic needs assessment guidance page](#)

<sup>8</sup> from Table 1c in [22 March 2023](#) edition of dataset

<sup>9</sup>  $100 - ((10.91/8.76) \times 100) = 24$

<sup>10</sup>  $100 - ((9.41/8.07) \times 100) = 16$

### 3.0 Housing Need

3.1 This section provides our responses to the Housing Needs matters in the Borough.

#### **Emerging Plan**

3.2 This includes for a total of 11,000 units across the 20-year plan period (at 550dpa), which is apportioned as 6,270 units (313<sup>11</sup> dpa) in NTV and 4,730 units (237<sup>12</sup> dpa) in STV. After allowing for completions within the plan period<sup>13</sup> the plan indicates the remaining requirement across the plan period to be 3,875 units in NTV and 1,562 units in STV. Insofar as NTV is concerned, the 5 strategic sites allocated account for 3,790 units (within the Plan period). 97.8% of the remaining total requirement for NTV is therefore planned to be provided as allocations<sup>14</sup>.

3.3 While the annual figures comply with the Standard Method output for Local Housing Need (LHN) in the District, including taking into account 2023 affordability adjustments, the Council have overlooked reasonable adjustments for elements of additional need which may otherwise remain unmet by the plan.

#### **Affordable Housing Need (AHN)**

3.4 The Council's [2022 SHMA](#) by JGC Consulting (NB – this document is not in the [Evidence Base](#) and should be) suggests a need for 652 affordable homes per annum, of which 437dpa should be rented and 215dpa should be affordable home ownership<sup>15</sup>. As is discussed below, the caveat in this document<sup>16</sup> that *“caution should be exercised in trying to make a direct link between affordable need and planned delivery”* is then used as a defence that the Sustainability Assessment, and the eLP, need not consider the effects of delivery of more than 550dpa within the borough. 652 affordable dpa equates to 118%<sup>17</sup> of the total LHN.

3.5 Nevertheless, Figure 5.18 of the SHMA indicates that, once estimates of those in need currently in assisted accommodation are discounted, *“meeting these needs would lead to an affordable need for 292 homes per annum”*. Notwithstanding the additional caveat regarding this second number that follows this table (at the start of para 5.69), there is clearly the basis for additional investigation or analysis – which appears absent from the Evidence Base – to at

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<sup>11</sup>  $6270/20 = 313.5$

<sup>12</sup>  $4730/20 = 236.5$

<sup>13</sup> 2,395 within Northern Test Valley and 3,168 within Southern Test Valley

<sup>14</sup>  $(3790/3875)*100 = 97.8$

<sup>15</sup> ie shared equity

<sup>16</sup> Expressed at para 5.66 and elsewhere

<sup>17</sup>  $(652/550)*100 = 118.54$

least attempt to quantify Affordable Housing Need and then consider whether a higher housing target should flow from that. Such an approach would be consistent with Paragraphs 60, 61 and 63 of the Framework, which state:

- *“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area’s identified housing need as possible, including with an appropriate mix of housing types for the local community.” (Our emphasis)*
- *“To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. The outcome of the standard method is an advisory starting-point for establishing a housing requirement for the area (see paragraph 67 below) ....In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.” (Our emphasis)*
- *“Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes.” (Our emphasis)*

3.6 Merely taking the 292 dpa of AHN of the SHMA at face value, would, assuming the 40% requirement for affordable housing on sites providing more than 15 units<sup>18</sup>, indicate the LHN should reasonably rise to a minimum of **730 dpa**<sup>19</sup>. It should then be tested at this level within the Sustainability Assessment (SA) (and elsewhere).

3.7 Over the life of the eLP to 2040 (though see comments below on the end point of the plan), this 730dpa figure would suggest that the Council should be planning for at least 14,600dpa, split 8,920 in NTV and 5,680 for STV (maintaining the proportions of the eLP).

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<sup>18</sup> Of emerging Policy HOU1(a)

<sup>19</sup>  $292/0.4 = 730$

- 3.8 There is no assessment within the SA approaching this level of potential need for NTV, and we return to this below. It is worth noting at this point that, within Table 1 of the [Duty to Co-operate Topic Paper](#), Southampton City Council are recorded as having recommended that TVBC “test a higher amount of housing than the Local Housing Need through the Sustainability Appraisal.”
- 3.9 Again, after allowing for completions within the current plan period<sup>20</sup>, the evidence on affordable housing need indicates the remaining total requirement across the plan period should be increased to at least 6,525 units in NTV<sup>21</sup> (from the current allocations for 3,790 units)<sup>22</sup>. Likewise, provision should be increased to at least 2,512 units in STV<sup>23</sup> (from the current allocations for 1,644 units)<sup>24</sup>. It is therefore the position of the Trinley Estate that allocations to at least this level should be made within the plan.

#### **Plan Period Considerations Deriving from Local Plan Process**

- 3.10 Committee papers to the Council’s 16 July 2014 Cabinet meeting<sup>25</sup> indicate that the Regulation 18 stage to the adopted local plan ran between March and April 2013. The [Inspector’s Report to the adopted LP](#) then indicates that that plan was submitted for examination in July 2014, and it underwent examination between Dec 2014 and January 2015. Adoption was then in January 2016. In the event that it takes this emerging Local Plan the same c3 years of the last process, the new Plan, currently at Reg18 stage, may not be adopted until 2027. We note however that the latest Local Development Scheme (LDS) for the Borough (Nov 2023<sup>26</sup>) suggests an adoption in mid-2026.
- 3.11 Paragraph 22 of the Framework states: “Strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks

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<sup>20</sup> Taking the 2,395 completions within NTV and 3,168 within STV of eLP Table 3.3 at face value

<sup>21</sup> 8,920-2,395 = 6,525

<sup>22</sup> An increase of 2,735 units

<sup>23</sup> 5,680-3,168 = 2,512

<sup>24</sup> An increase of 868 units

<sup>25</sup> <https://democracy.testvalley.gov.uk/CeListDocuments.aspx?Committeeld=137&MeetingId=773&DF=16%2f07%2f2014&Ver=2>

<sup>26</sup> <https://www.testvalley.gov.uk/assets/attach/19643/pp1-LDS-2023-FINAL.pdf>

*further ahead (at least 30 years), to take into account the likely timescale for delivery.” (Our emphasis)*

- 3.12 On the Council’s current LDS timetable, this would suggest the plan period (and associated planned supply) be extended by at least 1 year so that it is in line with the 1<sup>st</sup> sentence of paragraph 22 of the Dec 2023 NPPF and provides for a minimum 15-year supply from adoption. Using the evidence of the last Local Plan production, it appears likely that at least 2 years’ addition to the plan period will be needed.
- 3.13 An extension of this nature is one of the Matters currently being considered by the West Berkshire Examiner (via Matter 2.1), and where that Council has proposed an amendment to the plan to compensate for the delay between submission (March 2023) and Examination (Summer 2024). Test Valley should be aware of this as an adjacent Council to West Berkshire. It is recommended that Test Valley Council make the necessary modification now and make the necessary adjustments to increase the quantum of housing need leading to a need to make additional allocations to meet that need. We consider that our client’s site at Finkley Farm is well placed to assist the Council in meeting its needs for the plan-period.
- 3.14 By reference to the forgoing comments on Affordable Housing Need, extending the plan to 2041 at our suggested 730dpa minimum would bring the total needed within the plan period (to 2041) to 15,330 units<sup>27</sup>, an increase of 4,330 units over the current planned provision (to 2040) of 11,000 units.
- 3.15 Similarly, extending the plan period by 2 years (to 2042) in line with the comments above, again at our suggested 730dpa minimum would bring the total needed within the plan period (to 2042) to 16,060 units<sup>28</sup>, an increase of 5,060 units over the current planned provision (to 2040) of 11,000 units.
- 3.16 However, we question, below, whether even such a short extension to the eLP would be adequate and consider it will be necessary to extend the plan period further to accommodate the “significant extension(s)” to Andover currently within the eLP, or make additional allocations to plan for shortfalls in delivery arising from these allocations.

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<sup>27</sup> 730 x 21 (for a 21-year plan 2020-2041)

<sup>28</sup> 730 x 22 (for a 22-year plan 2020-2042)

### **Duty to Cooperate (DtC)**

- 3.17 There is no information within the Evidence Base to enable consultees to make an informed assessment as to whether TVBC's Neighbouring Authorities have an unmet need. Whilst this Regulation 18 Plan seeks to meet the minimum housing need derived from the standard method, there is a need to report whether any approaches have been made from Neighbouring Authorities in more constrained areas seeking assistance to address their unmet needs. The DtC Topic Paper within the Evidence Base only refers to a formal request from Havant Borough. The Evidence Base does not include relevant documentation from the Partnership for Southern Hampshire (PfSH) that would provide this, as only summaries of relevant documentation is provided by the DtC Topic Paper. We consider the Reg 18 Plan is therefore inconsistent with Para 35 of the NPPF at the present time.



## 4.0 Interim Sustainability Assessment (SA) – Feb 2024

4.1 This section provides analysis of this specific documents within the Evidence Base to the eLP.

### General Comments

4.2 This document makes clear that it seeks to incorporate the Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) requirements of the eLP for this stage of the plan. However, there are numerous errors and inconsistencies within this in-house document. These include:

- The failure to consider a Higher LHN on the basis of Affordable Housing Need, mindful of the points raised in Section 3 above, despite the SHMA identifying, with some understatement (at para 5.76 and elsewhere), *“that provision of new affordable housing is an important and pressing issue in the Borough”*; and
- The area of the Manor Farm site in the SA is c154ha and this does not align with draft allocation (boundary on [pg76 of the plan](#) = 67ha). Accordingly, the Manor Farm allocation may have been unduly benefitted in the SA from elements being included that are actually outside the extent of the allocation; and
- The Bere Hill allocation (1,400) units was assessed as 3 separate SHELAA parcels (sites 419, 167 and 247) and appears not to have been assessed as a whole. In contrast, Sites 203, 76, 404, and 258 (all south of London Road) have been assessed individually, as well as being assessed collectively (as 441).

### Site Specific Comments

4.3 In relation to Trinley Estate land, there are specific deficiencies in the SA, as outlined below.

#### ***SHELAA Site 231 - Land south of Finkley Farm***

##### Objective 3

4.4 It is important to note, at the outset, that the overarching terms of this objective are:

Objective 3: Maintain and improve access to services, facilities, and other infrastructure, whilst improving the efficiency and integration of transport networks and the availability and utilisation of sustainable modes of travel. *[Our emphasis added]*

- 4.5 The assessment for SHELAA sites 231 (Land south of Finkley Farm)<sup>29</sup> is flawed, as it only assesses the site relative to existing facilities and services. Crucially, the SA fails to assess the site correctly relative to all the terms of Objective 3 (especially "improvement" elements) and has clearly overlooked / failed to take into account the contents of the promotion document provided to the Council at the Refined Issues and Options Stage (Aug 2020) and again at Reg18 Stage 1 (Apr 2022).
- 4.6 The [covering letter](#) to the Reg18A representation makes it clear that the c.131ha of land within Site 231 is anticipated to include "A 6ha education hub" and "10-15ha of community and/or new employment and/or retail opportunities". With reference to Table 5 of Part 3 of HCC's document "[Guidance on Planning Obligations and Developer Infrastructure Contributions](#)" (Dec 2023)<sup>30</sup> the 2,500 unit development, as promoted would be expected to give rise to the following education needs:

Age Group	Yield/Dwelling	2,500 dwellings	Form Equivalent (FE)
0-3 (pre-school)	0.09	225	
4-11 (primary)	0.3	750	= 750 / 210 = 3.5 FE
11-16 (secondary)	0.21	525	= 525 / 150 = 3.5 FE
Post-16	0.06	150	

- 4.7 At primary, a yield of 750 pupils from Site 231 equates to a 3.5FE school<sup>31</sup>. At secondary, a yield of 525 pupils from Site 231 also equates to a 3.5FE school<sup>32</sup>. Of the allocations, or potential alternatives considered within the SA, only site 231 is large enough to support a new secondary school, as the next largest 1,400 units<sup>33</sup> would only give rise to a yield of 294 pupils<sup>34</sup>, equivalent to a 1.96 FE<sup>35</sup> school.
- 4.8 Table 6 of Part 3 of HCC's document "[Guidance on Planning Obligations and Developer Infrastructure Contributions](#)" (Dec 2023) indicates that a 1FE primary school would require a

<sup>29</sup> And also 305 (Land North of Finkley Farm, Finkley Road), see below

<sup>30</sup> See Appendix B

<sup>31</sup> a 1FE school has 210 pupils - 7 academic years, 30 pupils per class

<sup>32</sup> a 1FE school has 150 pupils - 5 academic years, 30 pupils per class.

<sup>33</sup> Bere Hill resulting from the combination of all of Sites 419, 164 and 247

<sup>34</sup> (1400\*0.21) = 294

<sup>35</sup> 294/150 = 1.96

minimum 1.2ha of land, with 0.8ha added for each additional FE. Thus a 3.5FE primary would require 3.2ha of land<sup>36</sup>.

4.9 Likewise, it is possible to establish from this that a 2FE secondary school would require a minimum of 3ha of land, with 0.945ha added for each additional FE. Thus a 3.5FE secondary would require 4.4ha of land<sup>37</sup>.

4.10 Thus, within the 231 (Land south of Finkley Farm) referred to within the covering letter to the Reg18 Stage 1 submission (augmented by the accompanying Promotion Document), it is evident that there is ample room, within the promotion, for the 16-21ha needed for schools and community facilities referred to by Objective 3 (sub-clauses A-I) to be provided, including via new footpath, road and cycle connections.

4.11 As the entirety of the 231 (Land south of Finkley Farm) promotion site is within 800m of its centroid, the SA assessments for the sub-clauses within Objective 3 should be amended as follows:

Objective 3 Sub-Clause	From <sup>38</sup>	To <sup>39</sup>	Justification <sup>40</sup>
A	-	++	As the land for early years provision would be within 800m distance with direct access to footpaths and/or cycleways.
B	-	++	As land for a primary school would be within 800m distance with direct access to footpaths and/or cycleways.
C	+/-	++	As land for a secondary school would be within 1600m distance with direct access to footpaths and/or cycleways.
D	+/-	++	As land for a convenience store and local centre would be within 800m distance with direct access to footpaths and/or cycleways.
E	-	++	As land for a GP surgery within the community centre would be within 800m distance with direct access to footpaths and/or cycleways.
F	-	++	As land for a community centre would be within 800m distance with direct access to footpaths and/or cycleways.

<sup>36</sup>  $(1.2 + (2.5 \times 0.8)) = 3.2\text{ha}$

<sup>37</sup>  $(3 + (1.5 \times 0.945)) = 4.4\text{ha}$

<sup>38</sup> These, and other SA Objectives / Criteria – LPA Assessment - reproduced in Appendix C

<sup>39</sup> These, and other SA Objectives / Criteria – PV Assessment - reproduced in Appendix D

<sup>40</sup> With reference to the Scoring Criteria in Appendix E

### Objective 8

- 4.12 This site has been inconsistently assessed relative to others. The site should be assessed as per that for Site 165 (Land at Finkley Down Farm) as it is within the same Landscape Character Area (10F Andover Chalk Downland) according to the 2018 Landscape Character Assessment (LCA)<sup>41</sup> and is at the same elevation as that site<sup>42</sup>.
- 4.13 Furthermore both these sites are also considered as the same, single, entity in the Landscape Sensitivity Assessment - Annex 1 (Andover North East – Land at Finkley Road / East Anton)<sup>43</sup>.
- 4.14 As a result, the SA assessments for the sub-clauses within Objective 8 should be amended as follows:

Objective 8 Sub-Clause	From <sup>44</sup>	To <sup>45</sup>
A	-	+/-
B	+/-	+/-
C	-	-

### Objective 9

- 4.15 As is the case for Objective 3 criteria, the SA has clearly failed to take the contents of the Promotion Document provided under previous submissions, and the Heritage Assessment that accompanied the Reg18A submission. The masterplan makes it explicitly clear that an allocation of this site would exclude direct effect on known heritage assets, as these would be physically and visually surrounded by a woodland park and there would be no disturbance of the ground by built development.
- 4.16 As a result, the SA assessments for the sub-clauses within Objective 9 should be amended as follows:

Objective 9 Sub-Clause	From <sup>46</sup>	To <sup>47</sup>
A	--	O
B	--	O

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<sup>41</sup> mapping located [here](#)

<sup>42</sup> NB the LCA is not in Evidence Base and should be.

<sup>43</sup> Annex 1 [pg 9](#)

<sup>44</sup> See Appendix C

<sup>45</sup> See Appendix D

<sup>46</sup> See Appendix C

<sup>47</sup> See Appendix D

Whilst not strictly a consideration for the SA, we pause to note that development of this site creates an opportunity to open up access to the known heritage asset so that it can be enjoyed by all, whereas only private access is available at present.

### ***SHELAA Site 305 - Land North of Finkley Farm***

#### **Objective 3**

- 4.17 There are errors within the existing SA, that mean the assessment should be amended as follows:

Objective 3 Sub-Clause	From <sup>48</sup>	To <sup>49</sup>	Justification <sup>50</sup>
A	+/-	++	As the land for early years provision would be within 800m of Smannell and Enham Church of England (Aided) Primary School with direct access to footpaths and/or cycleways.
B	+/-	++	As the land for early years provision would be within 800m of Smannell and Enham Church of England (Aided) Primary School with direct access to footpaths and/or cycleways.
E	-	+/-	To align with the Assessment for Site 165.

#### **Objective 8**

- 4.18 This site has been inconsistently assessed relative to others. As is the case with Site 231, this site should be assessed as per that for Site 165 (Land at Finkley Down Farm) as it is within the same Landscape Character Area (10F Andover Chalk Downland) according to the 2018 Landscape Character Assessment (LCA)<sup>51</sup> and is at the same elevation as that site<sup>52</sup>.
- 4.19 Furthermore both these sites are also considered as the same, single, entity in the Landscape Sensitivity Assessment - Annex 1 (Andover North East – Land at Finkley Road / East Anton)<sup>53</sup>.
- 4.20 As a result, the SA assessments for the sub-clauses within Objective 8 should be amended as follows:

<sup>48</sup> See Appendix C

<sup>49</sup> See Appendix D

<sup>50</sup> See Appendix E

<sup>51</sup> mapping located [here](#)

<sup>52</sup> NB the LCA is not in Evidence Base and should be.

<sup>53</sup> Annex 1 [pg 9](#)

Objective 8 Sub-Clause	From <sup>54</sup>	To <sup>55</sup>
A	-	+/-
B	-	+/-
C	--	-

#### Objective 9

4.21 As is the case for Site 231, the SA has clearly failed to take the contents of the Promotion Document provided under previous submissions.

4.22 As a result, the SA assessments for the sub-clauses within Objective 9 should be amended as follows:

Objective 9 Sub-Clause	From <sup>56</sup>	To <sup>57</sup>
A	-	O
B	?	O

4.23 The consequences for the merits of these sites are discussed in the following Section.

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<sup>54</sup> See Appendix C

<sup>55</sup> See Appendix D

<sup>56</sup> See Appendix C

<sup>57</sup> See Appendix D

## 5.0 Strategic Distribution

5.1 This section provides our responses to the Spatial Strategy matters, as expressed via Draft Policy 6 (SS6): Meeting the Housing Requirement.

### Strategic Distribution / Selected Sites

5.2 Unlike many SAs, the document that accompanies the submission does not include a summary of the site-specific assessments, and it is therefore necessary to review the contents of each site individually. Assigning a notional +5 score to SA attributes assessed as “+ +”, +2 scores to those assessed as “+”, -2 scores to those assessed as “-” and -5 scores to those assessed as “-” (and 0 to other attributes) is one obvious means for a site-by-site comparison.

5.3 The draft allocations within NTV are summarised below using this methodology<sup>58</sup> – taking the contents of the SA *at face value*. The column “Net Score” is the sum of the SA assessment points, while the column “Rank” indicates the order of all the sites within the SA that were promoted in NTV for 200 or more dwellings (1 being the site with the highest “Net Score”). The coloured columns are a tally of the SA assessment attributes for each site.

SHELAA Ref	Site Name	NET SCORE	RANK	++	+	+/-	0	?	-	--
173	Land at Manor Farm	16	8	4	9	10	2	2	6	2
419	Land at Bailliffs Bottom	42	2	6	11	5	5	3	5	0
167	Land at Bere Hill	53	1	9	9	5	5	2	5	0
247	Land at Bere Hill Farm	21	6	5	8	5	5	2	10	0
324	Land south of A342 and east of Shoddenden Lane	5	10	3	5	12	5	0	10	0
61	Land east of Ludgershall	31	5	5	9	7	7	1	6	0

<sup>58</sup> Additional detail provided via Appendix C



5.4 However, using this same method, a number of sites that have not been included as allocations score more favourably than those that have. Two in particular are highlighted below, again based on unchallenged SA scorings.

SHELAA Ref	Site Name	NET SCORE	RANK	++	+	+/-	0	?	-	--
165	Land at Finkley Down Farm	39	3	9	4	10	3	2	7	0
322	Land at Harewood Farm	32	4	6	7	8	6	2	6	0

5.5 These 2 sites for at least 1,100 units<sup>59</sup> are both at Andover and are preferable, *at face value* (ie on the basis of the LPA assessment in the SA, unchallenged), to two Andover allocations in SS6 totalling 1,400 units<sup>60</sup>:

- Manor Farm (SHELAA 173, allocated for 800 houses) and
- the southernmost part of the Bere Hill allocation (SHELAA 247, allocated for 600 houses of the total 1,400 at Bere Hill).

5.6 Thus, the SA provides clear evidence that more sustainable sites have been passed over in favour of less sustainable ones which are allocated in SS6. By default, the eLP is demonstrably flawed in its site selection methodology, even without including the considerations of Section 4.

5.7 Using the corrected Assessment for the Trinley Estate land promoted here (Section 4 refers) would result in the revised table below, including the other sites referred to above. This places SHELAA Site 231 (Land S of Finkley Farm) at joint best score with the northernmost part of the Bere Hill allocation (SHELAA Site 167). However, it should be noted that SHELAA 231 has the potential to deliver 2,500 houses, compared with the 450 allocated to that part of the Bere Hill allocation.

5.8 Site 305 (Land N of Finkley Farm) also scores more favourably than allocated sites following the amendments referred to at Section 4.

<sup>59</sup> SHELAA 165 is promoted for 1400 dwellings but assessed by the LPA as having a capacity for 900units; SHELAA 322 is promoted for 200 units

<sup>60</sup> As well as being preferable to both Ludgershall allocations



SHELAA Ref	Site Name	NET SCORE	RANK	++	+	+/-	0	?	-	--
231	Land south of Finkley Farm	53	1=	11	6	6	4	1	7	0
305	Land North of Finkley Farm, Finkley Road	24	7	6	4	10	5	3	7	0

Allocated NTV Sites:

173	Land at Manor Farm	16	10	4	9	10	2	2	6	2
419	Land at Bailliffs Bottom	42	3	6	11	5	5	3	5	0
167	Land at Bere Hill	53	1=	9	9	5	5	2	5	0
247	Land at Bere Hill Farm	21	8	5	8	5	5	2	10	0
324	Land south of A342 and east of Shoddessen Lane	5	12	3	5	12	5	0	10	0

Other Selected NTV Sites

61	Land east of Ludgershall	31	6	5	9	7	7	1	6	0
322	Land at Harewood Farm	32	5	6	7	8	6	2	6	0

- 5.9 The conclusion should be clear, the allocation of SHELAA Site 173, Land at Manor Farm, is unsound and unsupported by the evidence base and instead other sites including the Trinley Estates Land, score more favourably.

### Plan Period Matters Arising from Nature of Draft Allocations

- 5.10 Publicly available data regarding Southern Water (Appendix F<sup>61</sup>) indicates that, in 2019, Fullerton Wastewater Treatment Works (WWTW) served a population equivalent of 55,880. At 2.4 people per dwelling that equates to approximately 23,250 dwellings. The Council's [AMR 2022/23](#) indicates 1,764 dwellings have been completed since 2019 at the major sites at

<sup>61</sup> Source [https://www.southernwater.co.uk/media/2935/cost-assessment-tables-for-pdf\\_updated\\_30\\_aug.pdf](https://www.southernwater.co.uk/media/2935/cost-assessment-tables-for-pdf_updated_30_aug.pdf)

Andover (East Anton, Picket Twenty, Picket Twenty Extension and Picket Piece Extension) since. This results in an approximate total of **c25,014 dwellings**<sup>62</sup> within the Fullerton WWTW catchment at the start of the plan period in 2020.

- 5.11 The additional allocations for 2,290 units at Andover currently within the eLP<sup>63</sup> would represent a 9.2%<sup>64</sup> increase in the number of dwellings served by the Fullerton WWTW within the life of the plan. This excludes windfalls and other sites within Andover.
- 5.12 Thus, allocations within the 2020-2040 plan – as drafted - are already approaching an at-settlement increase of 10%, for the largest settlement in TVBC. We support the principle of allocating significant extensions to Andover, being the principle settlement in the Borough and the most sustainable in accessibility terms. However, we consider that the sale of this increase engages the 2nd part of para 22 of the December 2023 version of the NPPF (and footnote 14) and there is a need for *“a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery”*. The representations herein also indicate that the quantum of development within the Borough, and proportionally at Andover (as its’ largest settlement) should be increased further. As such, the importance of this point is even more critical.
- 5.13 The transitional provisions under footnote 14 in that paragraph are addressed in para 228 of the NPPF. These indicate that the requirement for a longer plan period applies to plans that had not reached Regulation 19 stage by 20 July 2021. As that date has passed, and this is a Regulation 18 consultation, the 30-year vision requirement is engaged, and the plan period should be extended accordingly.
- 5.14 Using the Council’s current LHN figure (550dpa), extending the eLP to 2050 would mean the total housing figure for the Borough should rise to 16,500<sup>65</sup>, of which 9,390<sup>66</sup> should be in NTV. Allowing for the 2,395 completions in NTV, allocations within NTV should rise to **6,995**<sup>67</sup> from the current 3,790<sup>68</sup>.

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<sup>62</sup> 23,250 + 1,764 = 25,014

<sup>63</sup> 1,400 at Land at Bere Hill, South East Andover, 800 at Land at Manor Farm, North of Saxon Way and 90 at Land South of London Road

<sup>64</sup>  $(2290/25014) \times 100 = 9.2$

<sup>65</sup>  $550 \times 30 = 16,500$

<sup>66</sup>  $313 \times 30 = 9,390$

<sup>67</sup>  $9,390 - 2,395 = \mathbf{6,995}$

<sup>68</sup> An additional 3,205 units, as allocations

5.15 However, using our suggested alternative LHN figure (730dpa), extending the eLP to 2050 would mean the total housing figure for the Borough should rise to 21,900<sup>69</sup>, of which c13,380<sup>70</sup> should be in NTV. Allowing for the 2,395 completions in NTV, allocations within NTV should rise to **10,985**<sup>71</sup> from the current 3,790<sup>72</sup>.

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<sup>69</sup>  $730 * 30 = 21,900$

<sup>70</sup>  $21,900 \times 0.61$

<sup>71</sup>  $13,380 - 2,395 = 10,985$

<sup>72</sup> An additional 7,195 units, as allocations

## 6.0 Local Gap

6.1 The Local Gap between the existing East Anton Major Development Area in Andover, and the settlements of Enham Alamein and Smannell, includes land between Finkley Road and Smannell Road. Draft Policy ENV4 seeks to protect designated Local Gaps, and proposes to only permit development where:

- a) it would not diminish the physical separation and/or visual separation; and
- b) it would not individually or cumulatively with other existing or proposed development compromise the integrity of the gap.

6.2 The Local Gaps Report states that with regard to future development, regard should be had to the findings of the landscape sensitivity assessments. It is noted that the Landscape Sensitivity Assessment for the proposed allocation at Manor Farm, refers to the parcel as lying partly within the Strategic Gap between Andover and the settlement of Enham Alamein. The landscape is considered to be highly susceptible to change, and Saxon Way is referred to as maintaining a sense of separation from the existing settlement.

6.3 The proposed allocation at Manor Farm extends to the north of Saxon Way and to the west of the existing Local Gap. This is despite the Landscape Sensitivity Assessment finding that the parcel makes a notable contribution to the Local Gap and physical separation of settlements.

6.4 Conversely, the Landscape Sensitivity Assessment for the land at Finkley Farm, which includes the land owned by The Trinley Estate as well as the land immediately adjoining East Anton and we understand under option to Taylor Wimpey and Bloor Homes, found:

*“that areas of the parcel are of markedly lower landscape value, for instance the more obviously ‘degraded’ urban edge influenced areas in the lower, western part of the parcel, with fewer distinctive positive landscape attributes, overlooked by East Anton MDA or to the south, visually influenced by the prominent pylon line and the large industrial estate south of the railway line. The less intact, relatively weak landscape fabric and landscape/green infrastructure functionality also contributes to this reduced landscape value. There is recreational value associated with the well-used PRow crossing the western part of the site and Finkley Road.”*

- 6.5 Whilst the overall assessment was that the landscape has a high overall sensitivity to change, it was concluded that the land lying to the west of the existing Public Right of Way near Finkley Road is “visually less susceptible to change”. This land is said to be “associated visually with East Anton MDA”. We therefore question the basis that this land remains part of the designated Local Gap. It would seem to us that such inclusion is unsupported by the evidence base.
- 6.6 We consider that the Local Gap should be redrawn to extend up to Smannell Road. This would be sufficient to preserve separation between development north and south of Finkley Road with the settlement of Smannell, and clearly similar to the recreation ground at East Anton, the northern extent of development can be controlled through creation of a strong landscape edge to future development. This would be consistent with the recommendations of the Landscape Sensitivity Assessment, which concludes that *“new structural planting should have physical and visual connectivity with existing vegetation and should contribute to new areas of semi-natural greenspace for any future development here, both to provide defensible boundaries and to integrate the settlement edge”*.
- 6.7 In summary, we consider that the proposals map should be amended to exclude the land hatched red on the map at Appendix G, given that the inclusion of this land within the Local Gap is unjustified and unsupported by the evidence base. The objective of maintaining separation between settlements can be maintained by excluding this land.
- 6.8 Further, and as is discussed elsewhere, it is clear that the site selection process is flawed and has favoured the allocation of land at Manor Farm to the north of Andover over the land to the north and south of Finkley Road which the evidence base makes clear should be the favourable location for development.

## 7.0 Omission Sites – Land North and South of Finkley Farm

- 7.1 Appendix A of this Document contains the Site Promotion Document that has been prepared in support of land owned by our client on Land North and South of Finkley Farm. It has been provided to the Council previously, but has clearly been overlooked hence it appears necessary to bring it to attention once again.
- 7.2 The Trinley Estate is located in north Hampshire and is approximately 3 miles (5km) to the north east of Andover Town Centre (Northern Test Valley). The Estate straddles the administrative boundaries of Test Valley Borough Council and Basingstoke and Deane Borough Council.
- 7.3 The total area of the Estate being promoted is circa 157 hectares comprising c.26ha of land to the north of Finkley Road (SHELAA Site 305) and c.131ha of land to the south of Finkley Road (SHELAA Site 231). The southern part of the site is located between Finkley Road to the north and the Basingstoke – Salisbury railway line to the south. A plan identifying the location of the site can be found within the appended 'Site Promotion Document' prepared in August 2020.
- 7.4 Noting the constraints around the town, and the commentary on the Interim Sustainability Assessment above, the most sustainable and logical broad location for growth at Andover continues to be eastwards. Within this 'broad location for strategic development', development of this site could be delivered either as part of a planned urban extension, or a separate garden village settlement, well connected to the town.
- 7.5 Initial assessments and masterplanning work indicate that the Site provides a number of opportunities to deliver a high quality sustainable new community for Andover and contribute towards the enhancement of the town and the improvement of its facilities. The appended promotion document presents a concept and vision for the development opportunity. It demonstrates the site could be developed to create a distinctive new community, with opportunities for a mix of uses, including residential, educational, recreational, retail, commercial and open space. There is even potential scope for a new mainline rail station. It is envisaged that the site could provide:
- Circa 2,500 new dwellings;

- A local centre / community hub with new employment and retail opportunities (10-15ha) which can contribute to the identified needs for significant additional employment floorspace within the Borough.
- A 6ha education hub which would include a school.
- A country park with opportunities for formal and informal recreation – reinforcing the setting of a Scheduled Ancient Monument in the south eastern corner and existing woodland.
- Appropriate buffer to the railway line with new strategic landscape planting belt.
- Significant opportunity for a net gain in biodiversity through strategic planting and landscaping, including sustainable drainage features providing new and varied habitats.
- Strategic pedestrian and cycle links connecting to Andover Town Centre and existing public rights of way in the area.
- Opportunity to provide space for a new local train station serving the significant 21st century growth on the eastern edge of the town.
- New pedestrian connection to link residential areas north and south of the Railway.

7.6 It is possible that the site could be delivered as two ‘parcels’ or ‘phases’ with the smaller, northern parcel, coming forward ahead of the larger, southern parcel.

7.7 This site is a logical strategy for significant future growth in the Borough by following and respecting a pattern of growth that has occurred over the past plan periods. Thus, this site should be given serious consideration and identified as an opportunity for a strategic development as a key part of the amended spatial strategy or as a ‘broad location for growth’ as part of longer term aspirations.

7.8 We note, in this regard, that the 2024 SHELAA that accompanies the Reg18B consultation concludes that adjacent land within SHELAA Site 165 (Land at Finkley Down Farm) and Trinley Estate land within SHELAA Site 231 (Land South of Finkley Farm) have been assessed by the Council as being “Available” (immediately), “Achievable” (with developer interest), and “Deliverable” (after years 1-5)<sup>73</sup>.

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<sup>73</sup> See SHELAA Extract at Appendix H

- 7.9 We note that the Preliminary Transport Assessment prepared by Ridge for the Local Plan considers proximity to existing services only and fails to take account of the proposal to include additional facilities and services as part of the development of the Finkley land. Importantly in our opinion, the proposal for a train station at this site has been entirely overlooked.
- 7.10 Full details regarding the development opportunity, including Concept Masterplans and a summary of initial technical work undertaken, are provided in the Site Promotion Document. At Regulation 18A Stage, copies of technical reports on these topics were included in the Trinley Estate submission. These reports (not re-attached here) were:
- Ecological Appraisal (PV Ecology)
  - Heritage Assessment (RPS)
  - Landscape Capacity Assessment (Draffin Associates)
  - Overview Transport Strategy (i-Transport)
  - Finkley Station Feasibility (SLC Rail)
- 7.11 The Trinley Estate remain willing to work collaboratively with the Council and the neighbouring landowners to bring forward development to the east of Andover which meets the Borough's housing and infrastructure needs.



## 8.0 Amendments Required to Achieve Soundness

8.1 In order to make the plan “sound”, it is considered that the Council need to undertake all of the following:

- Increase the annual requirement from 550dpa to at least 730dpa to ensure an adequate minimum supply of Affordable Housing to meet future needs (292dpa), allowing for the 40% requirement of HOU1(a); **and**
- Extend the Plan period to at least 2041 to comply with the minimum requirement for a plan period to cover 15-years from adoption as required by NPPF para 22 and accommodate the likely adoption date of the Plan in 2026<sup>74</sup>. This end period would be later if:
  - a) The plan is not adopted until 2027 (in line with past performance in the Borough);  
and
  - b) The allocations at Andover are considered to be a “significant extension” to Andover; **and**
- Allocate SHELAA Site 165 (Finkley Down Farm) for development instead of both SHELAA Site 173 (Manor Farm) and SHELAA Site 167 (Land at Bere Hill) as Site 165 is a more sustainable location for development than both the proposed allocations, by reference to the Council’s own scoring within the Sustainability Assessment; **and**
- Re-assess the SA scores for the Trinley Estate SHELAA sites 231 (Land South of Finkley Farm) and 305 (Land North of Finkley Farm) in line with the comments above and the Promotion Document to ensure that all reasonable alternative sites have been correctly included within a revised SA (and ensure compliance with the relevant legislation on Sustainability Assessment). The Trinley Estate land should then be identified as a suitable broad location for growth over the 30 year period.

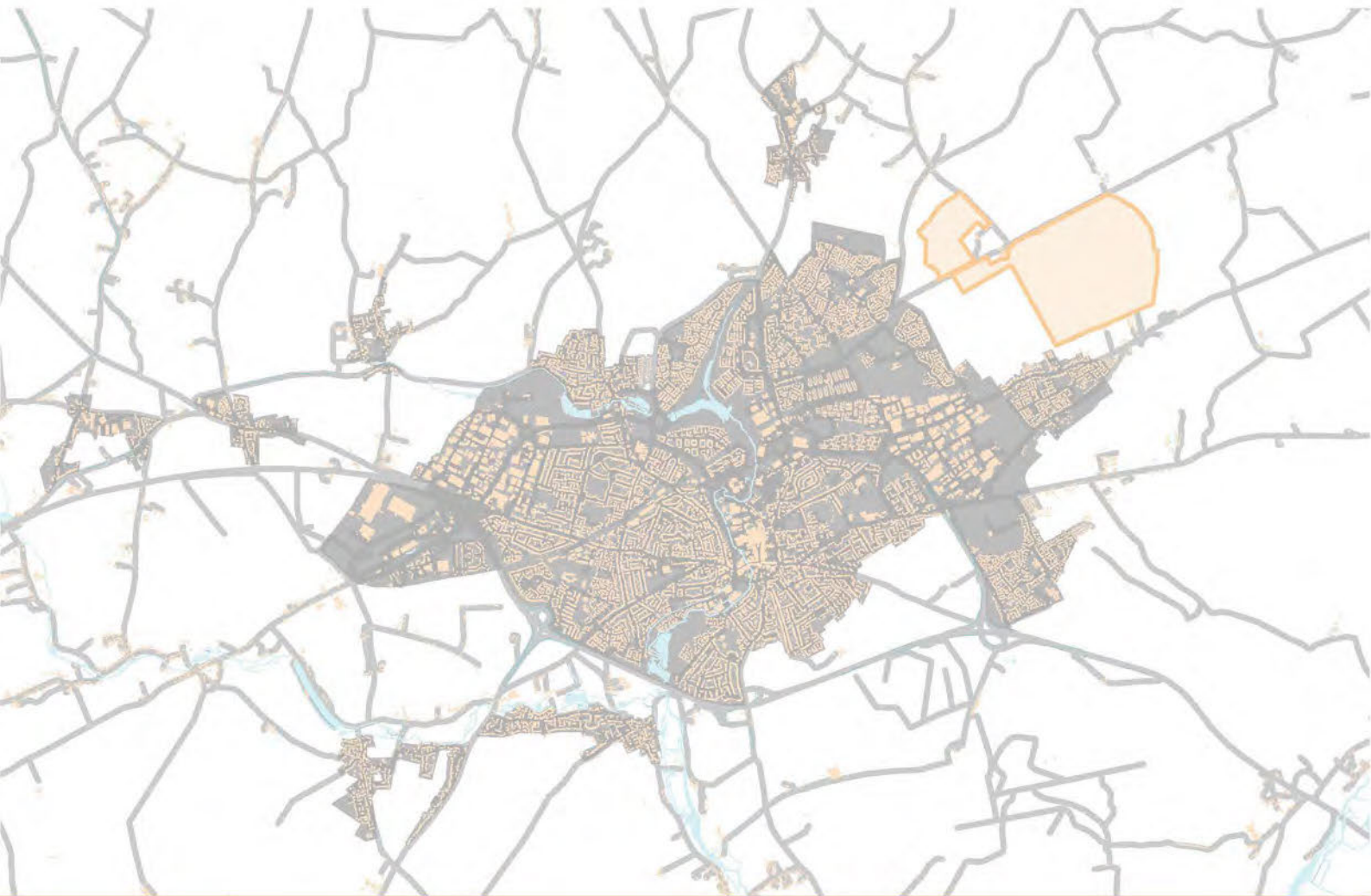
8.2 To that end, we also ask that the sites North and South of Finkley Farm (owned by Trinley Estate) are considered for allocation to meet the likely shortfall. Further detail on these sites is in the previous section.

8.3 In addition, we consider that the Local Gap designation between Andover and Smannell should be modified as suggested in Section 6 to exclude the land to the east of Smannell Road, which has been included without justification.

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<sup>74</sup> The Council’s anticipated adoption date in the latest LDS

## Appendix A – Site Promotion Document - Land North and South of Finkley Farm



# Land South of Finkley Farm

Finkley Road, Andover

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# 1. Purpose of this Document

This is a Site Promotion Document prepared by Pro Vision on behalf of The Trinley Estate in respect of a c.157ha strategic development site located on the north-eastern edge of Andover. This document seeks to demonstrate how development could be delivered on the site within the next plan period. It is intended to provide a framework for the Site's development, and is to be used as a tool in future discussions with the Local Planning Authority and key stakeholders as part of the review of the Borough Local Plan which commenced in 2018.

The concept masterplan demonstrates how a mix of housing, retail, commercial, educational and recreational open space could be delivered to provide comprehensive development on this land for future generations. The concept masterplan is based on an analysis of the Site's constraints and opportunities and informed by technical reports covering Heritage, Transport, Landscape and Ecology.

The concept masterplan draws on existing design guidance including key urban design principles to promote a high quality development which responds to the site and its wider context. This Site Promotion Document concludes by providing a concept masterplan to illustrate how development on the Site could work while providing benefits for the area and both existing and new residents.

## 1.1 The Team

### The Trinley Estate

#### Land Owner

Trinley Estate is an extremely well equipped, good quality grade 3 arable farm with free draining chalky soils and a range of modern farm buildings, farm office, over 4,800 tonnes of grain storage, a self-storage business and 12 cottages.

The Estate is extremely well managed and regularly awarded for the excellent approach to farming and the farm environment, including its diversification activities.

#### Pro Vision

#### Lead Consultant covering Planning, Urban Design and Architecture

Pro Vision are independent Chartered Town Planning consultants, Architects and Urban Designers and are leading the site promotion.



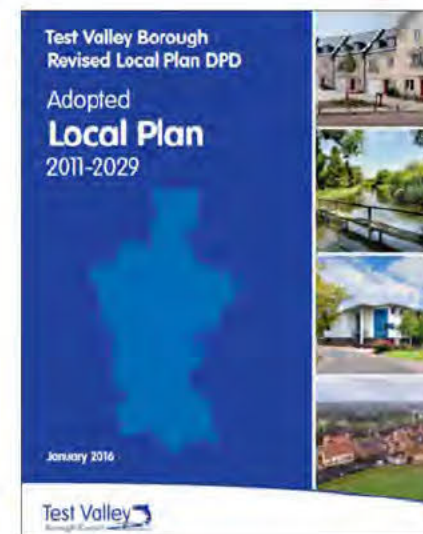
## 2. Planning Background

The Test Valley Borough Revised Local Plan was adopted in January 2016 and is intended to guide development within the Borough until 2029.

The Local Plan contains policies for determining planning applications and identifies strategic allocations for housing, employment and other uses. The plan area is divided into Northern and Southern Test Valley, with Andover and Romsey the two higher order settlements.

To meet the future economic, social and environmental requirements of the Borough, the next Local Plan (which will cover the next 15 years) will need to make provision for additional housing and employment land. Work on this next Local Plan has commenced and is currently at the 'Refined Issues and Options' stage. Adoption of the next Local Plan is expected by 2024.

It is expected that as the main town within the Borough, Andover will remain one of the main focuses for development, meaning that in order to meet the future social and economic requirements, the delivery of sustainable urban extensions, or other significant growth in Northern Test Valley will be necessary and will form an important source of the Borough's future land supply.



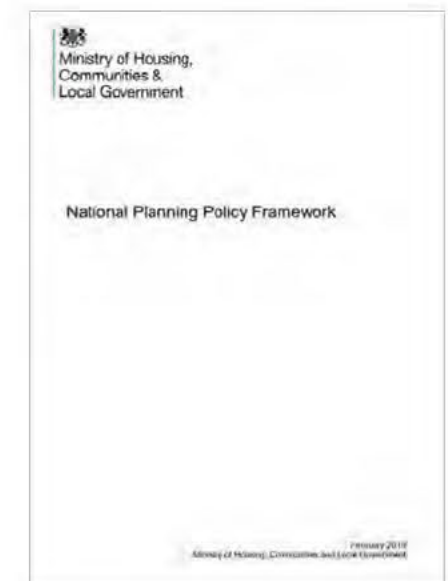
### 2.1 National Planning Policy Framework (NPPF) 2019

The purpose of the planning system is to contribute to the achievement of sustainable development.

The NPPF requires Local Planning Authorities to approach decision-taking in a positive and creative way. At the heart of the Framework is a presumption in favour of sustainable development. Paragraph 8 of the NPPF states: "achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the objectives". The three objectives are Economic, Social and Environmental.

Paragraph 23 of the NPPF explains that sufficient sites should be planned for and allocated to deliver the strategic priorities of the area at a sufficient rate to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development.

It is also the Government's objective to significantly boost the supply of homes (NPPF paragraph 59).





# 3. Background

The Trinley Estate is located in north Hampshire and straddles the administrative boundaries of both Basingstoke and Deane Borough Council and Test Valley Borough Council. The Estate is situated approximately 3 miles to the north-east of Andover Town Centre.

The Trinley Estate comprises approximately 645ha of mixed arable cropping, woodland and grassland. The arable land, is divided into blocks of winter wheat, spring barley, beans and winter oilseed which are rotated around the farm to maximise the return from each crop. The farm has a Higher Tier Stewardship agreement encompassing arable grassland and woodlands options. There is a small shoot on the Estate. The day to day operation of the farm is managed from the Estate Office, situated at Trinley Buildings (within the Borough of Basingstoke and Deane) along with a number of other enterprises that contribute to the overall farming income, which includes:

- Andover Storage
- Letting of 10 residential properties
- Educational visits
- Habitat Protection and Wildlife Conservation

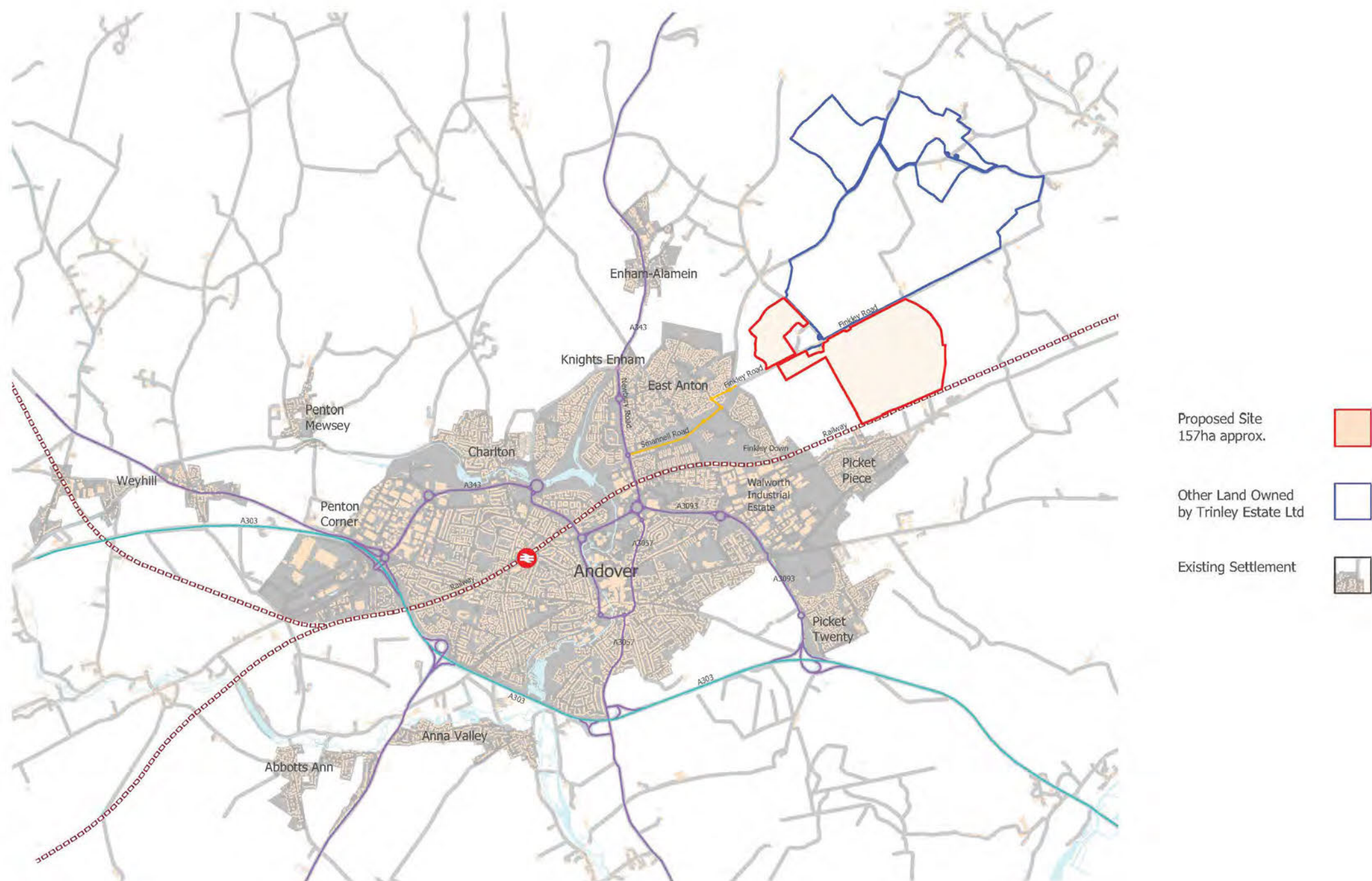




## 4. Site Location

The site is located within the Test Valley Borough on the boundary between Test Valley Borough and the Basingstoke and Deane District. The total site area is c.157ha comprising c.26ha of land to the north of Finkley Road and c.131ha of land to the south of Finkley Road. The southern part of the site is located between Finkley Road to the north and the Basingstoke – Salisbury railway line to the south. Finkley Road is aligned with a Roman Road that follows a north east and south west route.

The Site is set across a shallow valley and lies to the east of a strategic mixed-use development to the north east of Andover, known as the East Anton MDA, which is now under construction and marketed as Augusta Park. Augusta Park consists of 2,500 dwellings, employment, schools, local centres, playing fields, parkland, public open space, structural landscaping and associated infrastructure.





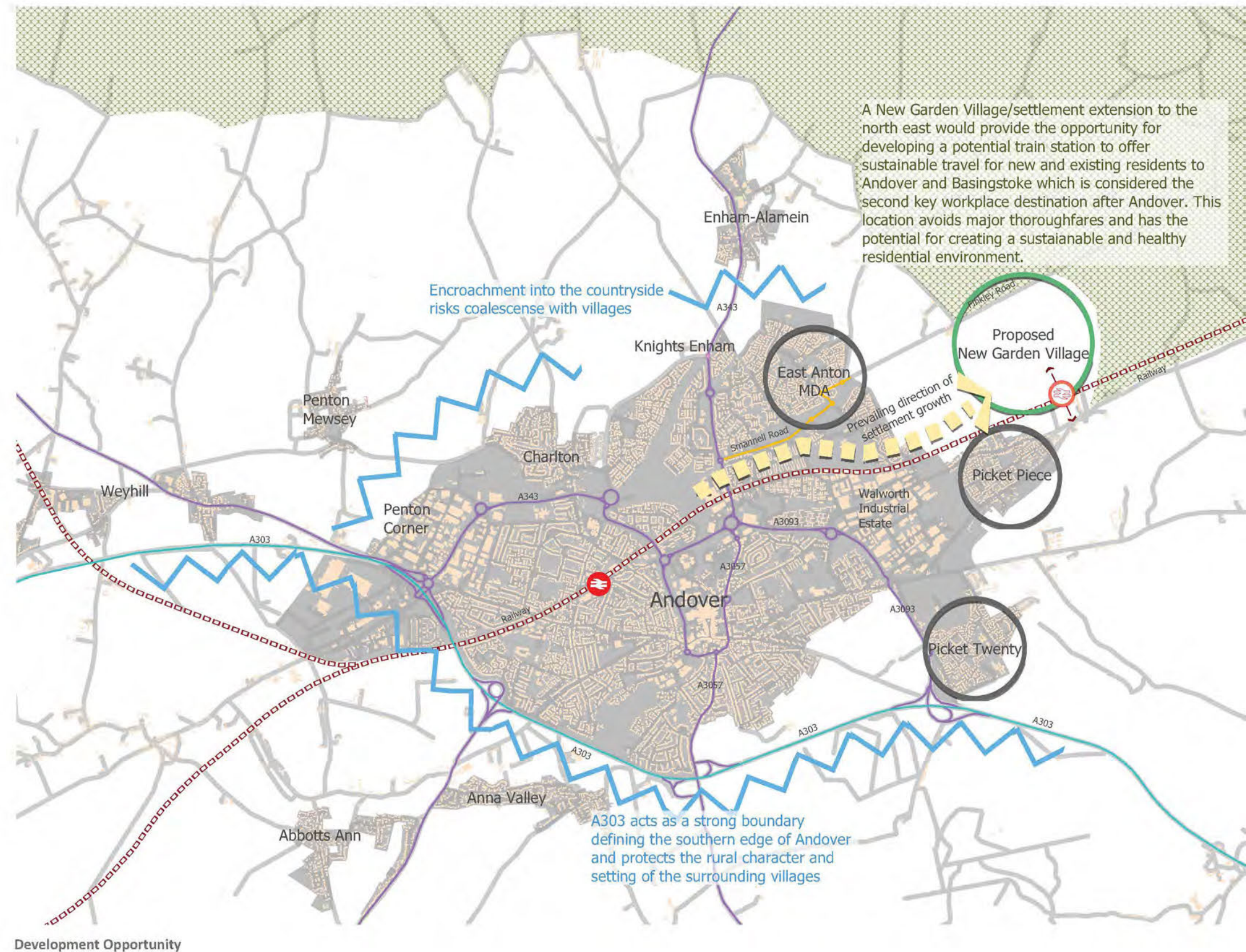
## 4.1 Development Opportunity

The Development Opportunity diagram examines what options there may be for extending Andover to the north, west, south, south west and north east.

Extending north, west and south threaten the surrounding villages to coalesce with Andover and will have significant impact on the rural character of the surrounding area. Further, the A303 runs along the southern boundary and contains any settlement extension further south, thereby creating a strong, defensible boundary.

Extending to the north east has the potential for being the most sustainable direction of settlement growth. It would take advantage of the improvements already implemented and underway in East Anton/Augusta Park. It also provides potential for a future railway station to serve the growing population in Northern Test Valley and improving the connectivity to other regional centres.

The development opportunity is located to the north east of Andover and adjacent to the new Augusta Park development and other land being promoted on the edge of the town (SHELAA 165). It presents a flexible opportunity for a further strategic extension of the town along with neighbouring land, maintaining the direction of growth through the early 21st century, or opportunity for a separate garden village, reflecting the development pattern of the main town surrounded by outlying villages of various scales.



A New Garden Village/settlement extension to the north east would provide the opportunity for developing a potential train station to offer sustainable travel for new and existing residents to Andover and Basingstoke which is considered the second key workplace destination after Andover. This location avoids major thoroughfares and has the potential for creating a sustainable and healthy residential environment.



## 4.2 General Site Characteristics

Within the 157ha site there are parts that are not developable but can be integrated as features within the site, including an 3.73ha area of woodland around a Scheduled Monument in the south eastern corner. Integrating these features will help to create a distinctive sense of place.

The eastern part of the Estate, which is situated within the Borough of Basingstoke and Deane, is within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The land is rolling and predominantly rural with a cluster of dwellings and farm buildings located at Finkley Farm. Andover is clearly seen from the Estate, with the development at East Anton visible from the Sites.

The majority of the site forms the northern valley slope, grading down in a generally southward direction from a high point of 106m Above Ordnance Datum (AOD) to a low point of 84m AOD in the southeastern portion of the site. The land then rises to approximately 98m AOD at the southeastern boundary of the site. Most of the Site is located to the south of Finkley Road.

The railway line provides a strong boundary and together with the proposed tree reinforcements to the east will visually contain the Site.



- i. Northern Boundary
- ii. Southern Boundary
- iii. Hazel Woodland Block
- iv. Woodland Strip Northern Boundary
- v. Wood Pasture / Parkland



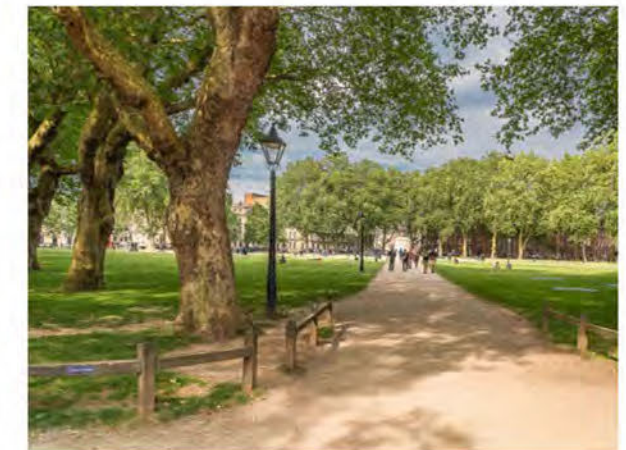


# 5. Proposal

The development opportunity will deliver a range of local facilities, services and employment opportunities for local and future residents. The Site's location will also allow access to a wide range of existing local facilities and services including shops, employment healthcare, leisure, retail and local schools within the Augusta Park development to the west of the Site or the wider Andover area. The following indicative key features are proposed to help create a sustainable community:

## PROPOSAL

- Circa 2500 dwellings.
- A Local Centre/Community Hub with new employment and retail opportunities (10-15ha).
- A 6ha education hub which would include a school.
- A country park with opportunities for formal and informal recreation – reinforcing the setting of the Scheduled Ancient Monument and existing woodland.
- Appropriate buffer to the railway line with new strategic landscape planting belt.
- Significant opportunity for a net gain in biodiversity through strategic planting and landscaping, including sustainable drainage features providing new and varied habitats.
- Strategic pedestrian and cycle links connecting to Andover Town Centre and existing public rights of way in the area.
- Opportunity to provide space for a new local train station serving the significant 21st century growth on the eastern edge of the town.
- New pedestrian connection to link residential areas north and south of the Railway.



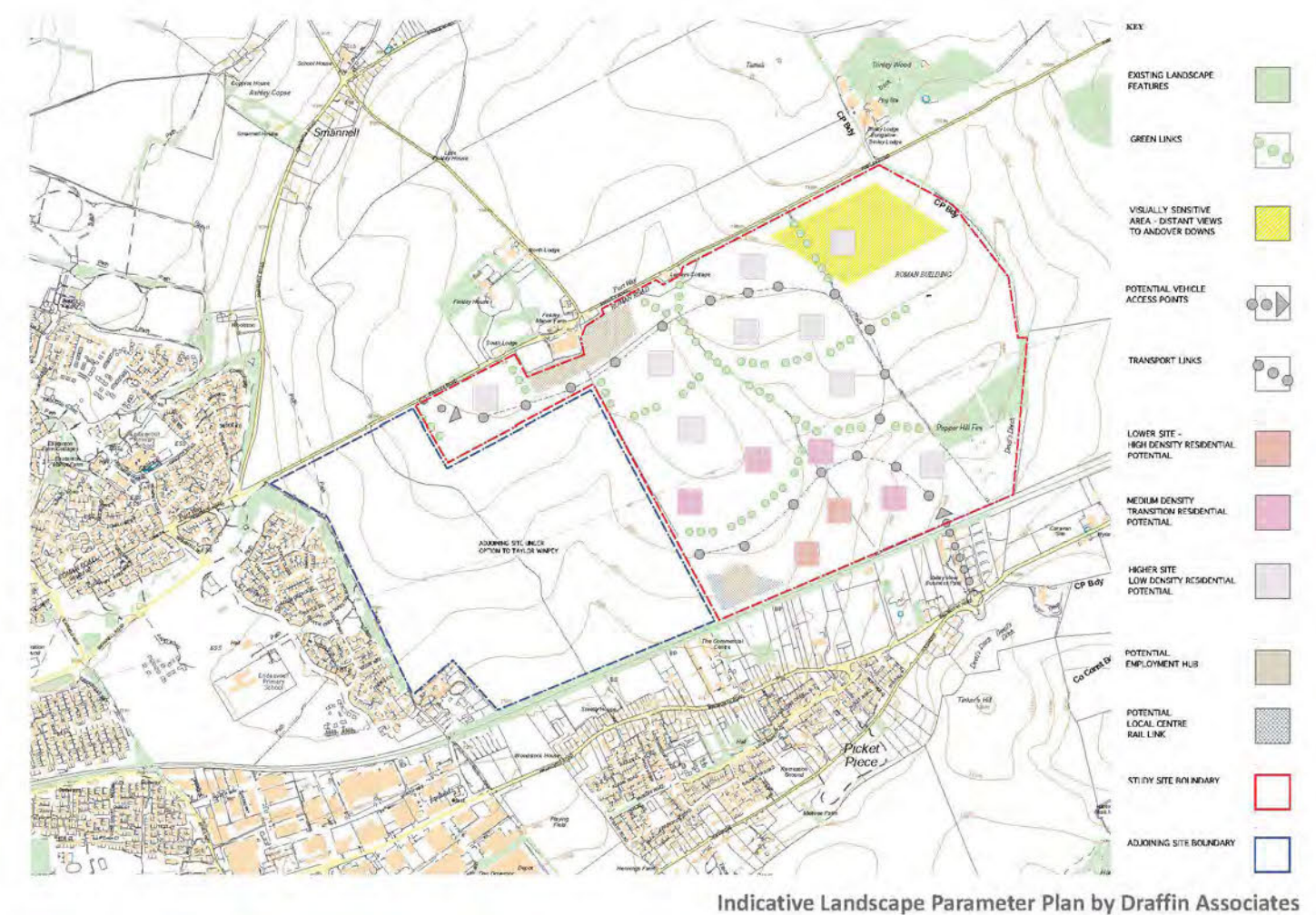


## 6. Landscape

This document has been informed by an initial Landscape Capacity Assessment by Draffin Associates. The Site lies outside the edge of the designated North Wessex Downs (AONB). The southern part of the Site to the south of Finkely Road is largely enclosed to the north by landform and mature vegetation and there are filtered public views across farmland looking to the south and west over fields.

The landscape report highlights the importance of respecting the visual sensitivity of the higher section of the site above 90m AOD. The downland context of Andover is evident in distant and skyline views and new settlement can be seen beyond the western boundary adjacent fields at Finkley Down and beyond the railway embankment to the south of Picket Piece. The east of the Site does not have any Public Rights of Way (PROW) and the proposed settlement will act as the eastern edge of the existing settlement to the countryside and provides new and existing residents with direct access to the countryside.

The development would benefit from an improved green infrastructure to integrate the proposal with the adjacent development along the western boundary, the expanding Andover settlement and surrounding countryside. This will require a long-term commitment to landscape and ecological management to ensure the significant landscape changes are managed.





# 7. Ecology

This document has been informed by a Phase 1 Ecological Assessment prepared by Pro Vision Ecology which informs on the presence of significant landscape features and ecology. The Site includes semi-natural woodland requiring ecological buffers and protection; however the outer hedgerow and woodland area have ecological value benefiting from links with the wider countryside. Development will therefore minimise hedgerow loss, respect the historic field pattern and further improve biodiversity with green links and enhancements.

The scrub and woodland within the site may support populations of dormice and the development will be designed to ensure that their habitats will be maintained and enhanced. Similarly, habitats where there may be a presence of bats or reptiles will be protected, as the development proposes large areas for biological enhancements. An overall net gain through habitat creation will significantly enhance the existing farm-land which is considered of low biodiversity value.

The ecological assessment suggests mitigation and is dependant on an essential pre-application survey. A more detailed scheme will seek to address the results of future survey work. Further enhancement measures for the proposed development with design detailing will include landscaping and design measures to enhance biodiversity.





# 8. Heritage

This document has been informed by an initial Heritage Assessment which aims to identify any notable heritage opportunities and constraints to inform the design process and allocation. The assessment considers that the study site does not form part of the setting of Lower Wyke Farmhouse and is visually divorced from the listed buildings located at Smannell and is therefore not considered part of their setting or to make any contribution to their significance.

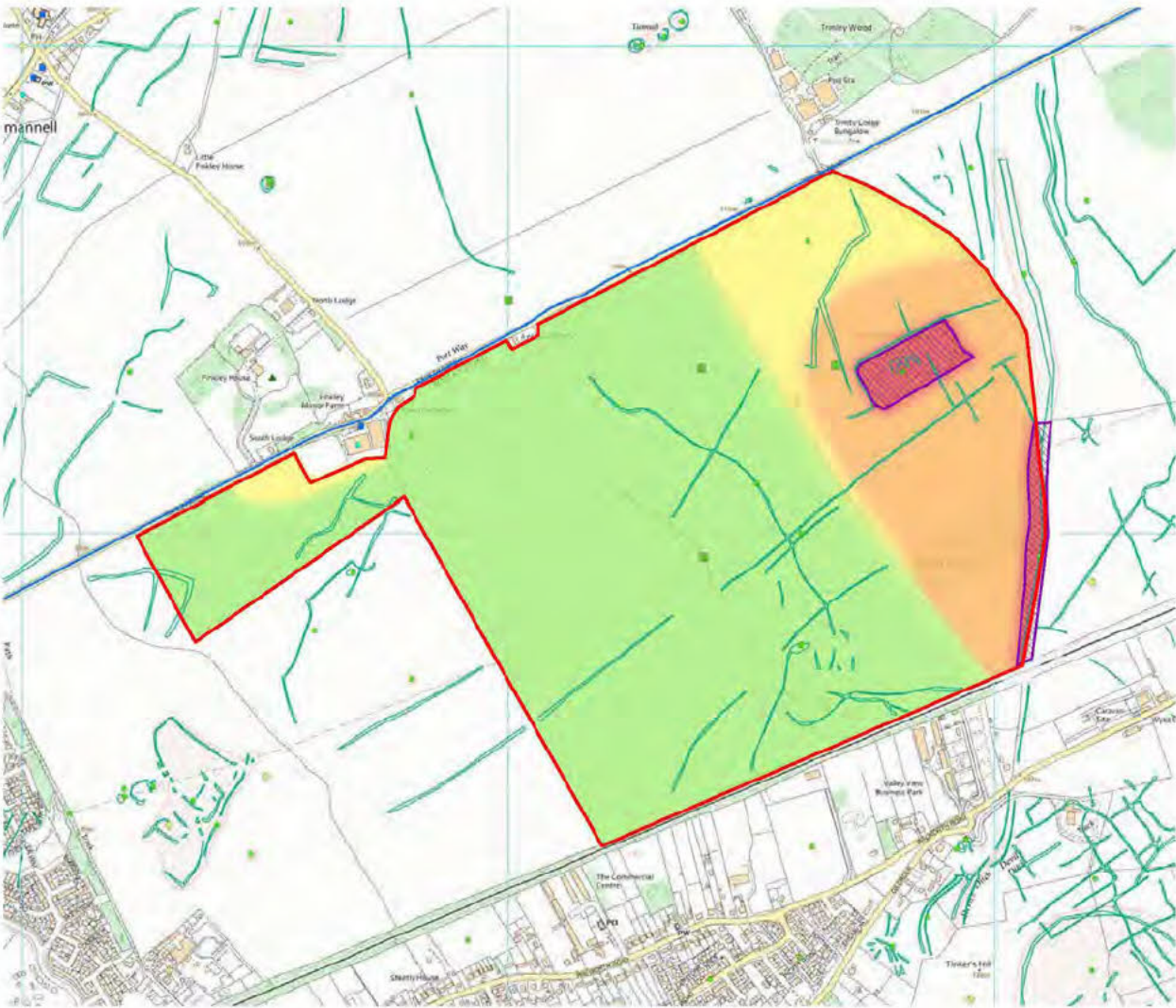
The Heritage Assessment assumes a constant density across the site and heights to not exceed 2.5 storeys for the development to not be visible from the listed building and its immediate surroundings or any other impact on the setting or significance of any other designated built heritage assets.

While both Finkley Farmhouse and Finkley House, Park and Garden are non-designated heritage assets, the proposal would alter their settings. Consideration would be given to the approach to the building along Finkley Road, to maintain elements of its rural setting, however any potential impact from development to the significance of the building would be limited.

To minimise the visual impact of the development and limit the visual impact of any future development, the provision of open space is proposed to assist in maintaining this context with recommended planting to soften views from the parkland and on departure from the estate.

Two Scheduled Monuments are located within the southern part of the Site south of Finkley Road: Roman house ½-mile (810m) east of Finkley Farm and; Devil's Ditch within Pepper Hill Firs. They are protected in statute and their development would not be permitted development, however the remainder of the site would have a degree of indirect impact on the Monuments. With appropriate mitigation and design, this impact can result in less than substantial harm to the assets. Appropriate design measures and preservation in situ where necessary will mitigate for any further archaeological remains on site.

Following the assumptions and assessment of the site the Heritage Assessment concludes that the development proposal will have no impact on the significance of any designated built heritage assets, including listed buildings. It also demonstrates that, subject to suitable mitigation, any impacts to the significance of the neighbouring non-designated built heritage assets will be limited in magnitude and they do not therefore present a significant constraint to the overall development.



## Legend

Site Boundary

Designated Heritage Assets:

Scheduled Monument

Non-designated Heritage Assets:

- Findspot
- Monument
- Named Place
- Parks and Gardens

- HER Buildings
- Roman\_roads
- HCC Cropmarks
- ALERT Red
- ALERT Yellow
- ALERT Green

Opportunities for Development:

- High Opportunity for Development
- Moderate Opportunity for Development
- Low Opportunity for Development
- No Opportunity for Development

HEAT Map showing perceived development opportunities by RPS



# 9. Transport and Connections

An Outline Transport Assessment has been undertaken by I-Transport to provide highway and transport advice in relation to the emerging development proposals. It undertakes a high-level assessment of the Site and the proposed development.

The assessment highlights that there is a good range of everyday services and local facilities and the Site will provide residents with access to key destinations within Augusta Park and the wider Andover area, which residents are likely to visit daily. Andover will provide residents with access to retail, employment, education, leisure and healthcare and what the adjacent land being promoted for development (SHELAA Ref: 165) will specifically include.

Access to the site is proposed from Finkley Road, which is currently rural in nature and will require improvements to accommodate the proposed development and its traffic and pedestrian/cycle movements. Smannell Road has been approved as part of the East Anton development to make it suitable for onward journeys to the proposed development site. The northern side of Finkley Road between the Site and Smannell Road/Finkley Road roundabout to the west can be widened enabling the provision of footways/cycleways.

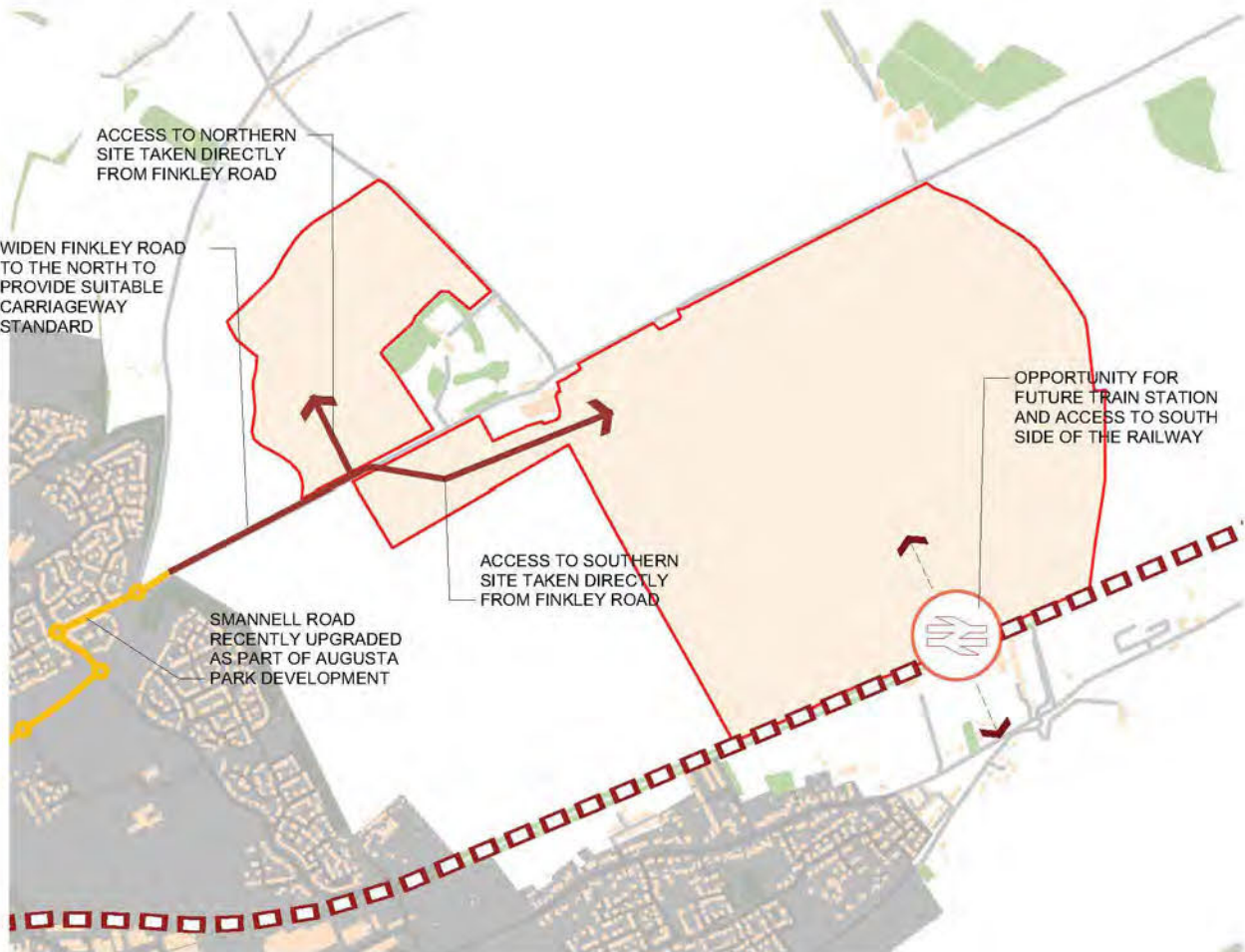
The exact locations and form of access would be decided at a later stage.

The scheme will promote opportunities to use sustainable transport modes at the proposed development site including walking/cycling, public transport strategies, a Travel Plan and undertaking day to day activities on Site and the North Eastern Sector. The objective will be to reduce the demand for travel by less sustainable modes and encourage modal shift away from single occupancy car use.

Most of the Site is located to the south of Finkley Road, which forms part of the National Cycle Network (NCN) route 246, which runs between Timsbury and Kintbury in Hampshire, via Andover. There are no public footpaths crossing the site and the local footpath network consists of the Test Way running north south approximately 50m beyond the eastern boundary by Wyke Down Farm. There are also public footpaths 70m beyond the south west corner linking Finkley Down Farm Park to Smannell and the recent development in East Anton. The existing and recently improved footway/cycle facilities in the vicinity of the site and the PROW network provide good access to the everyday facilities in Augusta Park, nearby employment areas and the town centre offering residents with a good opportunity to travel on foot or by bike.

The proposed development provides an opportunity to extend and enhance the already excellent existing bus services and facilities benefiting new residents of the development and the wider North Eastern Sector of Andover.

A high-level review undertaken by SLC Rail has considered the potential for a new railway station on the proposed development site and the finds indicate that there is a potential for a new station (subject to the findings of further studies). Should the station be provided, access to rail services would be greatly increased for the proposed development and surrounding residential areas.



Site Access





# 10. Summary of Constraints and Opportunities

The Site provides a number of opportunities to deliver a high quality sustainable new community for Andover and contribute towards the enhancement of the town and the improvement of its facilities. The diagram to the right illustrates how the site relates to the wider context and how these opportunities have been balanced against technical constraints which are inherent within the Site. The Site's levels, boundaries, treelines, edges, etc. aim to inform the concept masterplan and how it has been developed.



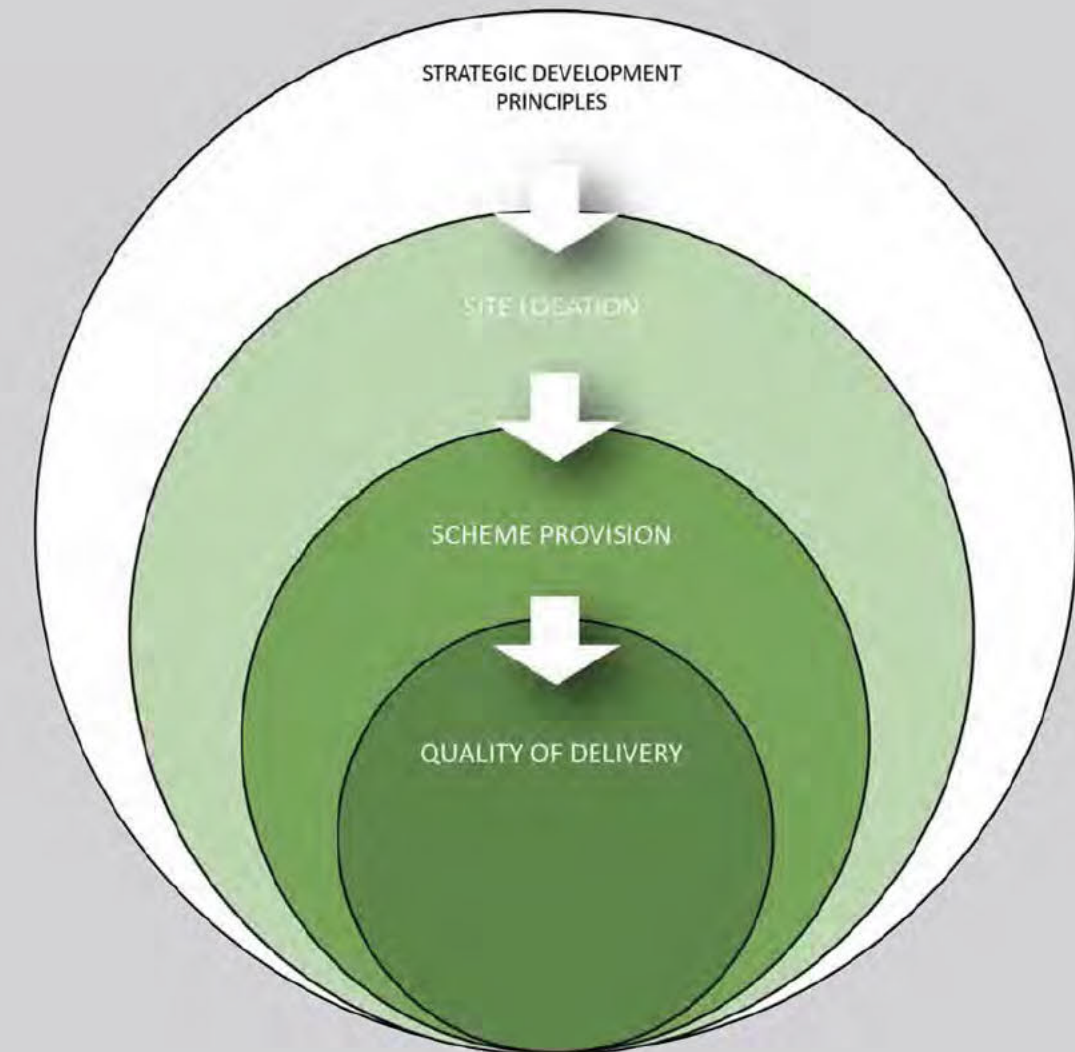


# 11. Strategic Development Principles

The scheme proposes a sustainable and high-quality development guided by the Strategic Development Principles which are set out below. They have been informed by the consultants' initial reports and site and contextual considerations and can further evolve with detailed reports and studies prior to a planning application.

The Strategic Development Principles are a higher-level set of principles which inform the planning and design of the scheme to create a new sustainable development. They address:

1. Site Location clarifying where it is located and how it is connected to the wider area;
2. Scheme Provision clarifying what the scheme offers in terms of services and facilities and how it complements existing facilities in the wider area and;
3. Quality of Delivery clarifying the characteristics of the development represented in all aspects of the development's design. These principles create the basis for further development at an application stage.





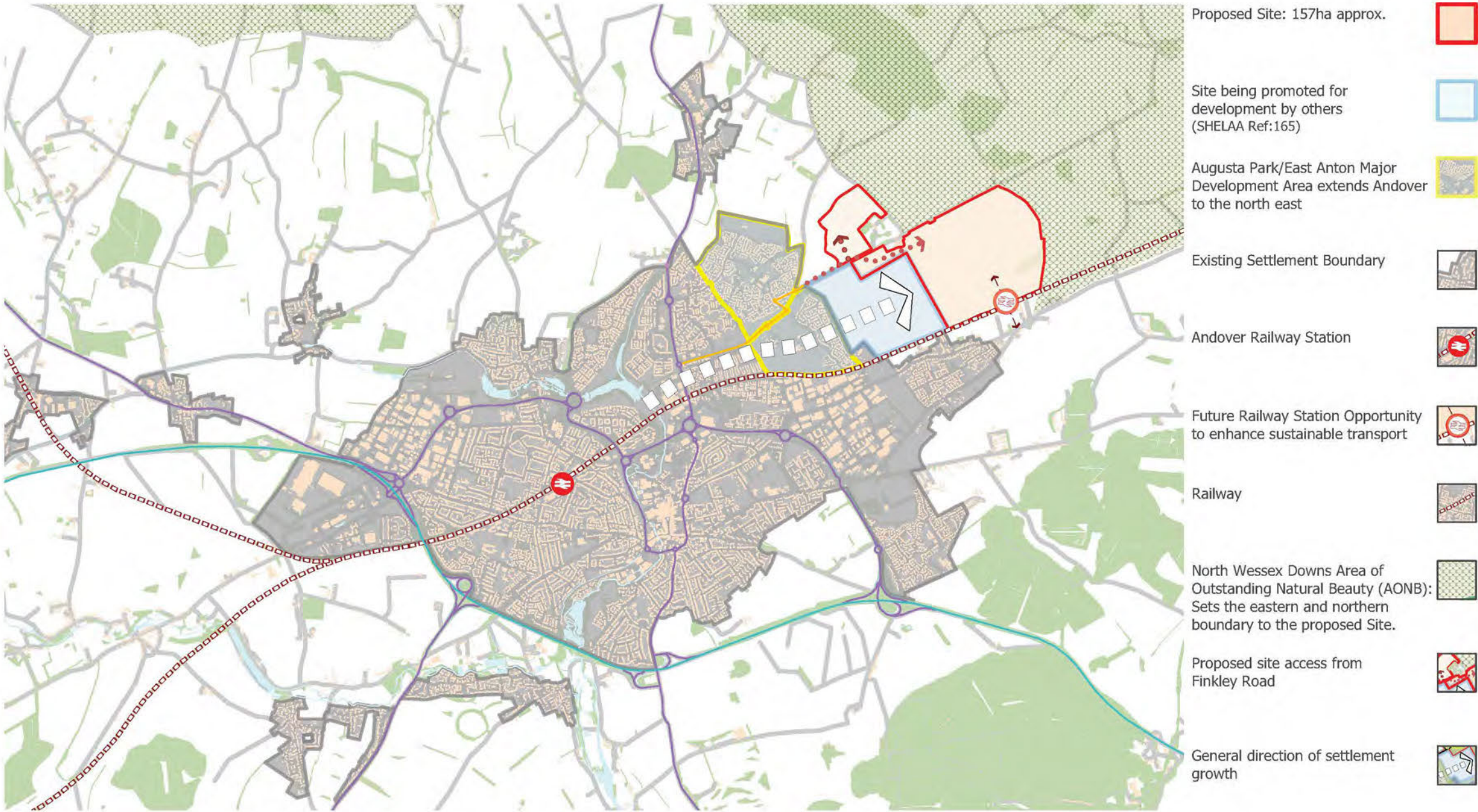
# Site Location



The Site's access requirements can be satisfactorily met with a safe and suitable access to the site either directly from an improved Finkley Road, or as part of a comprehensive access strategy for the proposed development and the adjacent site (SHELAA Ref: 165). Both options will utilise the recently upgraded Smannell Road which was developed as part of Augusta Park development. To compliment the Site's location and enhance connectivity, the development will:

- Prioritise first pedestrian and cycle movements within the scheme and connect with the wider Augusta Park areas;
- Facilitate access to high quality public transport with a layout that maximises the catchment area for public transport services combined with facilities that encourage public transport use;
- Allow the efficient delivery of goods, and access by service and emergency vehicles;
- Enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations;
- Reduce the demand for travel by less sustainable modes and encourage modal shift away from single occupancy car use by exploring, for example, the promotion for using a car club to the north east of Andover to assist in achieving lower car ownership usage levels for existing and future residents;
- Take advantage of a potential future train station which could be provided on site to improve sustainable travel and connectivity.

A SUSTAINABLE AND WELL-CONNECTED  
LOCATION FOR A NATURAL SETTLEMENT  
EXTENSION/GARDEN VILLAGE AND EDGE TO  
THE NORTH EASTERN SECTOR OF ANDOVER.



Location and Connectivity



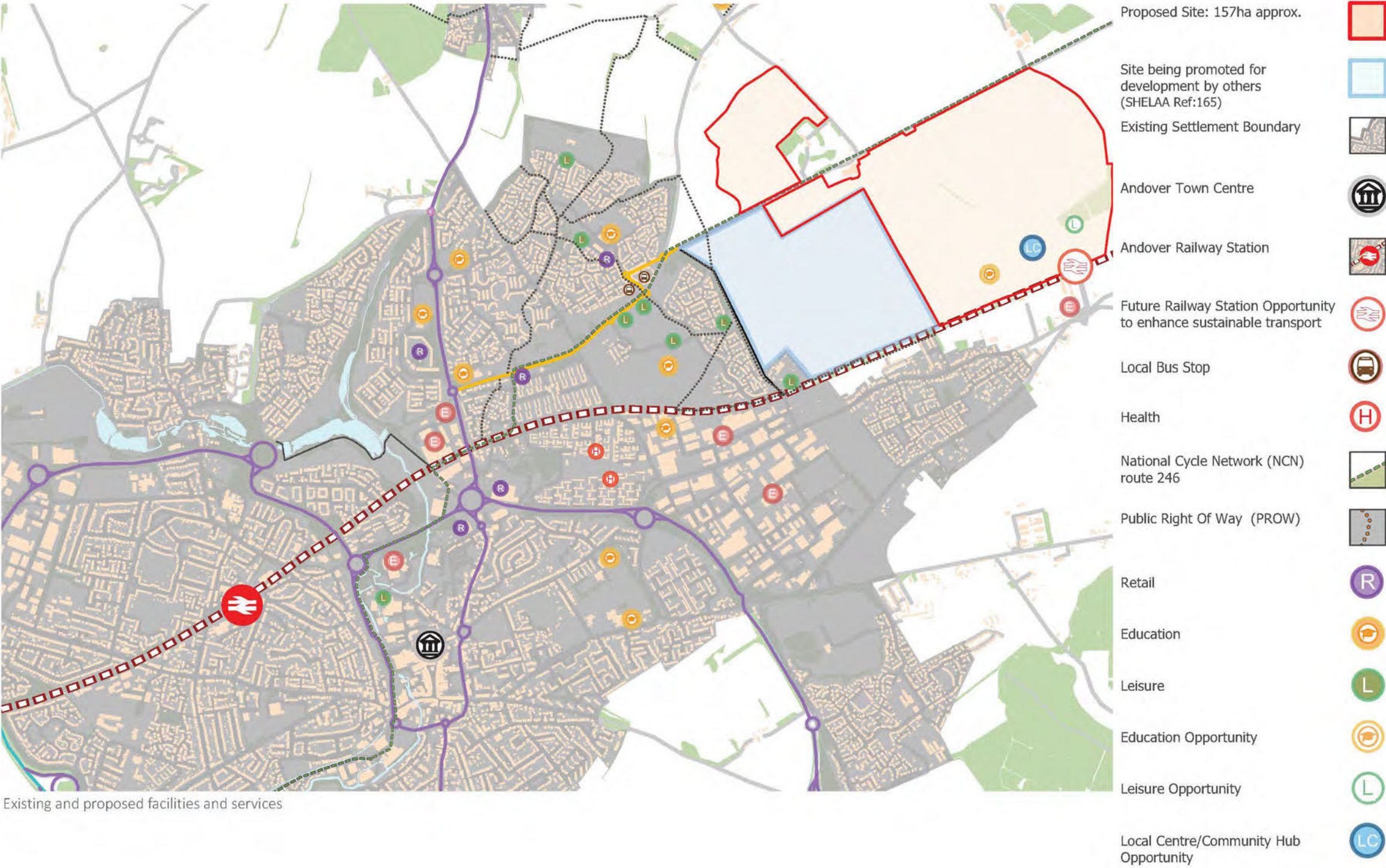
# Scheme Provision

A SUSTAINABLE DEVELOPMENT PROVIDING THE OPPORTUNITY TO ACCESS NEW EDUCATIONAL AND EMPLOYMENT FACILITIES AND RECREATIONAL SPACE OFFERING DAY TO DAY ACTIVITIES AND AN ACTIVE LIFESTYLE.



The scheme aims to provide the opportunity for many journeys to be contained within the site to reduce the need for travel. The site offers a cultural/commercial centre with new employment and retail opportunities, an education hub including a new school and a country park with opportunities for recreation and access to the countryside. To compliment the scheme's provisions and enhance connectivity, the development will:

- Provide an appropriate mix of uses within the site and across the wider north east sector of Andover, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;
- Provide a network of interconnected green space with active play areas for children and access to a countrypark;
- Connect and provide access to the edge of the countryside;
- Create an active environment with pedestrian and cycle priority and promote sustainable modes of transport within the development;
- Create a safe, secure and attractive place by minimising conflicts between pedestrians, cyclists and vehicles.





# Quality of Delivery



The overall aim of the masterplan is to ensure that the development and scale effectively integrate within the surrounding landscape, incorporating significant areas of green space within a biodiversity rich environment. Using the Site's intrinsic qualities, a strong sense of place that is coherent with the surrounding neighbourhoods and countryside can be created. While most of the design details would be elaborated at the application stage, the aim is to project the Site's qualities that would effectively deliver a high-quality development and help implement principles of the Garden City movement. The scheme aims to:

- Create a harmonious relationship between the development and natural features within and around the Site;
- Maintain views in and out to limit impact from the proposed development;
- Create a park-like environment with a strong landscape character by delivering a new countrypark set around the Scheduled Ancient Monument to preserve the setting;
- Provide generous open space including parks, gardens and tree-lined streets to merge with the park-like setting;
- Change the pattern and density of the residential areas to reflect the Site's intrinsic qualities and form character areas;
- Create a child friendly and walkable environment.

A HIGH-QUALITY DEVELOPMENT  
IMPLEMENTING PRINCIPLES OF THE GARDEN  
CITY MOVEMENT WITH AN INTEGRATED  
COUNTRY PARK TO CREATE A COHERENT  
NORTH EASTERN EDGE TO ANDOVER.



Concept Masterplan

Proposed Site: 157ha approx.



Medium-High  
Residential Density Area



Medium Residential Density Area



Low Residential Density Area



Cultural/Commercial Hub Buildings



Educational Hub Buildings





**Site Promotion Document August 2020**

Project No. 1721

Prepared on behalf of The Trinley Estate Ltd

**Prepared by**

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Director

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## Appendix B - HCC Guidance re Planning Obligations

# **Guidance on Planning Obligations and Developer Infrastructure Contributions**

## Part 1: Introduction and guidance overview

December 2023

## Summary

- This document sets out the County Council's approach to seeking contributions towards County Council services and infrastructure where there is a demonstrable impact on that service, or infrastructure created by new development which needs to be addressed.
- This Guidance can be used to ensure that infrastructure and services provided by the County Council are taken into account as development proposals and strategies are developed. It sets out the legal, policy and planning context in which the County Council may seek planning obligations and the mechanisms by which it may do so.
- It has been formally approved by the County Council as a non-statutory policy document.
- This introduction and overview (Part 1) is supported by detailed guidance on individual County Council service areas (**see parts 2-9**), including contact details for further information. The individual Guidance documents are provided as an online web-based resource and will be updated as required.



Infrastructure topic	Scope of the guidance	Email contact
Part 1 - Strategic Planning & Infrastructure (Guidance overview)	Background and practical guidance on securing and spending contributions	Developer Contributions (Spatial Planning) <a href="mailto:spatial.planning@hants.gov.uk">spatial.planning@hants.gov.uk</a> <a href="mailto:developer.contributions@hants.gov.uk">developer.contributions@hants.gov.uk</a>
Part 2 - Specialist housing	Primarily extra care accommodation to address unmet needs	Adult Services / Supported & Extra Care Housing <a href="mailto:extracare@hants.gov.uk">extracare@hants.gov.uk</a>
Part 3 - Children's Services Facilities	Education provision including new schools, extension to schools and provision for those with Special Educational Needs & Disabilities	Strategic Planning Unit <a href="mailto:strategicplanningunit@hants.gov.uk">strategicplanningunit@hants.gov.uk</a> <a href="http://www.hants.gov.uk/educationandlearning/strategic-development">www.hants.gov.uk/educationandlearning/strategic-development</a>
Part 4 - Highways & Transport	Assessing and mitigating the impacts of new development on the highway and measures to encourage the use of sustainable transport modes	Highways Development Planning <a href="mailto:highways.development.control@hants.gov.uk">highways.development.control@hants.gov.uk</a>
Part 5 - Countryside, Public Rights of Way & Green Infrastructure	Improvements to Public Rights of Way and the Green Infrastructure network	Countryside Service <a href="mailto:countryside@hants.gov.uk">countryside@hants.gov.uk</a>
Part 6 - Libraries	Contributions towards improving the stock and services on offer at local library facilities and discovery centres	Library Service, Children's Services <a href="mailto:county.library.hq@hants.gov.uk">county.library.hq@hants.gov.uk</a>
Part 7 – Waste Management Infrastructure	Provision for household waste recycling infrastructure to support housing growth	Waste Management (Universal Services) <a href="mailto:waste.prevention@hants.gov.uk">waste.prevention@hants.gov.uk</a> <a href="mailto:waste.management@hants.gov.uk">waste.management@hants.gov.uk</a>
Part 8 - Public Health	Advice on how to plan for healthy, inclusive and safe places (cross-cutting)	Public Health <a href="mailto:public.health@hants.gov.uk">public.health@hants.gov.uk</a>
Part 9 - Flood & Water Management	The use of SuDS in new developments and the need for landowners and developers to seek consent for work to Ordinary Watercourses	Flood & Water Management team (Universal Services) <a href="mailto:fwm@hants.gov.uk">fwm@hants.gov.uk</a>

## Introduction: Infrastructure Planning in Hampshire

1. Hampshire is one of the largest counties in the country with an estimated population of 1.41 million people in 2020. It is an area of significant growth, with a booming economy and growing housing pressures. Longer term projections (Hampshire County Council POPGROUP forecasting model) suggest that by 2050, the population could exceed 1.78 million; an increase of 26%. The need for supporting infrastructure in Hampshire is essential. Hampshire County Council delivers around 80% of the public services received by Hampshire's population. Providing these services equates to a spend of approximately £2.1bn a year.
2. The term 'infrastructure' can describe new roads, bridges, sewers and schools, as well as the wider range of social and community facilities much valued by local communities such as community and health facilities, libraries, country parks and a range of other facilities which maintain and improve people's quality of life. The delivery of infrastructure and services is likely to continue to be extremely challenging in view of reducing budgets and increasing demands on public services.
3. The County Council's aim is to ensure that necessary infrastructure is delivered at the right time so that development does not have an adverse impact on existing or new communities. This 'Guidance on Planning Obligations and Developer Infrastructure Contributions' (hereafter the Guidance) provides information for new developments within Hampshire, aligned to the National Planning Policy Framework's aim to support sustainable development. The County Council promotes a consistent and transparent approach to infrastructure provision, seeking to ensure development addresses increased demands on, and the need for new, infrastructure provision, and to support sustainable growth within the county.
4. Hampshire is a two-tier area which means often development contributes towards County Council delivered infrastructure (e.g., transport) and local authority infrastructure (e.g., community centres and open space). There are 11 local planning authorities and parts of two National Park Authorities sitting within the Hampshire Boundary. Southampton and Portsmouth City Councils, whilst located within the geographical county of Hampshire, are unitary authorities and will have their own policy and guidance on infrastructure.
5. In terms of the planning system and infrastructure delivery, in a two-tier area, the County Council and the local authorities have different statutory responsibilities. The County Council has responsibility for delivering the majority of the public infrastructure and services on which those developments will rely, which includes:
  - Sustainable travel, highways & transport;
  - Countryside and Public Rights of Way
  - Education & Schools;
  - Waste Management (e.g., household waste recycling centres);
  - Flood & Water Management and Sustainable Drainage Systems;
  - Public health initiatives to improve the health of the population;
  - Specialist housing (adult social care, extra care & supported housing); and
  - Library services.

6. The following infrastructure is typically dealt by the relevant district or borough council in which the development is planned or proposed:
  - affordable housing (which can be funded and delivered as part of commercial housing schemes);
  - leisure and recreation (including open space)
  - community facilities
  - habitat mitigation
7. It is essential that development plans and planning application processes consider the infrastructure and services for which the County Council is responsible, and on which new development relies to provide a high quality, safe and healthy environment for residents and new communities. To assist this, it is important that the County Council is involved in the earliest stages of evidence gathering and policy formulation in order that these important matters are fully incorporated into future plans and decision making across the county. This Guidance can be used as reference point and to inform these discussions.
8. The Guidance is not a statutory planning document, although it provides information to enable both developers and local authority officers and planning committee members to understand the infrastructure cost and requirements likely to be required to mitigate the impacts of development.
9. The Guidance can be used:
  - To inform the preparation of local plans, supplementary planning documents, site-specific planning briefs
  - To contribute towards the evidence required for those local planning authorities that are operating a Community Infrastructure Levy (CIL).
  - To support negotiations with developers and landowners on planning obligations during the process of determining planning applications
  - By landowners and developers to review the guidance on infrastructure mitigation and contributions in considering development costs and viability.
  - By local planning authorities when weighing up and balancing the identified infrastructure requirements with competing requirements and issues when considering planning applications.
10. When using this Guidance, it is important to note:
  - It should not be assumed that compliance with the Guidance will necessarily result in County Council support for development proposals; nor that planning permission will be granted by the relevant local planning authority. The Guidance is not an exhaustive list and the exact requirements for planning obligations will be decided on a case-by-case basis with the individual circumstances of each site being taken into consideration.
  - The County Council will only seek the provision of infrastructure or financial contributions towards its provision where this is justified and appropriate, in accordance with planning principles and legislation.

- The County Council will provide an appropriate justification for each obligation it seeks in line with the legal and regulatory tests (i.e., obligations must be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably relate in scale and kind to the development proposed).

11. This Guidance is a useful reference point for information on the County Council's role in:

- The pre-application stage
- S106 legal agreements
- Monitoring of obligations due to be met
- Reporting expenditure of financial contributions
- Infrastructure delivery
- Setting and charging a Community Infrastructure Levy (CIL)

## The Planning & Legal Context: Planning Obligations

12. The terms 'developer contributions', 'planning obligations', 'section 106 (s106) agreements', 'section 278 (s278) agreements' and 'Community Infrastructure Levy' (CIL) are means of ensuring that new development is accompanied by the infrastructure necessary to serve it, and such obligations are also known as 'planning gain'. Planning obligations are a mechanism to make otherwise unacceptable development proposals, acceptable to the determining authority.
13. Further guidance on planning obligations is provided in the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) and this document does not seek to duplicate national policy and guidance on obligations.
14. This Guidance is intended to support compliance with legislation setting out when planning obligations can lawfully be sought by the local planning authority (notably Regulation 122 of the Community Infrastructure Levy Regulations (2010) (as amended)). For example, guiding local authorities about how developer infrastructure contributions can assist in mitigating the impact of unacceptable development, by demonstrating obligations are directly related to the development, based on evidence of need.
15. The County Council is not a charging authority for CIL. Charging authorities may pass money to other bodies to deliver infrastructure which will benefit the development of their area, and in two tier areas this includes the county council, for example for education infrastructure. National guidance identifies a role for county councils in the CIL process. The NPPG notes (paragraph 014, Reference ID 25-014-20190901) that: "County councils are responsible for the delivery of key strategic infrastructure. Charging authorities must consult and should collaborate with them in setting the levy and should work closely with them in setting priorities for how the levy will be spent in 2-tier areas."
16. Developers (or other planning applicants) may be liable, in many circumstances, to pay CIL charges in CIL charging areas, and also enter into s106 agreements in respect of the same development proposal. To secure contributions towards necessary infrastructure, it is generally the County Council's preference to use s106 agreements, rather than relying on any presumption that funding from CIL collected by local authorities would be available to fund

necessary infrastructure.

17. In Hampshire most local planning authorities operate a levy (CIL). Currently, Eastleigh, Hart, New Forest National Park and Rushmoor local planning authorities do not operate a CIL. In these four authorities, therefore, only planning obligations are sought.
18. As required by the Community Infrastructure Levy Regulation Amendments 2019, all contribution receiving authorities are required to publish an annual Infrastructure Funding Statement (IFS), by 31 December. Hampshire County Council published its first Infrastructure Funding Statement in December 2020 and updates this annually. The IFS provides a comprehensive summary of the developer contributions secured, received, allocated and spent in the previous financial year by Hampshire County Council. The publication of this information is intended to increase transparency as to how this income is utilised to deliver essential infrastructure across Hampshire.
19. Table 1 is extracted from the Infrastructure Funding Statements and illustrates the level of funding negotiated and secured in section 106 agreements in accordance with this Guidance across service areas in recent years.

*Table 1 – Sum of developer contributions funding secured through legal agreements by the County Council in previous financial years (source: Infrastructure Funding Statements, Hampshire County Council)*

	2019/20	2020/21	2021/22
Total contributions agreed in s106 legal agreements	£4.43m	£5.98m	£12.1m

20. The Levelling Up and Regeneration Act 2023 includes a new Infrastructure Levy which is intended to become the primary mechanism for securing and collecting developer funding for infrastructure. Whilst it is anticipated that section 106 will still be used for larger sites, the Levy will largely replace section 106 and the Community Infrastructure Levy. The introduction of the Infrastructure Levy requires secondary legislation, regulations that will set out exactly how it will operate. The government has indicated that the Levy will be rolled out over a long period of time, hence the need for this guidance to assist with planning obligations in the intervening period.

## Evidence for Infrastructure Delivery Plans

21. To assist local planning authorities both in local plan preparation and the determination of planning applications the County Council can provide information on infrastructure needs and planned delivery at a local level. To facilitate this, the County Council has previously produced a Hampshire Strategic Infrastructure Statement. This aims to present information relating to the additional infrastructure needed to support future planned development across the county. It focuses on those types of infrastructure which the County Council and its public sector providers have a role in planning, coordinating and in some instances delivering. See link below to the 2019 Statement which illustrates the infrastructure topics that the County Council can advise on.
22. Local planning authorities are encouraged to contact the County Council for the latest evidence to assist the preparation of Infrastructure Delivery Plans, and this Guidance will be updated to signpost to latest reports and evidence. The County Council's spatial planning team can facilitate collating data to inform the following at the local authority level:

- What is the current capacity, i.e. existing level of use, of a particular piece of infrastructure?
- How much additional development could that infrastructure accommodate?
- What, if anything, needs to be done to achieve that?
- What would be the costs associated with increased provision and how might these be met?
- What is the likely timescale to increase provision?

## Practical Guidance on Planning Obligations and Developer Infrastructure Contributions

23. This section provides guidance on:

- How the County Council monitors planning obligations
- Providing advice at pre-application stage about obligations and contributions
- Engagement in assessing and determining planning applications
- Other advice for developers
- Protocols and procedures for s106 legal agreements
- Mitigation and strategic scale developments
- Land, building and contributions in kind

## Legal Agreement Fees

24. For section 106 agreements for which the County Council is a signatory, it charges the following fees:

- Legal fee
- s106 monitoring fee
- 'Director's fee' (commonly referred to as a highways development control fee) (where applicable).

25. Depending on the scale of development, the County Council may secure travel plan fees to cover the cost of approval and ongoing evaluation and monitoring by the County Council where a travel plan is required (see Further Information below). A travel plan aims to reduce the number of people travelling by car alone and requires monitoring of its effectiveness. This travel plan monitoring fee is separate and additional to the s106 monitoring fee.

26. A planning obligations monitoring fee is based on the estimated time related to the administration, monitoring, management and reporting of each planning obligation. The monitoring fee is **£650 per individual obligation secured** (including individual contribution instalments where there are phased payments related to triggers). The fee is capped at £10,000 per agreement for 23/24 financial year. The fee amount and cap are kept under annual review.

27. The monitoring fee has been set at a level which covers the reasonable cost of providing the monitoring of obligations across the County Council. It applies to each obligation secured by



the County Council within a s106 legal agreement and will be payable on completion of the legal agreement. The County Council's monitoring fees are separate from any monitoring fees charged by lower tier authorities (district and borough councils) for their respective obligations.

28. The County Council also charges a highways development control fee to contribute towards the staff costs associated with the progression and negotiation of obligations and legal agreements by highways officers. If applicable, the fee is payable alongside the monitoring fee on completion of the legal agreement. The fee is applied on a sliding scale based on a proportion of the value of the financial contribution and/or highway works as follows:

**Table 1 Level of Director's fee (highways development control fee) required for Hampshire County Council's management of legal agreements**

Value of works and / or contribution	Fee
£0 - £49,000	£900 + 1%
£50,000 - £99,999	£1,100 + 0.75%
£100,000 - £499,999	£1,550 + 0.5%
£500,000 – unlimited	£2,750 + 0.25% (subject to £5,000 maximum)

29. Preparing a draft agreement, negotiating amendments, and executing the agreement requires input from the County Council's Legal Services Department. The County Council will seek to recover its full legal costs from developers by way of a solicitor's undertaking and will also include an obligation within the s106 agreement. Any legal costs incurred are required to be recovered, regardless of whether the s106 agreement proceeds to completion.
30. Additional costs may be sought for the involvement by other officers in the relevant County Council department for time spent negotiating their respective elements of new legal agreements. Monitoring fees and legal costs must be paid by the applicant by completion of the s106 agreement.

## Consultations on Planning Applications

31. The NPPF (paragraph 38) highlights the importance of early engagement in improving the efficiency and effectiveness of the planning application system for all parties. The County Council welcomes early discussions with developers, either separately, or as part of any pre-application discussions with the local planning authority, to help identify and resolve key issues and potential impacts on County Council services and infrastructure before planning applications are submitted.
32. Further guidance on the means of engaging with individual County Council departments in pre-application discussions, and what level of service developers can expect from those departments, are set out in the Guidance (parts 2-9).
33. The County Council has many interests in planning applications that are dealt with by the lower-tier planning authorities and National Park Authorities within Hampshire. This is both as a local planning authority in its own right, a statutory consultee in key service areas but also as an upper-tier authority, responsible for providing a wide range of infrastructure and services for Hampshire communities.

34. The County Council provides important services on which communities depend and plays a key role in place-shaping across Hampshire. Early engagement by local planning authorities and applicants on development proposals which might impact on County Council services and responsibilities is encouraged. A number of services and responsibilities directly relate to the development and use of land and the early involvement of the County Council in the formation of development opportunities can result in better outcomes for both the development process and local communities.
35. The following topic-specific Guidance (parts 2-9) provides information about when the County Council wishes to be consulted.
36. Planning authorities are encouraged to seek a coordinated response from the County Council as a consultee on planning applications where it is considered useful. For example, consultations on major planning applications can be sent electronically via email to [planningconsultations@hants.gov.uk](mailto:planningconsultations@hants.gov.uk) to receive a single, coordinated response from the County Council. This would replace the need to consult statutory consultees directly, as these comments would form part of the corporate response.
37. For clarity, the County Council is a statutory consultee in respect of its roles as a local highway authority, lead local flood authority and as a local planning authority. Legislation sets out which planning applications the County Council needs to be consulted on in respect of these statutory roles.
38. The County Council's response may advise the local planning authority:
  - how the development would impact on strategic infrastructure and services;
  - how planning obligations will assist in mitigating the impact of unacceptable development to make it acceptable in planning terms;
  - any opportunities to enhance existing or provide new infrastructure and services; and
  - how the development and any need for mitigation would help achieve sustainable development and place-shaping objectives.
39. The County Council will only seek planning obligations where they accord with the CIL Regulations (as this relates to the use of planning obligations) and relevant planning policies. All consultation responses to planning applications regarding the requirements to potentially secure a planning obligations will be in accordance with this Guidance.
40. Section 106 agreements are drafted when it is considered that a development will have impacts that cannot be managed by means of conditions attached to a planning decision. Section 106 agreements are often necessary when financial contributions are required- this is because planning conditions cannot require the payment of money or other consideration when granting planning permission.
41. Where planning obligations are sought by the County Council, it will provide the necessary justification to demonstrate that the anticipated impact by the development cannot reasonably be accommodated within existing infrastructure and that the obligations sought meet the requirements of the CIL Regulations. Examples of planning obligations that the County Council seeks include:
  - financial contributions towards providing new infrastructure, or improving or expanding existing infrastructure where appropriate;
  - the delivery of works of improvement on the highway;



- the dedication of land to the public as public highway;
  - the direct provision of services, land, and buildings; and
  - payments towards ongoing maintenance and service delivery costs (i.e. commuted sums in the highway context).
42. The local planning authority is responsible for considering the County Council's advice against other material planning considerations and the compliance of the application with the development plan. The local planning authority must consider whether the infrastructure contributions sought are reasonable and accord with the requirements of the CIL Regulations, in addition to balancing the viability of the development against the infrastructure requirements.
43. In situations where developers seek to challenge the County Council's requested contributions on viability grounds, the County Council's expectation will be that the developer should provide an 'open-book' independent financial viability assessment before it will consider modifying its standard requirements (see below). That assessment should clearly demonstrate the individual financial assumptions and calculations that have been made and should clearly show that the reason for the developer claiming a lack of viability is not because they have paid too much for the land (NPPG Viability Guidance).
44. In cases where a local planning authority does not accept or pursue the County Council's request for contributions, the County Council would expect to be notified with the reason(s) and provided with an opportunity to address the issue in a timely manner.

## Development Viability

45. Local planning authorities are required to take care that the combined impacts of seeking the totality of planning obligations (whether secured through s106, s278 or CIL) does not adversely impact on development viability.
46. The NPPF (paragraph 58) and NPPG make it clear that, once assessed through the local plan process, contributions from development should be assumed to be viable. It is the responsibility of developers to engage in that process to ensure they accurately reflect real world considerations. The price paid for land is **not** a justification for failing to accord with policies in the local plan.
47. The County Council will work with local planning authorities at the plan-making stage to ensure that the required infrastructure and services are factored into viability assessments to ensure that allocated sites and local plans in their entirety are deliverable. In order to assist with this process, the County Council's Spatial Planning team will work with local authorities to identify the potential pressures from planned future development on existing infrastructure and services operated by the County Council and partner organisations, and the measures likely to be necessary to mitigate that pressure.
48. Developer contributions sought by the County Council at the planning application stage are assumed to be affordable and deliverable without adversely affecting the viability of development, unless developers can demonstrate otherwise, having followed the principles set out in the NPPF and PPG, to the County Council's satisfaction.
49. There may be circumstances where flexibility is required to enable schemes to be delivered which are demonstrably marginally viable. For example, there may be scope to collect contributions in instalments or to phase payments later in the development process.

50. Where viability is demonstrated to be an issue, the County Council requests that a review mechanism is included in a s106 requiring periodic viability assessments throughout the life of the development as set out in the NPPG Viability Guidance.

## Legal Agreements

51. If a s106 agreement is required, the County Council and the local planning authority will agree obligations with the developer covering matters such as:
- Payment (amount, timing) of financial contributions;
  - How to use financial contributions and any land required for specific purposes;
  - Placing contributions received in interest bearing accounts; and
  - Returning unused contributions after an agreed period. This is ordinarily ten years but is dependent on the complexity and size (phasing) of the development.
52. The County Council will be a signatory to s106 legal agreements which contain obligations relating to services which are its responsibility. Being a party to a s106 agreement enables the County Council to directly monitor and enforce obligations.
53. The County Council will collaborate with local planning authorities to ensure that drafting can be progressed in a timely manner.
54. In most cases, the developer or local planning authority will provide a first draft of the legal agreement containing the clauses required to deliver the requested obligations. The County Council will then add any clauses necessary to secure obligations in respect of its statutory interests.
55. Once completed, the s106 legal agreement will be recorded by the local planning authority on the planning register, as land charges and may be registered against title at the Land Registry. Both the County Council and the local planning authority will then monitor compliance with the agreement.
56. Under section 106 of the Town and Country Planning Act 1990 (TCPA 1990), a person with an interest in land can enter into a planning obligation either with the agreement of the Council or through a unilateral undertaking.
57. This standard document is a unilateral undertaking to pay the County Council a financial contribution. The Council is not a party to the document. Unilateral Undertakings can also arise as a consequence of the appeal process. Whilst not a signatory to a unilateral undertaking, the County Council would ideally and preferably be involved in drafting of the undertaking, to ensure obligation terms are appropriate.

## Start dates, phased payments and triggers

58. The triggers for the payment of contributions will generally be linked to commencement of works and/or first occupation. For larger or phased developments, contributions may be payable in multiple instalments and therefore at various occupation milestones, either for the entire site, or linked to progress of specific phases. Triggers for payment will be decided on a case-by-case basis.
59. In some of the larger strategic scale developments, it can be appropriate for cash flow and viability reasons for payments of large financial contributions to be phased. The County

Council will require the last payment to be made well in advance of the development completion, and this will be reflected in the drafting of the legal agreement.

60. Contributions that are not paid by the specific trigger date for payment, may result in the County Council having to borrow funds to forward-fund provision of new infrastructure in advance of the development being fully occupied. To cover this, interest charges are incurred for late payments and each s106 agreement contains a 'late payment interest (LPI)' clause as standard, which allows the County Council to collect LPI on any contributions not paid on time in accordance with legal agreement.
61. The late payment interest charge is usually 4% above the Bank of England base rate and it accrues daily until payment is received. This charge does not replace the cost correction achieved through index-linking and does not form part of the contribution itself. It is non-refundable. It is also important to note that LPI charged on the developer is separate from the interest that is earned on the contribution whilst it remains in the County Council's interest-bearing account after payment is received.
62. The County Council will ensure that contributions are spent in a timely manner to mitigate the impacts of development, and the majority will be spent within ten years of receipt. Where this is not possible financial contributions will be returned in accordance with terms of the legal agreement. For example, in some circumstances the funding needs to be pooled with other contributions and/or infrastructure needs to be delivered at the latter phases of a scheme.
63. Agreements will include clauses stating when funds will be used and allow for their return after an agreed period if they are not used. To date this has typically been a period of ten years and depends on the scale of the development and phasing programme.
64. The County Council may, in consultation with the signatories to the legal agreement, seek to negotiate a variation to the principal legal agreement to ensure that any negative impacts of development continue to be appropriately mitigated.

## Payment of financial contributions

65. Once a contribution has been determined it must be future proofed against infrastructure cost inflation, through index-linking. The appropriate index for each type of contribution will be used based on what the funding is secured for, and as advised by the County Council's construction specialists. In each case the indexation must be calculated from date the costing is based, up until the date of payment. Historically, the base date for the indexing of certain obligations was taken as the date the agreement was signed/ or permission was issued.
66. Contributions will be index-linked up until the date of payment in order to mitigate against the increased costs of infrastructure construction therefore. The County Council will calculate the uplifted contribution due.
67. For new building work, the County Council typically index financial contributions to the All-in Tender Price Index of Building Cost Information Services (BCIS) published by the Royal Institute of Chartered Surveyors (RICS), taking into account the Regional Factor for Hampshire at the date of payment. The BCIS also publish forecasted indices which can assist in more accurately estimating the value of future contributions. The school construction costs set out in Part 3 of this Guidance, are updated to the latest BCIS All-in Tender Price Index as guided by the latest National School Delivery Cost benchmarking publication.
68. Contributions payable in relation to the County Council's clauses in a s106 agreement will be paid directly to the County Council, unless otherwise specified. Occasionally it is appropriate that contributions are paid to the local planning authority, and transferred to the County

Council so that the monies can be spent on their intended purpose. The County Council monitors expenditure to ensure that financial contributions secured through s106 planning obligations are spent in accordance with the terms of the legal agreement.

69. In certain cases, there may be instances where s106 monies will need to be transferred to other organisations, such as academies or community groups. Where this occurs, the County Council will enter into a separate legal agreement with the organisation, which specifies the amount to be transferred, terms of use, project details and clawback arrangements to ensure monies are spent in accordance with the terms of the s106 agreement.
70. In circumstances where there is a risk that mitigation works secured in a legal agreement would be delayed, the County Council may request security from the developer, through a bond provider, to protect payment in the event of insolvency.

## Land, Building & Contributions In-Kind

71. In some cases, developers may wish to make direct provision of infrastructure rather than financial contributions, or the County Council may require land to be transferred to its ownership under a s106 agreement. Examples of such land transfers could include for provision of new or expanded schools or related facilities, libraries or community facilities, or for land to be dedicated as highway or for transport-related facilities.
72. During pre-application discussions the County Council will work closely with the applicant and the local planning authority to identify potential locations that provide the best location for the infrastructure under consideration. Any land that is intended for public use must be safe and fit for purpose and any costs related to remediation will be borne by the developer.
73. Issues which will need to be examined include:
  - ground conditions;
  - sources of contamination;
  - flood risk; and
  - the proximity of incompatible land uses.
74. When a land transfer is required, the relevant legal agreement would typically include a ten-year option period during which the County Council can require transfer of the land. In some cases, a set trigger in the implementation of the development is agreed for the transfer. In others, additional land may be safeguarded over and above that needed to mitigate the impacts of the development to future-proof the infrastructure provision and enable expansion (e.g., of schools) as necessary. Where this latter approach is followed, a date will be agreed by which any safeguarded land is required to be transferred. The land will in most cases be expected to be provided at a nominal cost of £1. It is important that the agreement is sufficiently flexible on timescales to provide adequate time for the County Council to ensure the best timing for the delivery of the new facility.
75. If the County Council has not entered into contracts to provide the facility for which the land is required within ten years of transfer, (or any other period as agreed depending on the circumstances), then the land will be handed back to the developer. Developers are advised to consider acceptable alternative uses for the site in the event that it is not used as originally intended.

## Monitoring and Review of the Guidance

76. This Guidance has set out the County Council's role in the delivery of infrastructure and services to those who live and work in Hampshire and its expectations in terms of the delivery of infrastructure in association with new development.
77. It has set out the legal and policy justification for those expectations and information on the mechanisms and process by which infrastructure and the funding for infrastructure should be provided by developers.
78. While the County Council is a provider of a great many of the services relied upon by Hampshire residents it is not, other than in respect of minerals and waste development or applications that meet the requirements for Regulation 3, a local planning authority or a CIL collection authority. Those roles are performed by the local planning authorities operating at the lower tier across Hampshire. The draft Guidance has been produced to recognise that split in responsibility and to facilitate joint working, collaboration and co-operation between the public authorities and with landowners, developers and all others involved in the development of land to ensure the timely and effective delivery of the new and improved infrastructure made necessary by new development.
79. The County Council will regularly update this Guidance and the individual topic- specific Guidance documents which will be produced separately. The most up to date version of the document will always be placed on the Infrastructure Planning page of the County Council's website. Parts of the Guidance will be added, updated and amended as circumstances require and resources allow. Where edits to the Guidance have been made since its original publication, these will be listed.

## Further Information

80. For further information or guidance, please contact either the County Council's Strategic Planning Team on [REDACTED] or any of the specific teams via the details provided in the Guidance Parts 2-9.
81. All documents referred to within the Guidance sections are listed in a table at the end under *Further Information*. Hyperlinks included will be kept under review to ensure the information is accessible.

Contact [REDACTED] (infrastructure information)  
[REDACTED] (planning obligations information)

Infrastructure Funding Statement	Hampshire County Council	<a href="http://www.hants.gov.uk/landplanningandenvironment/developer-contributions">www.hants.gov.uk/landplanningandenvironment/developer-contributions</a>	Link checked Nov 2023
Hampshire Strategic Infrastructure Statement.	Hampshire County Council	<a href="http://www.hants.gov.uk/landplanningandenvironment/strategic-planning/infrastructure-planning">www.hants.gov.uk/landplanningandenvironment/strategic-planning/infrastructure-planning</a>	Link checked Nov 2023
Population forecasting	Hampshire County Council	<a href="http://www.hants.gov.uk/landplanningandenvironment/facts-figures/population">www.hants.gov.uk/landplanningandenvironment/facts-figures/population</a>	Link checked Nov 2023
National Planning Policy Framework (updated Sept 2023)	Department for Levelling Up, Housing and Communities	<a href="https://www.gov.uk/government/policies/national-planning-policy-framework">National Planning Policy Framework - GOV.UK (www.gov.uk)</a>	Link checked Nov 2023
National Planning Policy Guidance	Department for Levelling Up, Housing and Communities	<a href="https://www.gov.uk/government/policies/planning-practice-guidance">Planning practice guidance - GOV.UK (www.gov.uk)</a>	Link checked Nov 2023
Travel plan fees	Hampshire County Council	<a href="https://www.hants.gov.uk/transport/developers/travelplans/assessment">https://www.hants.gov.uk/transport/developers/travelplans/assessment</a>	Link checked Nov 2023



# Guidance on Planning Obligations and Developer Infrastructure Requirements

## Part 2: Specialist housing needs

## Summary

- The County Council works in partnership with housing and health partners, local planning authorities, service providers and residents to respond to housing needs including accommodation for people with care and support needs.
- This County Council can provide guidance on planning to meet a range of non-mainstream housing needs:
  - Residential and nursing home
  - Younger Adults' Extra Care housing
  - Older Adults' Extra Care housing
  - Supporting living
  - Children's residential care
- Developers and local planning authorities are encouraged to discuss specialist accommodation provision and proposals at an early stage with the County Council's Extra Care team (Adult Services).
- The provision of Extra Care housing to allow individuals' care needs to be met in a housing setting is a County Council priority which underpins its ambitions relating to prevention (of individuals needing care), independence and accommodation. The County Council's focus is on those with the greatest needs and least ability to pay which mean particular emphasis on providing affordable housing (as defined in the NPPF). Extra care housing is needed for both younger and older adults.
- Local planning authorities play a key role in provision through their housing enabling activity and regulatory policies in local plans, allocating sites in local plans which are sufficiently large and able to accommodate a range of specialist, accessible and Extra Care housing needs, and in the decisions they make on planning applications proposing strategic scale development.

## Infrastructure Needs & Planning Background

1. The County Council's statutory responsibilities for adult social care are set out in three main pieces of legislation:
  - The Care Act 2014;
  - The Mental Health Act 1983; and
  - The Mental Capacity Act 2005.
2. As the overarching piece of legislation, the Care Act 2014 lays down new



responsibilities and extends existing responsibilities including protecting (safeguarding) adults at risk of abuse or neglect and preventing the need for care and support. Hampshire County Council is the public authority legally responsible for the provision of social care for adults in Hampshire.

3. The Care Act 2014 places a duty on local authorities to ensure that there is diversity and quality in the supply of care providers so that there are enough high-quality services for eligible people to choose from. Local authorities must also ensure that no vulnerable person is left without the care they need. The Care Act moved the focus of care provision from one of providing defined services, to one of 'meeting needs', giving authorities more flexibility and scope to work collaboratively with other services to fulfil these duties.
4. There is also a duty on the County Council to cooperate with other statutory services, including housing and health authorities, to bring forward the aims of the Care Act, including ensuring that people with support needs are adequately and safely housed.
5. The National Planning Policy Framework (NPPF) aims to ensure that the planning system delivers a sufficient supply of new homes to meet identified needs. It requires planning authorities to undertake local housing needs assessments so that the size, type and tenure of housing needed for different groups in the community are properly assessed and reflected in planning policies. Paragraph 62 identifies that these needs should include a range of households types (e.g. families with children); different households needs (e.g. people with disabilities) and specialist needs such as older people whose housing needs may not be met by the housing market.
6. In Hampshire, Local Planning Authorities are continually commissioning and publishing up to date evidence on housing needs, and this guidance should be read in conjunction with those local assessments.
7. National Planning Practice Guidance (NPPG) (last updated 2019) on "Housing for older and disabled people explains why it is important to plan for the needs of older people and those with disabilities. The need to plan specifically for the housing needs of older and disabled people is due to the gradual ageing of the population and the substantial projected increase in the elderly population over the next 20 years, in particular with the over-85 cohort (NPPG, 2019). Older people are defined in the NPPF Glossary as:  
  
*"People over or approaching retirement age, including the active, newly-retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs."*
8. The provision of appropriate housing to meet the housing needs of disabled people is considered crucial to help them live safe and independent lives. An ageing population will see the numbers of disabled people continuing to increase and it is important we plan early to meet their needs throughout their lifetime.
9. There are different types of specialist residential accommodation for older people which the planning system might help deliver (noting any single development may contain a range of different types of specialist housing):

- Age-restricted general market housing
- Retirement living or sheltered housing
- Extra care housing or housing-with-care
- Residential care homes and nursing homes

10. A Ministerial Statement in May 2023 confirmed that local planning authorities should also consider whether it is appropriate to include accommodation for children in need of social services care as part of their local plan housing needs assessment. The County Council's Children's Services team can advise on the provision of residential care and data forecasting.

## Existing Provision: Specialist Housing in Hampshire

11. In 2018, the County Council's Adults Health & Care Strategy identified that the County Council cared for and supported 1,600 people in Council owned and run nursing and residential homes. The County Council currently commissions care in a number of supported living schemes which include a mixture of different housing types. Schemes are owned by Registered (Social Housing) Providers with care provided by Care Quality Commission registered domiciliary care providers who provide 24/7 care and support. The County Council offers a network of care homes, respite and day centres across the county (see *Further Information* below).
12. The Adults Health and Care Strategy 2023 reports that investment in Extra Care housing is enabling 900 people to live where they have the balance of privacy and the support they want, pointing to projects at Romsey, Gosport and New Milton. The County Council has commissioned over 900 Extra Care units (homes) across 20 sites to date. They are either operated by Registered Providers or District, Boroughs and City Councils, with care provided by County Council commissioned CQC registered care providers. These are predominantly 1 bed units, some 2 bed units, with the majority being affordable or social rent. The location of schemes open to people who are eligible for Council commissioned Extra care can be seen in the Hampshire County Council Extra Care Housing webpage (see *Further Information* below).
13. Those older people who are able to self finance their care and support, will have their specialist housing needs met by the privately-run schemes around the County. Information on these schemes can be found on the Elderly Accommodation Counsel (EAC) Housing Care website or via the EAC's 'HOOP' app (Housing Options for Older People).
14. The County Council currently commissions care in 197 Supported Living Schemes which include a mixture of different housing types to accommodate adults with disabilities and complex care needs (2022 figures). Schemes are owned by Registered (Social Housing) Providers with care provided by Care Quality Commission registered domiciliary care providers who provide 24/7 care and support.
15. In terms of accommodation for looked after children (children's residential care), there are five homes which cater for children and young people with long-term needs, and these homes serve the whole County rather than their local area specifically.

## Strategic Background

16. An overview of the County Council's strategy in facilitating and commissioning specialist accommodation is set out in the 2023 Adult Health and Care Strategy. Further detail is provided in the Younger Adult Extra Care Housing Brochure (2022), the Older Adults Extra Care Housing Brochure (2022), and the 2021 Physical Disability Services market Guidance (See *Further Information* below).
17. The vision remains unchanged- to help Hampshire residents to live long, healthy and happier lives with the maximum possible independence. The Adult's Health and Care Strategy (2023) explains the County Council's duty of care under the Care Act 2014 to shape the local care market. The County Council is supporting providers to better understand supply and to meet demand especially as more people have control over their own care and support by being self-funders, or through personal budgets strategy of facilitating accommodation-based services and directly operating a suite of residential and nursing homes partly to complement and add to market provision.
18. Alongside investment to modernise and update this accommodation stock, Extra Care Housing schemes are a fundamental and growing component, enabling people with high levels of support needs to live in the community but with care support on site.
19. Certain health conditions can make it very difficult for some people to stay in their own homes regardless of what provision or adaption is made to meet their needs. Accordingly, there is an increasing need for this supported accommodation, such as Extra Care housing both for older and for younger adults and for supported living. Extra care housing can normally be categorised as specifically designed housing for older adults (typically those over the age of 55) and younger adults (over the age of 18) who often may have a pre-existing need, for instance a learning disability. Each category normally has distinct development characteristics and requirements.
20. According to Age UK, Extra Care housing (sometimes called "assisted living") is a type of housing with care which means that a resident retains independence while they can also be assisted with some tasks of day to day living. It offers more support than sheltered housing (which is essentially a private flat in a communal building with communal space, a warden and social activities for residents), but still allows the resident to live independently.

## Obligations and Developer Infrastructure Contributions

21. The County Council's responsibility is for the provision of affordable Extra Care housing, normally for affordable or social rent. In delivering Extra Care through the planning system, the objective is to work with district and borough housing enabling teams to achieve a mixed and balanced community. This means taking a broad view of affordable housing, as defined in the National Planning Policy Framework (i.e. housing for sale or rent, for those whose needs are not met by the market. This definition of affordable housing includes low cost home ownership and includes shared ownership homes.

22. Demand remains high for Extra Care schemes commissioned by the County Council, and it is working closely with district and borough councils (as local housing authorities) to ensure schemes best meet local housing and care needs. The County Council works with local authorities and other partners to facilitate and commission specialist accommodation. Its particular focus is the delivery of affordable housing, which the private market is otherwise unable to provide for and where there is evidence of need.
23. The challenge for social care commissioners and housing authorities is providing housing support and care for people in a way which offers choice for younger adults with a disability and ensures the aspirations and needs of an ageing population can be met. Whilst there is a maturing private market for the delivery of specialist accommodation for older people, there often remains an affordability gap for many people (of all ages) who are in need of specialist housing with care. The County Council is therefore developing a new commissioning model to support the market to deliver Younger Adults Extra Care for the future. This seeks to provide accommodation which supports a balance of households, and thus tenure types within a scheme. This type of accommodation tends to be provided in small blocks of flats (or increasingly groups of bungalows) which have space for on-site staff accommodation and communal spaces.
24. The County Council is keen to support people to live in their own homes for as long as possible. This means that, where it is physically feasible, all new housing needs to be 'future-proofed' in terms of being suitable or readily adaptable to be able to meet future mobility and other needs. The provision of accessible homes as part of the general housing stock can help meet the County Council's priority of promoting independence by ensuring that living environments are not disabling to residents. Accessible homes can support independence of any member of society, irrespective of age, who may have a temporary or permanent mobility impairment. The County Council will be supportive of local planning authorities setting policy targets to achieve this aspiration in local plans where this can be shown to be practical and viable and supported by evidence of local need.
25. Hampshire Local Planning Authorities are responsible for securing contributions from developers towards affordable housing, as well as balancing the housing market of all groups, including housing for older people and those with disabilities. The Local Planning Authorities may require that specialist housing (namely Extra Care accommodation) is required as part of development proposals where there is evidence of need. For example, section 106 legal agreements have been signed with local planning authorities and developers on five major housing sites delivering predominantly open market housing (Wellesley, Berewood, Welborne, North Whitely, and Kings Barton) to ensure the provision of Extra Care housing for older adults as part of the affordable housing requirement. These developments will deliver approximately 300 units in total across the five sites.
26. To meet specialist housing needs, providing affordable specialist housing in the community rather than private sector provision, is better for the resident, offering more choice and affordability. The location of an Extra Care development is a key determinant of its success and schemes would ideally be accessible to a range of key services, ideally including local shops, GP surgeries and access to public transport.

27. These schemes where the County Council commissions care are subject to eligibility criteria. They require potential residents to be both on the relevant local authority's housing register and to have eligible care needs as assessed by the County Council. The County Council and local housing authorities can support the drafting of Obligations.
28. Delivery is normally through a Registered Provider agreed with the County Council and planning authority. Due to the specialist nature of the housing type, most developers prefer to transfer serviced land to the County Council (for £1), which then leads the procurement of a Registered Provider to develop the scheme. The care provided within the Extra Care scheme will be procured by the County Council to ensure the delivery of care 24 hours a day, 7 days a week.
29. In negotiating the terms of a section 106 agreement, the County Council will seek on-site provision as part of affordable housing element for older adults as agreed with the local planning and housing authorities. For Extra Care Housing for Older Adults, schemes will typically comprise 60-80 flats, although in some areas needs may be higher and so schemes may be larger. A scheme size of 60 units is normally considered to be the minimum to achieve development and operational viability. Land take should normally be at least 1ha depending on scheme size and local design requirements.

## Assessing needs and calculating demand

30. It is not possible to forecast exactly how many people will need Extra Care Housing in Hampshire in the future, but an estimated 20 flats per 1,000 people aged 75 and over has been used as the demand ratio within Hampshire and to inform Local Plans. The County Council's demography team can provide data on population forecasts by age (see table 1 for example) (see *Part 1* of this Guidance).

*Table 1 Hampshire (total districts) forecast population by age and gender 2022-2029 (aged 55 years and above) (source: [www.hants.gov.uk/landplanningandenvironment/facts-figures/population/estimates-forecasts](http://www.hants.gov.uk/landplanningandenvironment/facts-figures/population/estimates-forecasts))*

	2022	2025	2029
Male 55+ years	243,623	256,874	271,369
Female 55+ years	275,556	290,667	307,000
TOTAL	519,179	547,541	578,369

31. As noted above, the NPPF requires local planning authorities to undertake assessments of the needs for all forms of housing (including specialised forms of housing for the elderly and disabled populations) as part of the evidence base under-pinning local plans. These assessments of need come in the form of Strategic Housing Market Assessments (SHMAs). Accordingly, the County Council will encourage local planning authorities to make full provision in local plans for the needs of older adults based on information



evident in their SHMAs, including details of how the needs identified will be met.

32. The County Council will continue to seek appropriate planning policies in local plans to both enable Extra Care housing development and to require provision as part of significant residential planning permissions.
33. The County Council is currently in the process of developing a new needs assessment model which takes account of demographic forecasts, social care data and socio-economic information. It is intended that this will complement the SHMAs and related assessments produced by local planning authorities. In the meantime, the County Council will look to work with local planning authorities, developers, Registered Providers and market providers of extra care accommodation to ensure needs are met.
34. The County Council encourages early engagement with local planning authorities and developers on schemes that include residential care provision or specialist accommodation to advise on needs locally. Local Planning Authorities in Hampshire are responsible for securing contributions from developers towards general needs affordable housing, as well as balancing the housing market of all groups, including housing for older people and those with disabilities.
35. Due to the variation in projects identified to meet specialist needs by geographic area, the Extra Care housing team will assess each development site on a case-by-case basis and use current demographic information and needs assessments to support any reasonable contribution towards a particular project. In some circumstances, smaller development sites may benefit from seeking Extra Care provision, because of the location or suitability of the development site itself, and/ or the localised needs and priorities. Notwithstanding scheme size, it must be acceptable to the local housing and planning authorities to provide this type of affordable housing in preference to other types of (general needs) affordable housing.
36. In seeking to enable new Extra Care housing schemes, a mixed affordable tenure scheme will be agreed between the Registered Provider and local housing authority dependent on meeting local needs and to support scheme delivery. Of the proportion of Extra Care homes to be provided within a development scheme, the County Council normally seeks a mix of unit sizes e.g 70% 1-bed units and 30% 2- bed units. The exact mix to be sought will also need to be informed by local needs, the location and characteristics of the site, and financial viability of the overall scheme, as agreed with the relevant local housing authority.
37. For Extra Care housing for younger adults, the key considerations are the provision of suitable schemes that will meet the accommodation needs of people with learning disabilities, physical disabilities or people with mental health issues. This accommodation may or may not fall into the category of affordable housing. This form of housing normally consists of one-bedroom self-contained flats together with a communal space and on-site staff accommodation. The number of flats in a single scheme is ideally between 8 – 12 units, with ground floor flats being designed to be accessible to individuals who are wheelchair users. On site care is normally commissioned on a 24/7 basis by the County Council from a Care Quality Commission registered care provider. The housing provision and landlord function is normally by a Registered Provider (of Social Housing, regulated by the

Regulator of Social Housing). Schemes will require on-site parking at a ratio of one parking space per resident to take account of staffing requirements and safe, secure and accessible outside space. Account will be taken of existing supply in determining the need for additional schemes.

38. The County Council's development team can provide further guidance about the expected design standards (including parking) for specialist housing schemes (Extra Care).

## Further Information

Contact [REDACTED]

National Planning Policy Framework	Department for Levelling Up, Housing & Communities	<a href="https://www.gov.uk/government/publications/national-planning-policy-framework">National Planning Policy Framework - GOV.UK (www.gov.uk)</a>	Link checked Nov 2023
National Planning Policy Guidance	Department for Levelling Up, Housing & Communities	<a href="https://www.gov.uk/government/publications/planning-practice-guidance">Planning practice guidance - GOV.UK (www.gov.uk)</a>	Link checked Nov 2023
Ministerial Statement (23 May 2023) by Rachel Maclean MP – Minister of State for Housing and Planning	Department for Levelling Up, Housing & Communities	<a href="https://questions-statements.parliament.uk/written-statements/detail/2023-05-23/hcws795">https://questions-statements.parliament.uk/written-statements/detail/2023-05-23/hcws795</a>	Link checked Nov 2023
Hampshire County Council Adult Social Care Services	Hampshire County Council	<a href="https://www.hants.gov.uk/socialcareandhealth/adultsocialcare">https://www.hants.gov.uk/socialcareandhealth/adultsocialcare</a>	Link checked Nov 2023
Hampshire County Council Adults Health and Care Strategy (2018)	Hampshire County Council	<a href="https://democracy.hants.gov.uk/documents/s14587/Adults%20Health%20and%20Care%20Strategy%20final.pdf">https://democracy.hants.gov.uk/documents/s14587/Adults%20Health%20and%20Care%20Strategy%20final.pdf</a>	Link checked Nov 2023
Hampshire County Council Adults Health and Care Strategy (2023)	Hampshire County Council	<a href="https://www.hants.gov.uk/socialcareandhealth/adultsocialcare/strategy-market-position">www.hants.gov.uk/socialcareandhealth/adultsocialcare/strategy-market-position</a>	Link checked Dec 2023
Hampshire County Council Older Adults' Affordable Extra Care Parking Guidance (April 2020)	Hampshire County Council	<a href="https://www.hants.gov.uk/socialcareandhealth/adultsocialcare/professionals/extra-care">www.hants.gov.uk/socialcareandhealth/adultsocialcare/professionals/extra-care</a>	Link checked Nov 2023
Hampshire County Council care homes, respite and day centres	Hampshire County Council	<a href="https://www.hants.gov.uk/socialcareandhealth/adultsocialcare/care-homes">www.hants.gov.uk/socialcareandhealth/adultsocialcare/care-homes</a>	Link checked Nov 2023

Hampshire County Council Extra Care Housing Schemes	Hampshire County Council	<a href="http://www.hants.gov.uk/socialcareandhealth/adultsocialcare/extracarehousing/councilschemes">www.hants.gov.uk/socialcareandhealth/adultsocialcare/extracarehousing/councilschemes</a> .	Link checked Nov 2023
Younger Adult Extra Care Housing Brochure (2022)	Hampshire County Council	<a href="https://documents.hants.gov.uk/adultservices/market-position-statements/Extra-Care-Younger-adults-Brochure-2022.pdf">https://documents.hants.gov.uk/adultservices/market-position-statements/Extra-Care-Younger-adults-Brochure-2022.pdf</a>	Link checked Nov 2023
Older Adults Extra Care Housing Brochure (2022)	Hampshire County Council	<a href="https://documents.hants.gov.uk/adultservices/market-position-statements/Extra-Care-Older-adults-Brochure-2022.pdf">https://documents.hants.gov.uk/adultservices/market-position-statements/Extra-Care-Older-adults-Brochure-2022.pdf</a>	Link checked Nov 2023
Physical Disability Services market Guidance (2021)	Hampshire County Council	<a href="https://documents.hants.gov.uk/adultservices/AHC-MPS-Physical-Disabilities.pdf">https://documents.hants.gov.uk/adultservices/AHC-MPS-Physical-Disabilities.pdf</a>	Link checked Nov 2023
Assisted Living Homes & Extra Care in Hampshire	EAC Housing Care	<a href="https://housingcare.org/elderly-uk-assisted-living-extra-care-housing/area-1-hampshire">https://housingcare.org/elderly-uk-assisted-living-extra-care-housing/area-1-hampshire</a>	Link checked Nov 2023
Housing Options for Older People (HOOP) Tool	EAC Housing Care	<a href="https://hoop.eac.org.uk/hooptool/">https://hoop.eac.org.uk/hooptool/</a>	Link checked Nov 2023



Hampshire  
County Council

# Guidance on Planning Obligations and Developer Infrastructure

## Part 3: Children's Services Facilities (Education Provision)

## Summary

- The County Council has a statutory duty to ensure the provision of sufficient school places to meet identified needs. This Guidance will be used as a basis to negotiate planning obligations towards facilities in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).
- The County Council will work in partnership with local planning authorities, landowners and developers to ensure that the County Council is able to meet its statutory obligations as Local Education Authority (LEA).
- The County Council undertakes regular school places forecasting to predict the level of new provision which will be required to meet the needs of new development.
- This planning process calculates anticipated pupil yields from new development based on recent experience in Hampshire and forecasts the range of new provision likely to be required, taking into account existing pressures and spare capacity in local catchments.
- This Guidance will be kept under review in the context of local and national policy changes and updated forecast data and build cost advice.

## Infrastructure Needs & Planning Background

1. The County Council has a statutory duty as local authority for education (LEA) to promote high standards of, and fair access to education and a general duty to secure the sufficiency of school places. It also has statutory duties regarding free early education, childcare, the need to secure provision for children with Special Educational Needs and Disabilities (SEND) and sufficient education and training provision for young people with an Education, Health and Care Plan (EHCP) plan up to the age of 25.
2. The County Council has a Strategic Development team which plans the provision of school places across the county and produces an annual School Places Plan. The County Council needs to ensure an appropriate number of school places exist in all educational sectors across Hampshire focusing on specific geographical areas with shortfalls and high surpluses. These facilities include primary and secondary schools, provision for children with special educational needs and disabilities (SEND), early years facilities to support young children and their families and the provision of post- 16 facilities. See weblinks at the end of this chapter for further information.
3. Local authorities have a duty to secure sufficient childcare, so far as is reasonably practicable, for working parents, or parents who are studying or training for employment, for children aged 0-14 or up to 18 for children with disabilities. Local authorities are also required to secure sufficient childcare places to enable parents to take up their funded Early Years Education entitlements. Early Years education and childcare is a key factor in improving outcomes for young children.
4. Hampshire County Council has a responsibility for providing sufficient school places under the Education Act 1996. This Act places a statutory duty on the County Council to ensure there is a strong supply of good school places available to meet demand. It is the County Council's role to plan, commission and organise school places in conjunction with the Regional Schools Commissioner in a way that promotes the raising of standards, manages supply and creates a diverse educational infrastructure. The County Council is also responsible for ensuring fair access to educational opportunity and promote diversity and parental choice.



5. The Department for Education publishes guidance on securing developer contributions for education. The latest version (2023) is online (see *Further Information* below) and is non-statutory. The guidance promotes good practice on evidencing development impacts, engaging with local planning authorities, and delivering expanded or new facilities with funding from housing development. Hampshire County Council is satisfied that it follows the best practice as recommended by the DfE, unless local factors determine that a different approach is more appropriate. The DfE guidance is clear that it is not intended to replace local approaches.
6. The County Council has a statutory duty to secure sufficient suitable education and training provision for all young people in their area who are over compulsory school age but under 19 or aged 19 to 25 and for whom an Education, Health and Care (EHC) plan is maintained. To fulfil this, local authorities need to have a strategic overview of the provision available in their area and to identify and resolve gaps in provision.

## Existing Education Provision in Hampshire

7. As a result of strategic planning for schools, the county hosts popular and highly successful infant, junior, primary, 11-16 and 11-18 schools as well as 4-16 schools and the largest post-16 college sector in the country.
8. The planning and provision of additional school places is an increasingly complex task which models growing populations, inward migration, and new housing developments. Individual schools, subject to status, now have greater autonomy regarding admission numbers and decisions surrounding school expansions, adding further complexity to the role the County Council must undertake.
9. Hampshire continues to experience a significant pressure for places across certain areas of the county as high birth years work their way through the school years, and new housing is built across the county (over 45,000 dwellings 2021 to 2028). There are also areas where trends suggest that pupil numbers are starting to fall, and these are closely monitored and effectively managed when required.
10. Around 21,000 children under five are accessing funded Early Years Education across Hampshire, with 37,000 funded and non-funded children aged under five in total accessing childcare. In the County Council, Services for Young Children produce childcare market sufficiency annual reports and updates. These reports provide information about changes in the childcare market, such as childcare closures and early years education take-up.
11. The educational offer to children with Special Educational Needs (SEND) includes resourced provision within mainstream schools. Special schools are different from mainstream schools and may have various different designations. Very specific accommodation is required to meet the specialist and often complex needs of individuals.
12. There are 36 post -16 providers based in Hampshire: 7 secondary schools with sixth forms; 13 further education and sixth form colleges; and 16 apprenticeship and training providers.

## Strategic Background

13. Information on the County Council's approach to school place planning is set-out in the Hampshire School Places Plan 2023 to 2027. The School Places Plan sets out the

identified need for extra mainstream school places and is updated annually. The County Council collects data on the historical and current uptake of places in all schools that are maintained by the Local Authority. This data along with other linked information, primarily birth and housing data, is used to forecast school places across the County.

14. The National Planning Policy Framework (NPPF) (2023) requires that planning policies and decisions aim to achieve healthy, inclusive and safe places which provide for social facilities and services the community needs, including a sufficient choice of school places to meet the needs of existing and new communities. Local planning authorities should “give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications” (paragraph 95).
15. Wherever possible, children with Special Educational Needs and Disabilities (SEND) are educated in mainstream schools. For some specific needs, it is appropriate to provide additional resources and to provide places in special schools or in a resourced provision attached to a mainstream school. The Government published its Special Educational Needs and Disabilities (SEND) and Alternative Provision (AP) Improvement Plan in March 2023. There is also a Hampshire County Council SEND school places strategy (2018 – 2023) (see *Further Information* below). The updated Hampshire County Council SEN Sufficiency Strategy is due to be published in Spring 2024 and this will address the long-term sufficiency of specialist SEND places.
16. The Education and Skills Act 2008 has increased the age of compulsory participation in education or training to 18 years old. Hampshire Futures is the County Council’s Education and Participation Service, and monitors the destination of young people after they leave school. The Department for Education has published statutory guidance for local authorities when exercising its functions relating to the participation of young people in education or training.
17. The Childcare Act of 2006 Section 6 places a duty on English local authorities to secure sufficient childcare for working parents. Section 7 also places a duty on local authorities to secure early years provision for young children in its area, free of charge and in accordance with the Local Authority (Duty to Secure Early Years Provision Free of Charge) Regulations 2014.

## Obligations and Developer Infrastructure Contributions

18. The County Council regularly sets out three-year plans of improvements to schools and new schools in its Children’s Services capital programme. For expansion and new school projects, a significant proportion of these schemes are planned to be funded with developers’ contributions.
19. The County Council is continuing to lead the national study to benchmark the cost of schools across the country. This study is endorsed by the DfE and provides invaluable information on the ‘true’ complete cost of providing school places. This evidence is being used to benchmark value for money for Hampshire schools to ensure sufficient funding for the provision of additional pupil places across Hampshire.
20. In line with the National Planning Policy Framework (NPPF) and Regulation 122 of the Community Infrastructure Regulations 2010 (as amended), the County Council will seek developer contributions towards delivery of Children’s Services facilities, required as a direct consequence of development. The County Council will work in partnership with local

planning authorities to negotiate contributions with applicants and should be involved at all stages of the planning process.

21. Developer contributions towards new school places should provide both funding for construction and land where applicable, and the County Council should be a signatory to any s106 agreements to enable it to collect contributions. In some local planning authority areas, education infrastructure may be funded fully or partially by Community Infrastructure Levy (CIL) funds, in order to mitigate the impacts of development.
22. Local Planning Authorities should consult the County Council on planning proposals relating to a development of 10 or more eligible dwellings (an eligible dwelling comprises of two or more bedrooms excluding those specifically for elderly persons). This consultation should take place when sites are allocated in local plans and when planning applications are received. This should also be part of pre-application/ scoping discussions so that developers are aware of the potential requirement for contributions from the outset.
23. Developer contributions are sought based on a formulaic approach which models the potential pupil yield arising from a proposed development, and the need to provide additional school places (either through the provision of new schools or extensions to existing schools). The increased demand for spaces translates to a school size requirement based on how many classes there would need to be in each year group to meet the anticipated (modelled) need. For example, a single-form-entry school will have one year 1 class, one year 2 class etc only. A three-form entry school would have three year one classes, three year 2 classes etc.

*Table 1 Indicative contributions sought for New Primary Schools (March 2022 figures)*

Size of School (form-entry)	Total Cost	Cost/pupil
1fe (210 places)	£6,207,312	£29,559
1.5fe (315 places)	£6,879,980	£21,841
2fe (420 places)	£8,606,394	£20,491
3fe (630 places)	£12,258,138	£19,457

*Table 2 Indicative contributions sought for extensions to existing Primary Schools (March 2022 figures)*

Size of expansion (form-entry)	Total Cost	Cost/Pupil
0.5fe (3 classrooms)	£1,865,568	£20,729
0.5fe (4 classrooms)	£2,505,470	£20,879
1fe	£4,368,902	£20,804

24. Table 2 above illustrates school expansions which are 0.5 form entry (either 3 or 4 classrooms) or extension to accommodate an increase of 1 form entry. Where the expansion requires a different number of additional classrooms, the indicative cost is £621,870 per classroom which includes any changes required to existing infrastructure, the equivalent of £20,729 per pupil place. Where there is a requirement to expand both an infant and junior school to accommodate the anticipated yield from a development, then the cost could be

significantly higher.

25. Where the number of pupils from a development is less than would be required to sustain an additional teaching space, the contribution will be calculated on a pro-rata basis.
26. Indicative contributions sought for new secondary schools are shown below in Table 3. Whilst it is only in exceptional circumstances that a school larger than 9 forms of entry would be required, it should be noted that depending on the scale of development, the costs would be determined as required.

*Table 3 Indicative contributions sought for new secondary schools (March 2022 figures) (the cost of schools larger than 9 forms of entry will be determined as required)*

Size of School	Total Cost	Cost/Pupil
5fe (750 places)	£20,405,146	£27,207
6fe (900 places)	£23,764,033	£26,404
7fe (1,050 places)	£27,122,920	£25,831
8fe (1,200 places)	£30,481,807	£25,402
9fe (1,350 places)	£31,870,224	£23,608

*Table 4 Indicative contributions sought for extensions to existing secondary Schools (March 2022 figures)*

Size of expansion	Total Cost	Cost/pupil
1fe (150 places)	£4,903,753	£32,692
2fe (300 places)	£9,807,506	£32,692

27. Where the expansion requires additional secondary classrooms (other than an expansion of 1fe or more) the cost is £980,760 per teaching space which includes any changes required to existing infrastructure, the equivalent of £32,692 per pupil place.
28. For developments over 500 eligible dwellings, an assessment will be made of the need to secure additional accommodation for pupils with SEND from the development at an appropriate local school and will be subject to an assessment of the individual situation. Special school provision across the County is already at capacity. Based on the Department for Education Building Bulletin 104, a special school pupil requires in the region of four times the area of a pupil in mainstream provision. The cost per pupil for providing a special school place is therefore estimated at approximately four times the build cost of mainstream provision. Costs for an additional classroom, to cater for up to 8 SEND pupils, will be based upon the primary age costs, i.e. £621,870 and will be located at the most appropriate local school, potentially outside of the development site boundary.
29. The County Council has a duty to ensure that there is sufficient provision for Early Years Education and childcare (although not normally as a provider). New housing developments can result in local pressures within the existing childcare market where further capacity is required to support families moving into new homes. For new housing developments the

County Council has taken the position to seek to secure sites for childcare development and / or childcare provision either within community buildings or the like through the site masterplanning process, or through the expansion of an existing childcare setting where this is appropriate. The phasing and delivery of facilities will be sought at timings appropriate to the build out of homes (usually early in the development and at the same time as any school development).

30. To support post-16 provision, developers may be asked to create and deliver an Employment and Skills Plan (ESP) in order to achieve social and economic objectives relating to education and skills, in accordance with guidance set by the Construction Industry Training Board (CITB) National Skills Academy for Construction (NSAfC), Client-Based Approach (or equivalent).
31. The County Council may also require the developer to make a capital contribution towards the development of additional post-16 education and skills provision in support of the Local Education Authority's statutory duty for sufficiency, post-16. The yield for the post-16 sector should be based on a factor of 0.06 per dwelling (see Table 5 below). The latest Department for Education guidance (2023) on securing contributions advises that expansions to Further Education colleges are unlikely to be funded through planning obligations, but local planning authorities may allocate Community Infrastructure Levy (CIL) funds for strategic expansion or enhancement of these facilities for a growing regional or sub-regional population. The DfE advises that sixth form places provided within secondary schools will cost broadly the same as a secondary school place (see Tables 3 and 4 above).

## Assessing needs and calculating demand

32. To calculate demand for school places the County Council assesses the capacity of schools in the area, as relevant to the proposed development location. This indicates whether additional capacity will be required to cater for the demand arising from planned residential development. Developers should contact the Strategic Planning Unit to discuss the needs arising from their development. Contact details are provided below.
33. Where additional demand is not anticipated to require a new school, it is expected that a new development will be served by the nearest schools, which may require expansion. Not all unfilled places in a school are surplus places and some margin of capacity is necessary to allow parents' choice given that there will be volatility in preferences from one year to the next and to allow for differences in the size of individual cohorts. The County Council's position is that a school should be considered as full when it has less than 5% of its places unfilled.
34. Where the need for a new school is identified, specifically to meet basic need, then section 6A of Education and Inspections Act 2006 places LEAs under a duty to seek proposals to establish an academy (free school) via the 'free school presumption' process. The LEA is responsible for ensuring the site for the new school is provided and all associated capital costs are funded.
35. In some cases where there is sufficient capacity to cater for all, or part, of the additional demand, there may still be a need for additional facilities at a school. Schools which may in theory have spare capacity will be using those spaces for legitimate educational uses such as small group work supporting pupils with special educational needs. Such spaces would need to be re-provided before those classrooms can be brought back into use for general teaching purposes. There may also be factors, such as an undersized hall or the need to provide a music/drama room as the school grows, which would make it difficult to meet present day



educational requirements if the school was full to its assessed capacity. The cost to resolve these issues will vary and will need to be assessed on a case-by- case basis.

36. The Hampshire Schools Places Plan explains the detailed methodology used to forecast the demand for school places. To assess the long-term demand arising from a new development, the Strategic Development Team uses the following yields, derived from known average yields across the County:

*Table 5 Yield Calculations for No. pupils per dwelling (Hampshire County Council)*

Age Group	Yield/Dwelling	Example (50 dwellings)	Example (1,000 dwellings)
0-3 (pre-school)	0.09	4.5	90
4-11 (primary)	0.3	15	300
11-16 (secondary)	0.21	10.5	210
Post-16	0.06	3	60
	Total calculated pupil yield:	33	660

37. The lower secondary factor is because secondary schools cater for five year groups, compared with seven for primary schools. The post-16 factor has been calculated using the secondary factor which has been discounted to the full-time equivalent places required. Where it can be evidenced that the yield of pupils is higher than the rates quoted above, the contribution sought from the developer will reflect this higher factor.
38. The yield calculations used will apply across all housing tenures. Although recent DfE guidance (2023) advises that affordable housing typically generates more pupils than market housing, additional local analysis would be required to evidence any tenure differences to the yields shown in table 5.
39. Where a new school is required the County Council will expect the developer to provide, within the required timescales, a cleared, fully serviced and accessible freehold site free of charge in addition to the normal level of contributions towards construction costs (including fit-out, furniture, equipment and ICT) of school buildings. See below for further site guidance.
40. The figures in table 6 are the required minimum site area for a school of the appropriate size only. Sites should not be used to accommodate land to meet any public open space or community requirements.

*Table 6 Minimum useable site areas required to accommodate new schools*

	School Size (forms of entry)	Total Site Area (hectares)
<b>Primary</b>	1fe (210 places)	1.2
	2fe (420 places)	2
	3fe (630 places)	2.8
<b>Secondary</b>	5fe (750 places)	5.83



	<b>School Size (forms of entry)</b>	<b>Total Site Area (hectares)</b>
	6fe (900 places)	6.77
	7fe (1,050 places)	7.72
	8fe (1,200 places)	8.66
	9fe (1,350 places)	9.61

41. Where a large development is shared between several developers, it may be appropriate to make provision within the s106 agreement(s) for the development so that the planning obligations required falls on all those involved. If this is the case, it will be necessary to discuss the exact mechanism that is applicable. When seeking to secure a new school site, the County Council will, in general, ask for a site capable of expansion by one form of entry to “future proof” the site for any further housing developments brought forward in the area. It is expected that the Local Planning Authority (LPA) will support the County Council in its endeavours to ensure that additional school places can be provided should additional housing occur in the future.
42. Where the County Council provides land to build a new school, relieving the developer of the need to provide a school site, a contribution will be sought from the developers for payment towards the cost of this land when it is used to mitigate their housing development.

### Special Educational Needs and Disabilities (SEND)

43. Analysis of pupils with Special Educational Needs and Disabilities (SEND) highlights that over 5% of pupils in Hampshire currently have an Education, Health and Care Plan (EHCP), compared to 4.3% nationally (January 2023 data from <https://explore-education-statistics.service.gov.uk/find-statistics/special-educational-needs-in-england>).
44. Where possible, these pupils with an EHC plan are supported within mainstream settings, however, approximately 40% of these pupils require a specialist place either within a Resourced Provision (in a mainstream setting) or a Special School. For new developments, an assessment of local provision and demand together with potential yield will ascertain the need for a contribution towards the additional educational facilities and where provision will be located in relation to the development. Additional teaching and therapy support spaces may be required to provide a quality learning environment for SEND pupils - typically a SEND classroom would cater for up to 8-12 pupils depending on their need. An indication of provision is shown below as a basis for these discussions.

*Table 7 Estimated number of classrooms required for SEND provision*

<b>Eligible Dwellings</b>	<b>Additional Classrooms Required</b>
500- 1,400	1
Up to 2,800	2
Up to 4,200	3

45. As shown in Table 7, additional classroom space will not normally be sought for developments of less than 500 dwellings.
46. Sites over 4,200 dwellings (for instance planned strategic growth) sites may require the provision of a new SEND school or the expansion of an existing school in the locality and the contribution will be determined as required. Where a new site is required for a non-mainstream (special) school, developers are expected to make the appropriate size of site available free of charge together with a contribution towards the cost of the new school.

### Early Years

47. The level of demand for Early Years funded places is based on the size of the housing development (see Table 8). Early discussion with the Strategic Development team is recommended to determine the provision required.
48. An understanding of Early Years need is set out in the Hampshire County Council Childcare Sufficiency Guidance (CSA). The Hampshire CSA is based upon a measurement of the supply and demand for childcare using both local and national statistics and a variety of data collected by the County Council. It has been reviewed at a district and borough level and collated into the Hampshire Childcare Sufficiency Assessment (for the methodology see *Further Information* below).
49. Where Hampshire County Council considers that the best way of delivering the pre-school provision is within a school setting, additional funding will be sought to enable the pre-school accommodation to be provided. This will also lead to the need for a larger school site.

*Table 8 Estimated demand for Early Years Education (EYE) places to support new housing developments (source: Hampshire County Council Childcare Development Service 2023 (to be published))*

No. of new homes	Estimated No. of children (x0.3)*	0 year olds (from 9 months) 51% of cohort	1 year olds 51% of cohort	2 year olds (working families) 51% of cohort	Disadvantaged 2 year olds 14% of cohort	3 year olds 97% of cohort	4 year olds 42% of cohort	Total for all Early Years Age Groups	Places required (based on 1.2 children per place)**
100	30	1	3	3	1	6	3	16	13
500	150	4	15	15	4	29	13	80	67
800	240	6	24	24	7	47	20	129	107
1,000	300	8	31	31	8	58	25	161	134
3,000	900	23	92	92	25	175	76	482	402
5,000	1,500	38	153	153	42	291	126	803	669

\*based on Hampshire Home Movers Survey and 5 cohort ages

\*\*based on 2023 Childcare Sufficiency Assessment and this could change up or down

### Post-16 provision

50. In terms of post-16 provision (further education, sixth form colleges, and apprenticeship and training), facilities do not have pupil catchments in the same way as school places planning. This makes it more difficult to strategically plan post-16 provision to support planned housing growth, as for instance colleges draw in students from far and wide, and attendance is not

always full-time. The County Council can provide further information on 'travel to learn' data to demonstrate the impact of planned housing on specific post-16 facilities. The yield calculation is 0.06 post-16 pupils per dwelling as shown in table 5.

## Guidance on Calculating Costs

51. Owing to the complexities of providing a new secondary school, the figures quoted are guideline only and a site-specific calculation will be necessary to derive the actual cost of a new school or if the development is in an area where secondary schools cater for the 11-18 age range. Similarly, the cost of expansion of an existing school will vary depending on what accommodation is required, for example the provision of specialist curriculum spaces that are generally larger and require a higher level of fitting out, such as science laboratories.
52. In most circumstances, it will not be possible to provide detailed feasibility studies until planning permission for the development has been issued, due to the timescales involved in responding to planning consultations and the risk of abortive fees prior to securing planning permission.
53. As a starting point, Hampshire County Council derives the values for the developer contributions cost multipliers from the latest LGA/ EBD OG (Local Government Association/Educational Building and Development Officers Group) schools benchmarking study. The value calculation uses the average gross cost per square metre according to the size of school against which a number of adjustments are made. Figures are then adjusted to reflect more localised inflation (Hampshire) as shown in the indicative costs set out in this Guidance (esp. tables 1-4).
54. As average costs from the benchmarking study are used, these figures carry with them an allowance for typical site abnormalities at this cost level. However, significant known one- off site abnormal costs identified relating to any specific site planning requirements, ground conditions, infrastructure, services or other aspects of the proposed site, will be added to the calculation to establish the overall financial contribution required for the primary, secondary and special school provision. Where new developments are built as electric only sites, the figures shown in this document will need to be adjusted to take into account the associated additional cost.
55. The Local Education Authority is responsible for the pre- /post- opening revenue costs associated with a new free school when established through the presumption route (see *Establishing a new academy: the free school presumption route* – Department for Education, September 2023). Developers will be expected to meet these revenue costs in full which, at present, is set at £67,000. This is given to schools to cover pre-opening costs, such as the appointment of staff prior to opening and any goods and services necessary to admit pupils.
56. The costs included in this Guidance will be index-linked for future adjustment/inflation (using the BCIS All-in TPI tender price index). Financial contributions will be adjusted in line with inflation in accordance with Part 1 of this Guidance. Section 106 agreements will provide for appropriate trigger dates and/or development status for payment, related to the intended phasing and build out of development.
57. The figures quoted in this section should be seen as indicative figures to establish, at an early stage, the approximate level of financial contributions. As more detailed work is undertaken on specific proposals, the County Council will provide a site-specific estimate of costs depending on local on-site factors, type of building, the extent of infrastructure and alterations that may be required.

58. Where a Local Planning Authority (LPA) seeks a BREEAM rating or a net zero carbon building for new schools, it is expected that the LPA will support the County Council in securing the additional funding required to achieve this rating from the developer. Costs will vary depending upon the size of school being provided and will be subject to an individual assessment of each scheme.

## Further guidance on providing education facilities

59. Should there be a need to provide short term (temporary) school transport for pupils from a development, it is expected that the developer will provide the revenue funding for the transportation costs incurred. For example, providing temporary transport where a school has not been built in time or a safe route to the catchment school has not been constructed ready for the opening of a school.
60. There may be cases where a new school is proposed within a new development, but the agreed location cannot be provided with access and/or services by the time that the school is required. It is expected that the developer will provide a site and pay for the cost of a fully equipped temporary school pending the completion of the permanent school, or, to pay the additional cost incurred for providing the school in phases.
61. It is expected that a new primary school site be delivered to the County Council to allow the opening of the school during the year when 400 eligible dwellings will be completed on a new development. New secondary schools will be delivered predominantly to serve the pupils of the housing development on which it stands but the timing of the transfer of the school site to provide the new school will be subject to further discussions with the Strategic Development Team.
62. Sites provided for new schools should be level and of a regular shape to allow the laying out of the school buildings and playing pitches. The County Council must be consulted early in masterplanning to ensure that any proposed school sites are appropriate and suitable, depending on several factors including, location, access, shape, topography and the relationship with adjacent community and other land uses.
63. New schools should be located within a new development based on the principles of encouraging sustainable modes of transport to school (with a priority given to active travel such as walking and cycling). For example, a maximum walking distance of 800 metres from the furthest dwelling with good footpath and cycle links to promote walking to school rather than relying on the use of cars.
64. Any site transferred to the County Council will be free of any services running through the site.
65. The provision of the pre-school and/or nursery facilities should be programmed to be available at an early stage of the development to ensure a sufficiency of places. This will require the land being accessible and the statutory utilities provided to ensure that these places can be provided. It is expected that at least temporary provision be in place by the opening of the new school, or provision of additional spaces at an existing school, whichever is planned for the development.

## Further Information

66. Considering the large number of children's services facilities across Hampshire, the planning of new and extended provision is organised across a team of Strategic Development Officers. To make enquiries and contact the relevant lead for the geographic area of interest:

Contact:



School Place Plan 2023 – 2027	Hampshire County Council	<a href="https://www.hants.gov.uk/educationandlearning/strategic-development/schoolplacesplan">https://www.hants.gov.uk/educationandlearning/strategic-development/schoolplacesplan</a>	Link checked Nov 2023
School Organisation and Strategic Development Information	Hampshire County Council	<a href="https://www.hants.gov.uk/educationandlearning/strategic-development">https://www.hants.gov.uk/educationandlearning/strategic-development</a>	Link checked Nov 2023
Hampshire County Council SEND school places strategy (2018 – 2023)	Hampshire County Council	<a href="https://fish.hants.gov.uk/kb5/hampshire/directory/family.page?familychannel=6-1">https://fish.hants.gov.uk/kb5/hampshire/directory/family.page?familychannel=6-1</a> (See Downloads Tab)	Link checked Nov 2023
Hampshire Childcare Sufficiency Assessment (CSA) (2022)	Hampshire County Council	<a href="https://documents.hants.gov.uk/childrens-services/ChildcareSufficiencyAssessment.pdf">https://documents.hants.gov.uk/childrens-services/ChildcareSufficiencyAssessment.pdf</a>	Link checked Dec 2023
Hampshire County Council Early Years requirements in major new developments (2015)	Hampshire County Council	<a href="https://documents.hants.gov.uk/education/EarlyYearsRequirementsinMajorNewDevelopments.pdf">https://documents.hants.gov.uk/education/EarlyYearsRequirementsinMajorNewDevelopments.pdf</a>	Link checked Nov 2023
Securing developer contributions for education (2023)	Department for Education	<a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1176845/Securing_Developer_Contributions_for_Education.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1176845/Securing_Developer_Contributions_for_Education.pdf</a>	Link checked Nov 2023
Participation of young people in education, employment or training Statutory guidance for local authorities (2016)	Department for Education	<a href="https://assets.publishing.service.gov.uk/media/5a75835540f0b6360e474b1d/Participation-of-young-people-in-education-employment-or-training.pdf">https://assets.publishing.service.gov.uk/media/5a75835540f0b6360e474b1d/Participation-of-young-people-in-education-employment-or-training.pdf</a>	Link checked Dec 2023
National Planning Policy Framework	Department for Levelling Up, Housing and Communities	<a href="https://www.gov.uk/government/publications/national-planning-policy-framework--2">https://www.gov.uk/government/publications/national-planning-policy-framework--2</a>	Link checked Nov 2023
Special Educational Needs and Disabilities (SEND) and Alternative Provision (AP) Improvement Plan	HM Government	<a href="https://assets.publishing.service.gov.uk/media/63ff39d28fa8f527fb67cb06/SEND_and_alternative_provision_improvement_plan.pdf">https://assets.publishing.service.gov.uk/media/63ff39d28fa8f527fb67cb06/SEND_and_alternative_provision_improvement_plan.pdf</a>	Link checked Dec 2023
Area guidelines for SEND and alternative provision - Building Bulletin 104 (Dec 2015)	Department for Education	<a href="https://assets.publishing.service.gov.uk/media/5f23ec4e8fa8f57ac968fb11/BB104.pdf">https://assets.publishing.service.gov.uk/media/5f23ec4e8fa8f57ac968fb11/BB104.pdf</a>	Link checked Nov 2023

National School Delivery Cost Benchmarking Primary, Secondary & SEN Schools	Hampshire County Council in conjunction with East Riding of Yorkshire Council and the Department for Education	<a href="https://documents.hants.gov.uk/property-services/NationalSchoolDeliveryBenchmarkingreport.pdf">https://documents.hants.gov.uk/property-services/NationalSchoolDeliveryBenchmarkingreport.pdf</a>	Link checked Nov 2023
Establishing a new academy: the free school presumption route	Department for Education	<a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1186519/Free_school_presumption_guidance.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1186519/Free_school_presumption_guidance.pdf</a>	Link checked Nov 2023
Client-Based Approach To Developing and Implementing An Employment and Skills Strategy On Construction Projects Contractor and Developer Guidance – England (2017)	CITB	<a href="http://www.citb.co.uk/media/1bdebf1/english-client-based-approach-contractor-guidance.pdf">www.citb.co.uk/media/1bdebf1/english-client-based-approach-contractor-guidance.pdf</a>	Link checked Dec 2023





# Guidance on Planning Obligations and Developer Infrastructure Contributions

## **Part 4: Highways & Transport**

## Summary

- The County Council is the Local Highway Authority (LHA) for most of the roads in Hampshire and has a statutory duty to maintain highways maintainable at public expense in a safe and serviceable manner for all types of road user.
- The Local Highway Authority is also a statutory consultee on planning applications for new development which may have transport or traffic implications.
- Early pre-application discussion with the County Council is essential to determine the need for a developer to assess potential highway impacts and the form and scope of any assessment. Measures necessary to mitigate against the impact of new developments should be identified through evidence provided by the applicant, via Transport Assessments and/or through site specific negotiations with the County Council.
- The County Council can provide advice on the preparation of travel plans where these are necessary in support of new developments.
- Advice and signposting are also provided on matters related to:
  - Financial contributions;
  - Commuted sums for maintenance;
  - Highway development agreements; and
  - School transport.
- The County Council has a statutory duty as local highway authority to protect and maintain the network of public rights of way (PROW) across the county (see Part 5 on Countryside, Public Rights of Way and Green Infrastructure in this Guidance).

Key service	Email Contact
Pre-application advice	[REDACTED]
Travel Plans	[REDACTED]
Highway works (including maintenance)	[REDACTED] [REDACTED]
Transport requirements for schools	[REDACTED]

## Infrastructure Needs & Planning Background

1. Section 9 of the National Planning Policy Framework (NPPF) set out Government planning policy on promoting sustainable transport solutions. This includes encouraging measures which both reduce the need to travel and facilitate travel by means other than just the private car. Thus paragraph 104 states that:

*“Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:*

- a) the potential impacts of development on transport networks can be addressed;*
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;*
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places”*

2. Paragraph 106 notes that planning policies should:

- a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;*
- b) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned;*
- c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;*
- d) provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans);*
- e) provide for any large scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy....”*

3. This is supported by Government guidance in the National Planning Practice Guidance on Transport evidence bases in plan making and decision taking and Travel Plans, Transport Assessments and Statements (Please see weblinks at the end of this chapter).
4. The National Planning Policy Guidance on Travel Plans, Transport Assessments and Statements explains that:

*"The development of Travel Plans and Transport Assessments or Transport Statements should be an iterative process as each may influence the other.*

*The primary purpose of a Travel Plan is to identify opportunities for the effective promotion and delivery of sustainable transport initiatives eg walking, cycling, public transport and tele-commuting, in connection with both proposed and existing developments and through this to thereby reduce the demand for travel by less sustainable modes. As noted above, though, they should not be used as way of unfairly penalising drivers.*

*Transport Assessments and Transport Statements primarily focus on evaluating the potential transport impacts of a development proposal. (They may consider those impacts net of any reductions likely to arise from the implementation of a Travel Plan, though producing a Travel Plan is not always required.) The Transport Assessment or Transport Statement may propose mitigation measures where these are necessary to avoid unacceptable or "severe" impacts. Travel Plans can play an effective role in taking forward those mitigation measures which relate to on-going occupation and operation of the development.*

*Transport Assessments and Statements can be used to establish whether the residual transport impacts of a proposed development are likely to be "severe", which may be a reason for refusal, in accordance with the National Planning Policy Framework." Paragraph: 005 Reference ID: 42-005-20140306*

## **Existing Provision: Transport in Hampshire**

5. Hampshire County Council is the Local Highway Authority for most of the roads in Hampshire, except for the Southampton City Council and Portsmouth City Council Road network, and the Strategic Road Network (motorways and trunk roads) which is the responsibility of National Highways (formerly Highways England).
6. As Local Highway Authority the County Council has a statutory duty to maintain highways that are maintainable at public expense in a safe and serviceable manner. Good connectivity between destinations, based on attractive, reliable journey times for all, is crucial to the on-going success of Hampshire's economy. It is increasingly recognised that schemes that create extra road capacity for general use shows that this soon fills up with extra car journeys. Rather than building extra capacity, many councils now accept that ways of using road network space more efficiently should be considered.
7. The County Council, as Local Highway Authority, works with Hampshire's local planning authorities to consider the transport and traffic implications of development proposals contained in emerging local plans. The County Council is also obliged to produce a local transport plan every five years and to keep it under review.
8. An overview of the existing 'drivers for change' for transport planning in Hampshire in set out in the Local Transport Plan 4.

## **Strategic Background: Local Transport Plan**

9. A Local Transport Plan (LTP) assesses an area's transport needs and challenges looking forward over a long-term period and sets out different ways in which these challenges in a wider context will be addressed.

10. Local Transport Plans (LTPs) are a statutory planning document that local transport authorities are required to produce which set out strategies for improving transport networks, propose projects for investment and plan how key objectives will be achieved. The policy environment has changed rapidly and continues to evolve due to the urgency of addressing climate change, the de-carbonisation agenda and the changes in travel patterns brought about by hybrid working. As a result, the Government is committed to reviewing its advice on the production of the next generation of LTPs.
11. Hampshire's most recent adopted LTP (LTP3) covered the period 2011 to 2031 and was last reviewed in 2013. A draft of a new LTP (LTP4) has been prepared and was the subject of consultation in April 2022, where it received strong public support. LTP4 is in the process of formal adoption in 2024.
12. LTP4 will supersede LTP3 and represent transport policy for Hampshire County Council to 2050. It will reflect emerging Government guidance on LTP preparation and will place more emphasis on promoting alternatives to the private car, reducing carbon emissions, better links between land use and transport planning and a better balance between economic growth and the natural environment compared to previous LTPs.
13. It is important that developers engage with the County Council as Highway Authority to ensure these important emerging policies are reflected in development proposals. The nature and type of mitigation that may be sought to be addressed either directly or through developer contributions is likely to change, with air quality, carbon reduction and climate change mitigation and adaptation in relation to transport schemes becoming increasingly important.
14. Accordingly, the transport infrastructure and type of developer contributions sought in future may differ to those set out in this Guidance, and it will be kept under review updated to reflect the new LTP4 measures as required.
15. The latest Highways Asset Management Policy (2022) & Strategy (2023) identify Hampshire County Council's asset management aims and objectives for managing the highway network.

## **Obligations and Developer Infrastructure Contributions**

16. The County Council considers the transport implications of major planning applications across the county. Information for developers is available on the County Council's information for highway developers webpage (see *Further Information* below).
17. It is the Local Highway Authority's role to provide advice to the local planning authority on the compliance of any relevant development proposal with the Development Plan and to highlight any material planning considerations which need to be weighed in the planning balance by the local planning authority. This advice can cover the severity of any transport impacts on the highway network (paragraph 111 of the NPPF), impacts related to highway safety (paragraph 112 of the NPPF) and wider sustainability considerations regarding whether opportunities to encourage active travel and other sustainable transport modes have been taken up. Where potential harm is identified by the Local Highway Authority, it will engage with the applicant and local planning authority to consider the scope for mitigating such impacts, usually secured through planning conditions and obligations.

## KEY REQUIREMENT: Transport Assessments

18. To assess the transport requirements of a development proposal the County Council is likely to require a transport assessment or transport statement for larger schemes, setting out the traffic and transport implications of their proposed development. The thresholds above which a transport assessment is required are provided online (see links below).
19. Transport assessments are thorough assessments of the transport implications of development, and transport statements are a 'lighter-touch' evaluation to be used where this would be more proportionate to the potential impact of the development (i.e. in the case of developments with anticipated limited transport impacts).
20. A transport assessment will, typically, identify the sustainable transport measures that will be required to ensure that the site is accessible by a choice of modes other than the private car, including cycling, walking, public transport, motorcycling and horse-riding. It should also assess the residual impact of the development traffic on the highway network, including identifying appropriate mitigation to ensure there is no detrimental impact on the safety and capacity of the highway network.
21. Early pre-application discussion with the Highway Authority (see below) is essential to determine the need for assessing potential highway impacts, the form and scope of any assessment and for the applicant to understand the transportation requirements and strategy for the local area.

## KEY REQUIREMENT: Travel Plans

22. A travel plan is a package of costed measures that aims to encourage more sustainable modes of transport such as walking, cycling, bus usage or car sharing/ car clubs. A travel plan is required to support planning applications for development sites. This could be for a new school, office block, hospital, university buildings, residential areas, leisure facilities, hotels or events. Travel plans can also be created for existing sites to improve a situation. This could be to improve congestion, parking problems, recruitment and retention of staff, air quality or plans to expand.
23. A travel plan aims to reduce the number of people travelling by car alone. It should aim to increase the number of people using active and sustainable travel modes. It could be for residents, employees, visitors, customers, deliveries, contractors or business vehicles.
24. Travel plans are required for all planning applications that will generate significant amounts of transport movement. It is County Council policy to require a travel plan for all residential planning applications proposing 100 dwellings or more or where a Transport Assessment is needed. A travel plan must be included when submitting the planning application.
25. Not all planning applications need a travel plan, but the County Council may request a developer provides a travel plan even if the proposed development doesn't meet the usual thresholds. This is because some smaller scale developments can have significant transport impacts. A travel plan will be required for:
  - development in or near an air quality management area;
  - development in an area that has been identified for specific initiatives for the reduction of



traffic, or the promotion of alternative transport;

- any area where it is known that the cumulative impact of development proposals is a cause for concern;
- provision of new or extended school and other educational facilities;
- an extension to an existing development that causes the site to exceed the threshold.

26. Further information is available on travel plans on the County Council's [Travel Plans webpages](#). This includes information on when a travel plan is required and how the County Council will assess a travel plan.

27. For public transport provision, the County Council seeks to facilitate dialogue between public transport providers and developers. This is to ensure that the impacts of new development (increased demand for public transport networks and services) are understood and appropriately mitigated.

28. The County Council does not itself ordinarily seek financial contributions towards public transport provision. To ensure delivery of new or improved public transport provision, the County Council instead secures the requirement through the use of section 106 Agreement, with the delivery and associated funding of services agreed directly between developers and public transport operators.

## Assessing needs and calculating demand

29. Where new transport infrastructure is required to mitigate a development (see above on transport assessments), this must be fully funded and delivered directly by the developer in most cases. The developer will be required to enter into a section 278 agreement with the County Council as Local Highway Authority to enable them to undertake work on the highway. The cost of the required works must be calculated by the applicant (or by the County Council if requested) in order to evaluate the full package of works required to support the scheme to ensure the identified works are feasible. The proposed cost assumptions may be reviewed by a cost consultant on behalf of the county council if required.

30. All work within or affecting the highway will be subject to technical approval by the Local Highway Authority prior to commencement on site. Scheme details and the need for any inspection fees and surety payments are to be agreed with the Highways Development Planning team at the County Council.

31. Alternatively, or additionally, planning obligations are also considered in determining the acceptability of a proposed development. Obligations can be used to ensure accessibility by sustainable travel modes is maximised, safe access is secured, and development-related impacts such as traffic congestion are minimised. Requirements are identified through Transport Assessments and other necessary evidence, as applicable to the scale of the development.

32. This recognizes that planned development can have a cumulative impact on transport infrastructure, requiring improvements which cannot be delivered fully by an individual development. In such circumstances, the County Council will require the developer to enter into a legal agreement under a section 106 (or section 278 legal agreement on occasion), to

secure the contribution, and the County Council would procure the works. The required level of contribution will be calculated on a site-specific basis, dependent on the scale of development, the specific impacts that arise and the reasonable proportionate cost of the infrastructure necessary to make the development acceptable.

33. Examples of infrastructure for which contributions may be required therefore include;

- Schemes identified in Local Cycling Walking Infrastructure Plans
- Schemes identified in Area wide or Town/City Transport Strategies for example City of Winchester Movement Strategy; Waterside Transport Strategy
- Traffic reduction measures- including improved provision for sustainable modes
- Improved public transport/ sustainable modes facilities such as bus waiting facilities or cycle parking
- Bus and cycle priority measures
- Specific improvements identified as part of Walking Cycling Horse riding Assessment Reports to support routes between the site and key destinations
- Junction capacity improvements

34. A number of plans and strategies identify the sustainable transport and accessibility measures for which contributions might be sought, depending on the scale and location of planned development. Further plans prepared by the County Council will follow in order to implement the objectives in the Local Transport Plan (LTP4) at the local level.

35. Where the County Council has adopted Local Cycling Walking Infrastructure Plans (LCWIPs), the status of these plans is updated online on the County Council's Strategic Transport Plans and Policies webpage (See weblinks at the end of this chapter). All potential options identified in the LCWIPs are based on concept design only and therefore all costings are high level and approximate based on similar schemes elsewhere. Schemes prioritised for implementation will be subject to a full design process, including public consultation during which detailed costings will be developed.

36. The County Council strongly encourages early engagement with developers on all scales of development but particularly on large strategic scale sites where it is considered vital. There are many benefits of a developer entering into discussions with the Local Highway Authority before the submission of a planning applications.

37. Information on the County Council's pre-application highway advice service for developers including information about the charges, is available online from the highways pre-application advice webpage (see *Further Information*). The advice service includes:

- Review of Local Plan Allocation evidence base
- Early collaboration regarding design codes/master-planning principles
- Review of the development proposals in the context of the Highway Authority's Technical Guidance Notes
- Review the scope of information required in order to enable us to assess a planning application
- Review of requirements to satisfy policy requirements
- Sharing of information on County Council Local Policies/initiatives
- Likely requirements for financial contribution or provision of sustainable transport improvements and or highway mitigation schemes.
- Likely suitability of proposals for highway adoption (including design and use of materials).

- Review of access location/ junction form.

## Further Guidance for developers (Highway Works)

38. Section 278 of the Highway Act 1980 allows a developer to carry out approved works on the public highway, provided the Local Highway Authority is satisfied such work is of benefit to the public. A s278 agreement sets the standards by which the works must be constructed and provides for the collection of any fees associated with the approval of the works and commuted sums for their future maintenance.
39. In most situations a s278 agreement will follow the granting of planning permission for a development that requires the works, to provide adequate access or other associated infrastructure to mitigate for the impact of the development. Works must be carried out in a manner and to a standard that is acceptable to the Local Highway Authority, and so it is necessary that the designs be assessed through a design checking process.
40. Further information can be found in the County Council's Highway Development Agreements Guidance in Hampshire, an overview guide for developers which is available online (See weblinks at the end of this chapter) which explains the processes, costs, licensing, monitoring and review processes. It also sets out the process for agreeing the nature and extent of on-site highway works and for adoption by the County Council under section 38 (of the 1980 Highways Act) agreements and other consents, permits and authorisations, which may be required as part of the road construction / adoption processes.
41. Detailed Highway Construction Standards and Technical Guidance are produced by the Highway Authority (Please see weblinks at the end of this chapter). The County Council's Developer Portal (Please see weblinks at the end of this chapter) will guide the applicant through the submission, detailing what information is required to manage their highway agreement application. The County Council has also produced planning applications guidance which sets out transport related matters to be considered in the construction of new schools or extensions and other changes at existing schools which may give rise to traffic and transport considerations.
42. The adoption of new highway infrastructure from new developments result in the County Council, as the Highway Authority, incurring increased maintenance costs for those assets in perpetuity. Commuted sums to cover these additional costs can be recovered from the transferring landowner to enable the new infrastructure to be maintained to the required standards. Commuted sums are financial contributions made by third parties to Highway Authorities as compensation for taking on the future maintenance responsibility for newly created highways or highway improvements. They are typically, although not invariably, secured through Section 38 and/or Section 278 legal agreements made with developers and landowners.
43. Commuted sums are generally secured for all non-standard materials and assets from new developments. The commuted sum is calculated, where feasible and appropriate, to cover the difference in costs between maintaining the 'standard' and 'non-standard' materials and assets to be paid. The County Council's latest Commuted Sums Policy Guidance (2023) applies to all planning submissions validated on or after the 1 July 2023 where Section 38 and Section 278 agreements are required.

44. Developers should not assume that the County Council will accept responsibility for or maintain all highway infrastructure. Any asset that a developer is seeking the County Council to adopt must be in an appropriate condition and any required maintenance work at that time must be completed by the developer prior to transfer.

## Further Information

Contact [REDACTED]

Local Transport Plan 4 (LTP4)	Hampshire County Council	<a href="http://www.hants.gov.uk/transport/localtransportplan">www.hants.gov.uk/transport/localtransportplan</a>	Link checked Oct 2023
Highway Maintenance Management Policy and Strategy	Hampshire County Council	<a href="https://documents.hants.gov.uk/highways/HighwaysAssetManagementStrategy.pdf">https://documents.hants.gov.uk/highways/HighwaysAssetManagementStrategy.pdf</a>	Link checked Dec 2023
Manual for Streets	Department for Transport	<a href="http://www.gov.uk/government/publications/manual-for-streets">www.gov.uk/government/publications/manual-for-streets</a>	Link checked Nov 2023
Transport evidence bases in plan making and decision-taking,	Department for Levelling Up, Housing & Communities	<a href="http://www.gov.uk/guidance/transport-evidence-bases-in-plan-making-and-decision-taking">www.gov.uk/guidance/transport-evidence-bases-in-plan-making-and-decision-taking</a>	Link checked Nov 2023
Travel Plans, Transport Assessments & Statements	Department for Levelling Up, Housing & Communities	<a href="http://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements">www.gov.uk/guidance/travel-plans-transport-assessments-and-statements</a>	Link checked Nov 2023
Pre-application highway advice service for developers	Hampshire County Council	<a href="http://www.hants.gov.uk/transport/developers/preapplication">www.hants.gov.uk/transport/developers/preapplication</a>	Link checked Nov 2023
Transport Requirements for School Planning Applications	Hampshire County Council	<a href="http://www.hants.gov.uk/transport/developers/schooltravel">www.hants.gov.uk/transport/developers/schooltravel</a>	Link checked Nov 2023
Travel Plans	Hampshire County Council	<a href="http://www.hants.gov.uk/transport/developers/travelplans">www.hants.gov.uk/transport/developers/travelplans</a>	Link checked Nov 2023
Highway Development Agreements Guidance: AN overview Guide for Developers in Hampshire (June 2021)	Hampshire County Council	<a href="https://documents.hants.gov.uk/transport/Highway-Development-Agreements-Guide.pdf">https://documents.hants.gov.uk/transport/Highway-Development-Agreements-Guide.pdf</a>	Link checked Nov 2023
Commuted Sums Policy Guidance for New Highway Infrastructure (May 2023)	Hampshire County Council	<a href="http://www.hants.gov.uk/transport/developers/commuted-sums">www.hants.gov.uk/transport/developers/commuted-sums</a>	Link checked Nov 2023
Highway construction standard details	Hampshire County Council	<a href="http://www.hants.gov.uk/transport/developers/standard-details">www.hants.gov.uk/transport/developers/standard-details</a>	Link checked Nov 2023
Developers Portal	Hampshire County Council	<a href="https://developerportal.hants.gov.uk/Home/Index">https://developerportal.hants.gov.uk/Home/Index</a>	Link checked Nov 2023
Strategic Transport – Plans and policies (including LCWIPs)	Hampshire County Council	<a href="http://www.hants.gov.uk/transport/strategies/transportstrategies">www.hants.gov.uk/transport/strategies/transportstrategies</a>	Link checked Nov 2023



# Guidance on Planning Obligations and Developer Infrastructure Contributions

## Part 5: Countryside, Public Rights of Way & Green Infrastructure

## Summary

- This Guidance sets out the County Council's approach to new development in Hampshire where it may be necessary for new or improved countryside or rights of way infrastructure in its broadest sense, or a requirement to make financial contributions towards their provision.
- It sets out the legal and statutory duties for the maintenance of County Council owned designated sites and highways (Public Rights of Way), and explains how the County Council will work in partnership with local planning authorities, landowners and developers to meet its statutory duty to manage the countryside.
- Countryside Services and the PROW network provide multi-functional benefits in facilitating sustainable development. Not only in providing benefits for the development in terms of recreational provision and countryside access, but also in terms of achieving wider objectives such as for biodiversity and health and equality agendas. This important resource should be protected and enhanced for future generations to enjoy.
- Countryside Services should be consulted on all planning applications that have the potential to affect its countryside sites, and those that have a potential impact on PROW, as part of the highway network.
- The County Council produces a Countryside Access Plan (CAP) which sets out its priorities for improving access to the countryside, including policies and actions.

## Infrastructure Needs & Planning Background

1. Government planning policy in the National Planning Policy Framework (NPPF) at paragraph 98 notes:

*“Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.”*

2. Paragraph 100 requires that planning policies and decisions should:

*“...protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.”*

3. At paragraph 120 it also supports measures that would achieve environmental net gains,

enable new habitat creation or improve public access to the countryside. The provision of green infrastructure is also supported in the NPPF as a result of the benefits it can bring in terms of the design and quality of places and addressing climate change mitigation and adaptation (paragraph 20), enabling and supporting healthy lifestyles (paragraph 92) and improving air quality (paragraph 186).

4. The Highways Act 1980 places a responsibility on all councils to protect public rights of way and the public's priority access and safety. The potential impact of a development proposal on the network is also a material planning consideration in the determination of planning applications.
5. As well as achieving the above NPPF objectives, country parks, PROW, and other countryside visitor destinations have a wide range of positive impacts in terms of a range of less tangible benefits such as health and well-being, mental health, and quality of life. They also have biodiversity benefits and, placed strategically, can divert visitor pressure away from more ecologically sensitive locations. The County Council expects developers to make appropriate provision in development proposals to protect and enhance the provision of green infrastructure, country parks and open spaces, and PROW in order to achieve these broader policy objectives.
6. PROW are categorised as:
  - Footpaths (for walking, running, mobility scooters or powered wheelchairs. New public footpaths should have a minimum width of 2.0 metres);
  - Bridleways (as footpaths, plus cycling and horse riding. New bridleways should have a minimum width of 3 metres);
  - Restricted byways (as bridleways, plus any vehicle without a motor. New restricted byways should have a minimum width of 3 metres); and
  - Byways Open to All Traffic (abbreviated to BOAT, for all uses, including motor vehicles. The minimum width of a BOAT is usually around 3 metres. It is not possible to create a new BOAT).

## Existing Provision: Countryside in Hampshire

7. Approximately 85% of Hampshire is classed as rural with over a third protected for its beauty and iconic landscapes. Hampshire Countryside Service manages 3,658 hectares of land including more than 80 sites and 7 strategic scale destination parks and visitor attractions. The service is also responsible for ensuring that the 2,800 miles (4,200km) of public rights of way (PROW) in the county are safe and easy to use.
8. The County Council's responsibilities (as Local Highway Authority) in respect of PROW include:
  - Signposting all PROW that leave a public highway;
  - Maintaining the Definitive Map as the definitive legal record of PROW;
  - Maintaining the PROW network so that it can be used safely by all those permitted to use the PROW;
  - Ensuring landowners carry out their duties in respect of keeping PROW open

and free from obstacles and taking action if they fail to do this;

- Determining applications (diversion orders) to close, modify or re-route PROW either permanently or temporarily.
9. As well as being legally defined in the highway hierarchy and serving a leisure/recreation function, PROW play an increasingly important role as an option for active travel providing an alternative to the private car and other powered forms of transport. They are also important in facilitating access to the countryside which can be important in helping deliver public health objectives. They provide a crucial part of the Green Infrastructure network for local areas.
  10. Public rights of way are public highways that are legally protected in the same way as roads. The County Council has a statutory duty as local highway authority to protect and maintain the network of public rights of way (PROW) across the county.
  11. The County Council manages a number of country parks and related facilities which provide important recreational and environmental resources for the residents of Hampshire and beyond.
  12. The King Charles III England Coast Path is a new national trail being created by the Government along the entire length of England's coastline. Hampshire's provision is well underway; being managed by Hampshire County Council and the New Forest National Park. The path commonly follows PROW and public highway, but can also run on other routes. The path carries material weight in planning and should be treated as such.

## Strategic Background

13. Under the Countryside and Rights of Way Act (2000) highway authorities were required to prepare a Rights of Way Improvement Plan by November 2007. This has subsequently been updated as part of the Countryside Access Plan, the most recent of which is the 2015-2025 Hampshire Countryside Access Plan (CAP). This performs the role of a Rights of Way Improvement Plan but looks more widely at access to the countryside generally rather than just via rights of way. Revision of the CAP is due in 2025.
14. The CAP identifies eight county-wide issues that the Countryside Service faces in the management of countryside access in Hampshire:
  - Condition of the rights of way network;
  - Getting to the countryside from urban areas;
  - Using roads as part of the access network;
  - Connectivity of routes;
  - Impacts on land management;
  - Information provision;
  - Meeting the needs of all users; and
  - Joint working with other countryside interests.



15. These priorities are clearly relevant in the consideration of development proposals which could have impacts on the PROW network. However, new development also provides the opportunity to improve the network and connectivity to allow residents better access to the countryside.
16. The latest CAP identifies two particular priorities from consultation and an assessment of need:
  - a. Maintaining and improving the condition of the rights of way network
  - b. Improving connectivity of the network
17. As well as setting priorities, the CAP identifies a range of wider objectives such as expanding the capacity and attractiveness of existing countryside sites and the PROW, to relieve pressure on more sensitive environmental assets such as Special Protection Areas designated under national and European legislation. It also identifies opportunities to improve access and natural green spaces for pedestrians and cyclists from urban and peri-urban areas. These sustainable transport corridors and green infrastructure are essential to increasing the mobility of communities, reducing car use and improving health and well-being.
18. Countryside Services interests may overlap with other consultees regarding natural capacity, climate change mitigation and biodiversity net gain. Accessible natural greenspace is a requirement of development, where relevant.

## **Obligations and Developer Infrastructure Contributions**

19. Local planning authorities in Hampshire are broadly responsible for securing appropriate open space provision alongside new development, including large scale facilities such as new country parks. Accordingly, this Guidance focuses on countryside access and PROW which is separate from and additional to any local authority open space provision.
20. New development can place increasing pressure on, or can directly conflict with, PROW and other countryside recreational facilities. Where new development is expected to have an adverse impact on a County Council countryside site, the County Council expects that any impact will be mitigated by the developer.
21. The County Council welcomes pre-application engagement with applicants to provide guidance to ensure suitable mitigation is provided in accordance with the provisions of the NPPF and local relevant policy. Countryside Services provides guidance documents and technical notes (see *Further Information* below) specific to the impacts that development may have on PROW and County Council owned countryside sites. It should be noted that obligations and mitigation for impacts of a development are typically site specific and therefore require site-specific consideration.
22. As a statutory consultee insofar as PROW are concerned, and as the responsible body for their management and maintenance, the County Council shall be consulted by local planning authorities on development which affect PROW. Impacts can be caused when

in the vicinity of PROW, not just when PROW are present on sites. This includes:

- The existing PROW network;
- The existing and proposed King Charles III England Coast Path; and
- Allocated future PROWs identified in the 2015-2025 and future Hampshire Countryside Access Plans.

23. Where this is relevant, local planning authorities (LPAs) are encouraged to require applicants to include sufficient information to demonstrate any impact on the PROW network. LPAs are encouraged to add PROW to their local validation lists for planning applications. When consulted on applications that do not show sufficient PROW information, the Countryside Service team may object until this is rectified. The impact on PROW is important information for many stakeholders, not just the highways authority. Sound determination needs clear identification and demonstration of effects on the PROW network.
24. The Council Council's Countryside Services should be consulted on all planning applications that have the potential to affect its countryside sites. A proposed development is considered to potentially affect a County Council owned countryside site when:
  - It is adjacent to it (it shares a boundary with the site); and/or
  - It is within the catchment area of the County Council owned countryside site.
25. The catchment zones for County Council owned countryside sites can be assessed by the method set out in the Greenspace Assessment: Analysing Provision, page 21 of Natural England's Accessible Natural Green Space Standards in Towns and Cities: A Review and Toolkit for their Implementation - ENRR526 (ANGST) 2007. County Council owned countryside sites can fall within all four tiers within the site hierarchy. Where relevant, applications should assess and consider their potential impacts on a County Council owned countryside site if it falls within its catchment zone.
26. In general terms, where it can be demonstrated that a new development will have an impact on a County Council owned countryside site or PROW, the County Council expects that any impact will be mitigated by the developer.
27. The impact of development on PROW is a material consideration for planning applications and development. In assessing the development proposal's impacts, the County Council will consider the potential to affect the PROW network and PROW users both within the development site itself as well as beyond the development's boundaries (i.e. off-site).
28. As explained in the Countryside Access Plan (CAP), partnership working and investment in the PROW may consist of larger-scale, capital projects to develop strategically important routes, working with larger and statutory organisations such as the National Park Authorities and District Councils. Other schemes are relatively small-scale, low-cost projects, resolving issues on paths which are unlikely to form part of the strategic network but are important in serving the needs of local communities.

## Assessing needs and calculating demand

29. Typical examples of the potential impact of development on the PROW network are from various different forms of intensification of use whether this be:

- for recreation;
- to access green space and the countryside; or
- to access facilities, such as schools, public transport hubs or other urban services.

30. Examples of the type of impact which could arise and measures which might be employed to mitigate them are set out below.

### EXAMPLE 1: Impacts on a County Council owned countryside site

31. Typically, impacts arise as a result of an increase in visitor numbers from an increase in local population from residential development. It may also be from new tourist accommodation, such as a hotel, campsite, or similar, or recreational businesses, such as a cycle hire business.

32. With respect to neighbouring development, impact from new development on a countryside site can also be in the form of pollution, amenity impact and/or similar. Examples include:

- Increase in pollution (noise, light, dust or similar) from an activity;
- A landscape, visual, and/or amenity impact;
- An increase in demand for recreation and use;
- An adverse impact on green infrastructure; and/or
- A cumulative impact contribution to one or a number of the above.

### EXAMPLE 2: A new PROW, or expanding or modifying the PROW network as a result of new development

33. Where improvements are needed, their delivery will either be by the County Council following agreement of a s106 financial contribution together with any dedication that is necessary or, where the applicant owns the land, potentially directly by the applicant to the required standard. These are typically secured via a s106 legal agreement. Countryside Service Design Standards are available from the Hampshire County Council website (See *Further Information* below).

34. Contributions can be pooled for off-site delivery of new PROW or enhancement of existing PROW. The value of those contributions is based on assessment of the impact of the proposed development, the cost of works, and the required contribution to ongoing maintenance.

35. Improvements required on existing routes can include surfacing improvements, the widening of a PROW to reflect increased use, replacing stiles with standard gates to

provide accessibility, vegetation clearance, upgrading from a footpath to a bridleway, diversion, and/or increased maintenance. Proposals will require consideration of the long-term maintenance responsibility and in such situations the County Council may require a commuted sum for maintenance. These will also typically be secured through a s106 legal agreement. Commuted sums for maintenance can also be secured through a highways agreement.

36. It must be noted that receiving a grant of planning permission does not allow a landowner, applicant, nor developer to carry out any works on the surface of a PROW. A highways agreement will be required in addition to the planning permission. This may be from a Local Planning Authority making an order under S257 for diversion or extinguishment, or via a S278 or S38 agreement under the Highways Act (1980). This agreement must be entered into and completed prior to any works on any PROW. Hampshire County Council has regularly reviewed standard costings for works and maintenance of PROW. These are used to calculate contributions and commuted sums and are dependent on site specifics.
37. To secure new or additional Public Rights of Way it may be necessary for the landowner(s) to dedicate those rights. Under Section 25 of the Highways Act 1980 the County Council can enter into an agreement with the freeholder of the land to dedicate a footpath or bridleway within its area. The way may then become maintainable at public expense (i.e. the County Council has a statutory responsibility to maintain the surface of, and ensure safe access to, the PROW network). Proposals will require consideration of the long-term maintenance responsibility, and the County Council may require a commuted sum for this maintenance.
38. Once a route has been dedicated, it would be signposted and appear on Hampshire's Definitive Map and Statement and other Ordnance Survey maps.
39. Hampshire County Council has adopted standards for the required provision of commuted sums for the maintenance of PROW. These standard costings are reviewed and agreed by the County Council every six months, benchmarked against recently completed capital projects and developers are advised to seek advice at the earliest possible stage to estimate potential costs. Costs are highly dependent on individual locations and the impact caused by the development - typically, it is costs per metre for resurfacing, and for new furniture or structures, such as bridges, or new PROW.

## Further Information

Contact	
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Countryside Access Plan 2015 - 2025	Hampshire County Council	<a href="https://documents.hants.gov.uk/countryside/HampshireCountrysideAccessPlan2015-2025.pdf">https://documents.hants.gov.uk/countryside/HampshireCountrysideAccessPlan2015-2025.pdf</a>	Link checked Dec 2023
National Planning Policy Framework	Department for Levelling Up, Housing and Communities	<a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1182995/NPPF_Sept_23.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1182995/NPPF_Sept_23.pdf</a>	Link checked Dec 2023
The Highways Act (1980)	UK Government	<a href="http://www.legislation.gov.uk/ukpga/1980/66">www.legislation.gov.uk/ukpga/1980/66</a>	Link checked Dec 2023
Public rights of way: local highway authority responsibilities	UK Government	<a href="http://www.gov.uk/guidance/public-rights-of-way-local-authority-responsibilities">www.gov.uk/guidance/public-rights-of-way-local-authority-responsibilities</a>	Link checked Dec 2023
Rights of way advice note 9: General guidance on public rights of way matters	Planning Inspectorate	<a href="http://www.gov.uk/government/publications/rights-of-way-advice-note-9-general-guidance-to-inspectors-on-public-rights-of-way-matters/rights-of-way-advice-note-9-general-guidance-on-public-rights-of-way-matters">www.gov.uk/government/publications/rights-of-way-advice-note-9-general-guidance-to-inspectors-on-public-rights-of-way-matters/rights-of-way-advice-note-9-general-guidance-on-public-rights-of-way-matters</a>	Link checked Dec 2023
Countryside and Rights of Way Act (2000)	UK Government	<a href="https://www.legislation.gov.uk/ukpga/2000/37/contents">https://www.legislation.gov.uk/ukpga/2000/37/contents</a>	Link checked Dec 2023
Public Rights of Way Including the definitive map	Hampshire County Council	<a href="http://www.hants.gov.uk/landplanningandenvironment/rightsofway">www.hants.gov.uk/landplanningandenvironment/rightsofway</a> <a href="http://www.hants.gov.uk/landplanningandenvironment/rightsofway/definitivemap">www.hants.gov.uk/landplanningandenvironment/rightsofway/definitivemap</a>	Link checked Dec 2023
Accessible Natural Green Space Standards in Towns and Cities: A Review and Toolkit for their Implementation (ENRR526)	Natural England	<a href="https://publications.naturalengland.org.uk/publication/65021">https://publications.naturalengland.org.uk/publication/65021</a>	Link checked Dec 2023
Countryside Service Design Standards Guidance	Hampshire County Council	<a href="http://www.hants.gov.uk/landplanningandenvironment/countryside/designstandards">www.hants.gov.uk/landplanningandenvironment/countryside/designstandards</a>	Link checked Dec 2023
Rights of Way Circular (1/09)	Defra	<a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69304/pb13553-rowcircular1-09-091103.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69304/pb13553-rowcircular1-09-091103.pdf</a>	Link checked Dec 2023



# Guidance on Planning Obligations and Developer Infrastructure Contributions

## Part 6: Library Services

## Summary

- The County Council has a statutory duty to provide a libraries and archives service for the residents of Hampshire.
- Having been through a transformation programme (2021) it is unlikely that any new library facilities will be required across Hampshire up to 2025, unless any new, currently unforeseen strategic scale developments are planned. This position will be kept under review.
- The growth of communities through smaller scale developments can still have a cumulative impact on the delivery of library services locally. Where this impact can be demonstrated, the County Council will require that impact to be mitigated, as informed by this Guidance.

## Infrastructure Needs & Planning Background

1. As a local library authority, Hampshire County Council has a statutory duty to provide a “comprehensive and efficient” library service for everyone who lives, works, or studies in the county. This statutory duty derives from Section 7 of the 1964 Public Libraries and Museums Act. There is no specific definition of what constitutes a “comprehensive and efficient” service; it is for each authority to judge, based on, among other things, local community needs and available resources.
2. Nonetheless, in fulfilling its duty under the 1964 Act it does state that the library authority shall have particular regard to the desirability of the keeping of adequate stocks of books, that facilities are available for the borrowing of, or reference to, books and other printed matter and other materials sufficient in number, range and quality to meet both the general requirement and any special requirements of both adults and children.
3. The Council has a role to encourage both adults and children to make full use of the library service and providing advice and support about how to use and access services, information and resources.
4. In section 8 of the National Planning Policy Framework (NPPF) dealing with the promotion of healthy and safe communities, paragraph 93 requires that, in order to provide the social, recreational and cultural facilities and services that communities need, planning policies and decisions should:
  - “a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
  - b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*
  - c) guard against the unnecessary loss of valued facilities and services,*

*particularly where this would reduce the community's ability to meet its day-to-day needs;*

*d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*

*e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services."*

5. The County Council also has a responsibility under the Local Government (Records) Act 1962 and the Local Government Act 1972 to ensure the safekeeping and access to its records. The Public Records Act 1958 requires public records to be preserved and Hampshire County Council holds a licence as an approved place of deposit under section 4(1) of the Public Records Act 1958. The Archive collections must be available for public access.

## Existing Provision: Libraries in Hampshire

6. CIPFA produce an annual 'Public Library Statistics' report and Hampshire County Council has been and remains a top performing library authority – most issues, most visits, most e-Issues of any county authority – it does so efficiently as evidenced by:
  - a. Spending less overall per 1000/population than most other English counties
  - b. having the lowest number of libraries relative to population of any English county
  - c. having less staff per 1000/population than the majority of other English counties.
7. This performance will be monitored to understand comparative trends in expenditure and income generation, and library visits (e.g. data for 22/23 is due to be published January 2024). For 2021/22 CIPFA reported average library visits of 1,536 per 1,000 people across Great Britain (survey data).
8. There are 40 Council-run libraries in Hampshire which operate a range of opening hours. Whilst Tier One libraries are open for longer hours than Tier Three libraries, there is currently no standard allocation of hours within tiers.
9. Tier One libraries are the largest and busiest libraries, providing the widest range of services. They have a catchment population of over 50,000, tend to be found in the biggest towns and are open longest - usually six days a week.
10. Hampshire's library service also comprises:
  - Online library service available 24 hours a day including eBooks, Magazines and digital resources;
  - Home library service;
  - School library service;
  - Learning in libraries;
  - Specialist library services, events and activities – a range of services for individuals

and groups.

11. Tier Two libraries are found in medium sized towns and are open on five days each week. They have a catchment of around 30,000 to 70,000 people. Tier Three libraries are located in smaller towns and villages and are open fewer days each week. Typically, they are small spaces (when compared to Tier One or Tier Two libraries) in a community building often with partners co-located. Tier Three libraries have a catchment population of around 10,000 – 40,000 people.
12. The Libraries floorspace per 1000 population (Gross) is 23m<sup>2</sup>, and the net floor space: 17m<sup>2</sup>. The Library service stock consists of physical stock (1,415,799 items) and digital stock (with 1,900,000 (loans per annum).
13. Data from the first six months of the 2021-22 financial year (April -Oct) shows 29% of active borrowers in Hampshire were age 0-9 years; 12% were aged 10-19 years and 21% over 70 years.
14. The library tier list in Table 1 reflects the outcome of a recent transformation programme and represents what the County Council considers to be a comprehensive and efficient library service designed to meet the needs of local communities as required by the 1964 Act. This will be kept under review through monitoring the implementation of the library service strategy and through regular customer engagement.

*Table 1 Hampshire libraries listed by category (tier)*

Tier One (11)	Tier Two (17)	Tier Three (12)
Andover	Aldershot	Emsworth
Basingstoke	Alton	Fordingbridge
Chandlers Ford	Eastleigh	Leigh Park
Fareham	Havant	Yateley
Farnborough	Hythe	Alresford
Fleet	Lockwood	Bishops Waltham
Gosport	Romsey	Bridgemary
Lymington	Tadley	Liphook
Petersfield	Totton	Netley
Waterlooville	Bordon	Overton
Winchester	Chineham	West End
	Hayling Island	Whitchurch
	Hedge End	
	New Milton	
	Portchester	
	Ringwood	
	Stubbington	

## Strategic Background

15. Libraries are not places solely to borrow books, and function as community hubs offering services and facilities to cater for a range of community needs including those of children, students, job seekers, and the elderly. Libraries offer free, authoritative, non-judgemental information services and supported access to online resources and services. They also offer neutral places to promote community wellbeing, with access to technology and learning opportunities.
16. In 2019 The Arts Council England published “[Championing archives and libraries within the planning system](#)” which advocates for libraries and archives being considered as part of local infrastructure and contributing towards the place-shaping agenda and creating better places to live. Thus, it rightly espouses the concept that:
 

*“...libraries enhance and enrich their community and their area; estate agents point to them in their brochures as a contributory factor in influencing people to choose a particular neighbourhood in which to settle. They are perceived to be safe, neutral and trusted spaces, free from political agendas and able to give unbiased but verifiable information on major topics. Libraries reach all sections and demographics within the community.”*
17. In July 2020, (following an extensive public consultation and engagement exercise which received in excess of 20,000 responses), the County Council approved a series of measures necessary to achieve £1.76 million of savings through the libraries transformation programme & vision to 2025 as part of a Council-wide savings programme of £80 million.
18. The County Council’s Library Service Transformation – Strategy to 2025 (see *Further Information* below) has three key priorities:
  1. Promoting reading, with a focus on children’s literacy and the Early Years:
    - i. Providing a service for everyone;
    - ii. Developing children’s literacy, particularly within the Early Years (0-5 years);
    - iii. Investing in Hampshire’s Digital Library.
  2. Supporting healthy, creative communities:
    - i. Establishing council-run libraries as ‘community hubs’;
    - ii. Taking the Library Service into communities;
    - iii. Delivering a programme of learning and activities that meet the needs of library users.
  3. Investing in digital services:
    - i. Providing access to technology, prioritising those at risk of digital exclusion. All underpinned by a sound commercial strategy and business plan.

## Obligations and Developer Infrastructure Contributions

19. Set against the legal and policy context, the County Council is committed to maintaining and modernising its libraries services to continue to meet the changing



needs of service users and to cope with any additional demand brought about by new development.

20. New development places increased pressure on infrastructure in a locality. That pressure applies to libraries and archives services in as much as it applies to any other social and cultural infrastructure, facility or service.
21. Contributions sought are set against the context of transformation of the Hampshire library service, and the need to ensure that the County Council is able to ensure provision of an efficient and effective archives service available to all. Significant scale planned development may require a new library facility, although there are currently no plans to open new libraries to support major planned development in Hampshire. In other cases, the County Council does not propose to seek provision for wholly new library (or archives) facilities from developers.
22. The County Council's Library Service Transformation – Strategy to 2025 (see *Further Information* below), became effective from August 2020. The Strategy includes recommendations for providing a comprehensive and efficient library service, with services funded by a balance of revenue contribution and generated income where appropriate.
23. The Strategy explains that a journey time by public transport of 30 minutes or a car journey of 20 minutes is considered reasonable access to a library building. To maintain and sustain this comprehensive service, the County Council closely monitors footfall and other statistics which it reports annually (CIPFA Public Library Statistics). With growing local populations due to housing growth, the provision may become strained (e.g. increased waiting time for books) and building usage intensified.
24. The Strategy to 2025 can provide a justification for securing contributions from developers where securing these would meet the statutory tests i.e. where there is a clear impact from new development on the library service and a justifiable reason to require the developer to mitigate that impact.
25. Arts Council England has published guidance on seeking and securing developer contributions for library and archive provision in England (2023). It acknowledges that most new planned housing development is unlikely to be at a scale that triggers entirely new facilities and amenities. But it does trigger the need to improve the scope of local services that can involve additional or reconfigured space, staff, digital capacity and accessibility, book-stock provision, and outreach such as Home Library Service expansion projects.
26. If sought, contributions would seek to ensure that physical and digital stock provision at existing sites meets demand and to extend and/or enhance existing buildings or infrastructure including creating new library spaces should they be deemed necessary. They would ensure that the library service in any given locality was able to absorb the additional demand created by the new development through an improved service offer in terms of the three service transformation strategy priorities.
27. Local authorities that charge CIL may include social infrastructure in their spending plans and priorities, and the County Council will consider local evidence of need and bid for capital funding from CIL pots to improve community facilities at existing libraries.

## Calculating needs, impacts and costs

28. A requirement for developer contributions can be established by comparing the current capacity of the nearest library and population it serves, against the number of people likely to be generated by a new development within its catchment.
29. Catchment areas for libraries are not fixed boundaries but based on catchment principles e.g. Tier 1 libraries typically serve catchments >50,000 (the larger towns). For example catchment areas for the purposes of the detailed 2020 consultation were based on a collection of Census Output Areas linked to active library users.
30. Such contributions could be in the form of:
  - Upgrading of existing library facilities - This may include one or more of the following capital projects:
    - Refurbish library – including improved decoration and new flooring;
    - Reconfigure internal space (new layout) to increase lending capacity;
    - Refurbish toilet facilities;
    - Improved visitor access to library facility i.e. allowing easier access for those with young children or with mobility issues;
    - External works – such as improved parking; cycle racks etc.
  - IT Equipment; Furniture and Stock - This may include one or more of the following projects:
    - provision of books at the named library or outreach service;
    - Provision of “self-service” facilities and other potential IT equipment to increase the opening times and capacity of the library;
    - Provision of furniture e.g. book shelves; tables; chairs to increase visitor numbers;
    - Provision of computers and computing equipment - including tables;
    - Provision of learning equipment / play equipment for younger children.
31. If the data shows that population growth associated with development is increasing demands on services, the County Council may respond to planning applications seeking contributions, using the methodology below as a starting point.
32. Indicative calculations suggest that depending on dwelling size (number of bedrooms) the contribution amount sought per dwelling would range from £29-£64 for contributions towards stock only. Planning obligations for stock would be determined on a case-by-case basis, drawing upon the following data:
  - a. A formula for calculating the cost of additional stock per individual (based on agreed dwelling yields and latest census data)
  - b. Average price per physical stock item (based on Hampshire expenditure data)
  - c. Latest national guidance on recommended stock per 1,000 population

33. Major/ strategic scale development may justify seeking more than just a stock-only contribution, and The Museums, Libraries and Archives document: Public Libraries, Archives and New Development, A Standard Charge Approach (May 2010), suggests a standard charge of £112 (index-linked) per person for the South East, and gives benchmarks as to how much space per population should be provided. The most up to date recommended standard would be used as a starting point for any negotiations regarding planning obligations, and a per dwelling contribution sought.
34. Arts Council England guidance on seeking and securing developer contributions for library and archive provision in England (2023) includes methodologies for calculating library infrastructure contributions.

## Further Information

Contact			
Hampshire County Council Library Service Transformation – Strategy to 2025  Executive Member for Recreation and Heritage Decision Day - Tuesday, 28th July, 2020	Hampshire County Council	<a href="https://democracy.hants.gov.uk/ieDecisionDetails.aspx?Id=1542">https://democracy.hants.gov.uk/ieDecisionDetails.aspx?Id=1542</a>	Link checked Nov 2023
National Planning Policy Framework (last updated September 2023)	Department for Levelling Up, Housing and Communities	<a href="http://www.gov.uk/government/publications/national-planning-policy-framework-2">www.gov.uk/government/publications/national-planning-policy-framework-2</a>	Link checked Nov 2023
Guidance on seeking and securing developer contributions for library and archive provision in England (2023)	Arts Council England in partnership with The National Archives	<a href="http://www.artscouncil.org.uk/research-and-data/guidance-seeking-and-securing-developer-contributions-library-and-archive-provision-england">www.artscouncil.org.uk/research-and-data/guidance-seeking-and-securing-developer-contributions-library-and-archive-provision-england</a>	Link checked Nov 2023
Championing Archives and Libraries within Local Planning	Arts Council England in partnership with The National Archives	<a href="https://cdn.nationalarchives.gov.uk/documents/archives/championing-archives-and-libraries-within-local-planning.pdf">https://cdn.nationalarchives.gov.uk/documents/archives/championing-archives-and-libraries-within-local-planning.pdf</a>	Link checked Nov 2023
The Museums, Libraries and Archives document: Public Libraries, Archives and New Development, A Standard Charge Approach (May 2010)	Museums, Libraries & Archives Council (MLA)	<a href="https://framptons-planning.com/wp-content/uploads/2021/03/CD-G17-May-2010-Public-Libraries-etc-standard-charge.pdf">https://framptons-planning.com/wp-content/uploads/2021/03/CD-G17-May-2010-Public-Libraries-etc-standard-charge.pdf</a>	Link checked Nov 2023

# Guidance on Planning Obligations and Developer Infrastructure Contributions

## **Part 7: Waste Management Infrastructure**

## Summary

- The County Council has a statutory responsibility as a Waste Disposal Authority to provide facilities to enable local residents to safely manage their waste.
- This document sets out how the County Council will work in partnership with local planning authorities, landowners and developers to ensure that the County Council is able to meet its statutory duties as a Waste Disposal Authority.
- When measured against national benchmarks and other similar authorities Hampshire is well provided for in terms of the numbers of HWRCs (household waste recycling centres (HWRCs)).
- Some older HWRCs are no longer considered 'fit for purpose' in terms of safety and access arrangements.
- While it is unlikely that the County Council will seek the provision of new HWRCs (other than if a major strategic scale development was proposed which could result in a rationalisation of existing provision), where there is a demonstrable impact on waste infrastructure, contributions may be sought to improve nearby older facilities.

## Infrastructure Needs & Planning Background

1. National planning policy on waste management is set out in Government's 2014 National Planning Policy for Waste; it also refers to the 2013 Waste Management Plan for England. Both documents set out Government's ambition to work towards a more sustainable and efficient approach to resource use and management. They recognise that positive planning can play a pivotal role in delivering the country's waste ambitions. These ambitions are based on a hierarchical approach to:
  - Minimise waste generation;
  - Reuse materials as much as possible; and
  - Manage materials at the end of their life to minimise their impact on the environment.
2. The Waste Management Plan for England was updated in 2021 and develops the themes set in previous plans and policy, seeking to avoid generating waste, increasing recycling rates, the diversion of waste from landfill and the recovery of energy from waste disposal.
3. The Waste Planning Practice Guidance encourages close co-operation between waste planning authorities and local planning authorities in terms of developing waste planning policy and determining waste planning applications. Pre-application discussions between counties and their districts is strongly encouraged. Not least since, while Hampshire County Council is the waste disposal authority for Hampshire the district and borough councils are the waste collection authorities.

## Existing Provision: Household waste management in Hampshire

4. Hampshire County Council has, in conjunction with the City Councils of Portsmouth and Southampton, entered a waste disposal service contract (now extended to 2030) with Veolia UK. The joint working arrangements put in place have enabled the Councils to include recycling infrastructure within the remit of the contract. Investment has been made across a suite of waste management infrastructure solutions, including composting facilities and the network of HWRCs (to take bulky materials that cannot



be collected kerbside).

5. Across the Hampshire area, around 60% of waste brought to HWRCs is recycled. HWRCs across the Project Integra area receive around 200,000 vehicle movements into and out of the centres each year. Hampshire's 24 HWRCs (plus one in Southampton and one in Portsmouth) are spread geographically around the county.
6. The County Council has invested significantly in its HWRC service, with a comparatively high number of HWRCs compared to similar authorities. For example, the Waste and Resources Action Programme (WRAP) suggest best practice metrics, including seeking to ensure a minimum level of provision of 50,000 households per site, compared to just over 26,000 households per site in Hampshire. For this reason, Hampshire County Council aims to improve and future proof its existing HWRC network, rather than increase the total number of sites.
7. Leading waste and resources charity WRAP's best practice recommends that modern split level sites (where servicing vehicles are kept separate from the public, who in turn have level access to bins) can improve site efficiency and increase recycling rates. This is supported by Hampshire's experience, where 2019/20 data shows an average recycling, recovery and reuse rate of 86% at split level sites compared to 81% at single level sites.
8. Split level sites also provide better accessibility for customers, including those with mobility issues, and improved onsite safety. Nine of Hampshire's HWRCs are older, small single level sites. In addition, some older sites have outstanding location or layout issues which need addressing to better meet the needs of future populations and support the County Council in reaching the Government's 2020 Circular Economy Package target of recycling 65% of municipal waste by 2035.
9. The HWRC sites in need of investment are identified based on criteria including existing ground conditions; single level sites; on-site health and safety or accessibility issues. Based on these criteria, the County Council regularly reviews those HWRCs identified as priorities for investment (or rationalisation), to ensure the facilities can continue to support communities and meet users' needs.

## Strategic Background

10. Waste management infrastructure requirements need to be considered in light of the anticipated requirements of the Government's Resources and Waste Strategy (2018), and the changes in services that will be required. This strategy sets out how the Government plans to double resource productivity and eliminate avoidable waste of all kinds (including plastic waste) by 2050.
11. The Environment Act 2021 brings in new policies that will require local authorities across England to make significant changes to the way they collect household waste, specifically the requirement to collect for recycling both a set list of dry recycling materials as well as source segregated food waste. In October 2023 DEFRA published 'Simpler Recycling' which set out more details on the implementation of the recycling requirements set out in the Environment Act 2021. This will lead to a need for new / redeveloped dry recycling infrastructure as well as delivering capacity to manage kerbside collected food waste. The reforms include proposed implementation dates by which new requirements must be complied with, with the first requirements for domestic (household) collections expected by April 2026. Work is underway to

establish what this compliance means in terms of local infrastructure provision.

12. Project Integra is a partnership between the County Council, the two Hampshire unitary authorities (Southampton & Portsmouth City Councils), the 11 Hampshire district councils and Veolia as the incumbent contractor. It adopts a four- pronged waste hierarchy approach of:
  - waste management (waste reduction);
  - recycling;
  - energy recovery; and
  - as a last resort, landfill.
13. Across the Project Integra area there is a suite of waste management infrastructure. In September 2021 the County Council agreed its Joint Municipal Waste Management Strategy which sets the strategic direction for the Project Integra Partnership up to 2035. It aims to introduce new measures to address all aspects of the waste hierarchy and so reduce the generation of waste, improving recycling and further reducing the amount of waste going to landfill.
14. The strategy notes in chapter 2 that: *In 2019/20 Hampshire's recycling rate was 41.7% (across all recycling services, including HWRCs). The highest performing Partner had a recycling rate of 41.3%, with the lowest performing Partner having a recycling rate of 24.8%. Overall, the County sits within the lower half of the English local authority recycling performance league table, with the majority of partners sitting in the lower quartile. The recycling, reuse and composting rate has increased over time but has plateaued over 2018/19 and 2019/20. The level of performance being achieved has resulted in pressure being exerted on some Partner authorities by the Secretary of State to make improvements.*

\* Note that these statistics are for the Project Integra area and so include Southampton & Portsmouth.
15. It is against this background of a relatively low level of household recycling in Hampshire and a changing policy context in terms of the Environment Act 2021, emerging climate change and carbon reduction policies, that the Council may need future investment in waste management infrastructure to meet emerging targets, and to be able to cater for both an increasing population and an increasing use of waste facilities.

## Obligations and Developer Infrastructure Contributions

16. WRAP recommends a driving distance of up to 5 miles in urban areas or 7 miles in rural areas to HWRCs for the majority of residents. In a largely rural county like Hampshire it is not realistic to fully meet this target and deliver a cost-effective service for all areas. Hampshire does however already significantly exceed the WRAP recommended minimum catchment per site of 50,000 households. Notwithstanding the geographic distribution and accessibility of HWRCs, the County Council aspires, where possible, to upgrade existing single level sites to split level, to continue to invest and improve the HWRC network of facilities.
17. Housing growth proposed in the catchments of the HWRCs places additional pressure on these sites including:
  - The need to service the HWRCs more frequently, at which times the single level HWRCs must be temporarily closed to public access for up to 20 minutes at a

time for Health and Safety reasons;

- The HWRC no longer being deemed 'fit for purpose', with regard to householder usability and capacity;
  - Increased pressure on HWRCs with pre-existing operational constraints i.e. size and location of size, design of site layout for example single level site with steps.
18. Where residential development has potential to have an identified impact on HWRC capacity, contributions towards HWRC improvements might be sought to mitigate that impact where this is demonstrated. Planning contributions could be in the form of the provision of land to facilitate a relocation or a financial contribution towards service improvement. Financial contributions will normally be pooled to improve or relocate those HWRCs in need of upgrading or relocating, closest to the developments from which a contribution was sought.
19. An alternative approach, where it can be justified in the context of the planning obligation tests, would be for funding from developments to contribute financially towards community reuse hubs. Reuse hubs divert bulky household items (including furniture) from HWRCs and kerbside collections for repair/refurbishment by local community organisations, and onward resale. Hubs provide social value to the community through skills development while also making good quality, reasonably priced furniture available to the community. The full costs of this relatively new concept will be informed as its usage becomes more widespread, and will be dependent on the nature of the waste management facilities on-site and associated build costs.

## Assessing needs and calculating demand

20. To determine the impact of new developments on both the HWRC network and wider waste infrastructure, and appropriate measures which might be necessary to mitigate any impact, the County Council welcomes early engagement from both developers or local planning authorities proposing major new areas for growth or development.
21. The County Council's waste management team can provide data and information about existing facilities (HWRCs) which are nearing capacity and advise on the likelihood that development within a catchment would put pressure on this capacity. Owing to more recent investment in HWRCs and modernisation associated e.g. with strategic development, some parts of the county will be able to support planned growth more so than others. Either way, the County Council waste management team seek engagement in proposed development schemes of over 500 dwellings.
22. New residential development in the County can be expected to generate an increase in the overall amount of household waste. Depending on the size of the development, this can have a varying impact on the existing local HWRC network. The impact of increased user pressure will be calculated on a case-by-case basis based on the size and location of the proposed residential development.
23. Where it is expected that new housing development will generate additional pressure on one or more local HWRCs, funding through developer contributions will be sought to help provide the necessary additional capacity and mitigate the impacts of that

development. Where justified, developer contributions may be sought towards funding the following:

- HWRC alterations and improvements;
- Provision of new equipment;
- Extensions and/or redevelopment of existing HWRCs;
- Construction of a new HWRC;
- Provision of reuse facilities; and
- Other relevant measures as set out in the Joint Municipal Waste Management Strategy.

24. The level of contribution sought will take account of recent capital costs associated with HWRCs works, or relevant feasibility studies, and will depend on the size and scale of any works required and the rate of build cost inflation.

25. Where, exceptionally, a new HWRC needs to be provided (for example to mitigate the impact of a new large strategic scale development), the County Council will require the following provision:

- A minimum plot size of approximately 0.8 hectare (1.95 acres) of suitable rectangular land on which a new 'split-level' HWRC could be built.
- The dimensions of the 0.8 hectare site required for the footprint of the HWRC is 120 metres by 63 metres (excluding landscaping buffers as required). This would enable a new HWRC to be provided with approximately 16 waste container bays.

26. Further to site size requirements, a suitable location site for a new HWRC should be in accordance with Policy 29 of the adopted Hampshire Minerals and Waste Local Plan. The land supplied must also be able to accommodate a 'split-level' HWRC. The site must:

- Be freehold and have the benefit of full vacant possession, which will be passed to Hampshire County Council for a nominal consideration;
- Have planning permission, or be capable of obtaining permanent planning permission, for a split-level HWRC;
- Have nearby connections to mains services and sewers to serve the site (power, BT, water supply, surface water and foul sewers essential);
- Be in the right location with a suitable access road to allow for servicing vehicles to pass;
- Be capable of being granted an Environmental Permit by the Environment Agency;
- Be a site cleared of all spoil, buildings, and rubbish; and
- Be free of any contamination (i.e. if contamination is present it has been cleaned before the County Council accepts the land).

## Further Information

Contact

National Planning Policy for Waste (2014)	Department for Levelling Up, Housing & Communities	<a href="https://www.gov.uk/government/publications/national-planning-policy-for-waste/national-planning-policy-for-waste">www.gov.uk/government/publications/national-planning-policy-for-waste/national-planning-policy-for-waste</a>	Link checked Dec 2023
Environment Act 2021 Part 3 Explanatory Notes	TSO	<a href="https://www.legislation.gov.uk/ukpga/2021/30/part/3/enacted">www.legislation.gov.uk/ukpga/2021/30/part/3/enacted</a>  <a href="https://www.legislation.gov.uk/ukpga/2021/30/pdfs/ukpgaen_20210030_en.pdf">/www.legislation.gov.uk/ukpga/2021/30/pdfs/ukpgaen_20210030_en.pdf</a>	Link checked Dec 2023
Waste Management Plan for England (2013)	Department for Environment, Food and Rural Affairs	<a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/265810/pb14100-waste-management-plan-20131213.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/265810/pb14100-waste-management-plan-20131213.pdf</a>	Link checked Dec 2023
Project Integra – Hampshire Joint Municipal Waste Strategy (2021)	Project Integra / Hampshire County Council	<a href="https://democracy.hants.gov.uk/documents/s81998/Report.pdf">https://democracy.hants.gov.uk/documents/s81998/Report.pdf</a>  <a href="https://democracy.hants.gov.uk/documents/s81999/Appendix.pdf">https://democracy.hants.gov.uk/documents/s81999/Appendix.pdf</a>	Link checked Dec 2023
Hampshire Waste Strategy	Veolia	<a href="https://www.hampshire.veolia.co.uk/waste-management/hampshire-waste-strategy">www.hampshire.veolia.co.uk/waste-management/hampshire-waste-strategy</a>	Link checked Dec 2023
Find your nearest Household Waste Recycling Centre	Hampshire County Council	<a href="https://www.hants.gov.uk/wasteandrecycling/recyclingcentres/hwrcfinder">www.hants.gov.uk/wasteandrecycling/recyclingcentres/hwrcfinder</a>	Link checked Dec 2023
Government's 2020 Circular Economy Package	UK Government	<a href="https://www.gov.uk/government/news/circular-economy-measures-drive-forward-ambitious-plans-for-waste#%3A~%3Atext%3DIn%20the%20latest%20step%20in%20going%20to%20landfill%20by%202035">www.gov.uk/government/news/circular-economy-measures-drive-forward-ambitious-plans-for-waste#%3A~%3Atext%3DIn%20the%20latest%20step%20in%20going%20to%20landfill%20by%202035</a>	Link checked Dec 2023
Simpler Recycling: Consistency in household and business recycling in England (Nov 2023)	DEFRA	<a href="https://www.gov.uk/government/consultations/consistency-in-household-and-business-recycling-in-england/outcome/government-response">www.gov.uk/government/consultations/consistency-in-household-and-business-recycling-in-england/outcome/government-response</a>	Link checked Dec 2023
Hampshire Minerals & Waste Plan	Hampshire County Council	<a href="https://www.hants.gov.uk/landplanningandenvironment/strategic-planning/hampshire-minerals-waste-plan">www.hants.gov.uk/landplanningandenvironment/strategic-planning/hampshire-minerals-waste-plan</a>	Link checked Dec 2023





# Guidance on Planning Obligations and Developer Infrastructure Contributions

## Part 8: Public Health

## Summary

- The County Council has responsibility for ensuring the health and wellbeing of Hampshire's population. This Guidance sets out how the County Council will work in partnership to ensure it is able to meet its statutory duties as a Public Health body, as a key stakeholder in the planning process.
- A detailed joint strategic needs assessment (JSNA) and a public health strategy provide information and evidence which will assist local planning authorities and others in ensuring that provision for public health is made in local decisions about new development.
- The achievement of public health objectives cuts across a number of other areas of local authorities' responsibility, including transport planning for healthy neighbourhoods, active travel, access to green space, and addressing air quality.
- A number of influential reports and practical guidance documents champion the need to take into account public health impacts in plan-making and decision-taking.
- Local planning authorities are encouraged to put public health and wellbeing at the heart of its place making agenda.
- The preparation of health impact assessments (HIAs) can help inform and facilitate this and the County Council's public health team welcomes early dialogue with developers and local planning authorities to ensure that healthier outcomes and design are secured in new development proposals.
- Website links to the key documents are listed at the end of the section.

## Infrastructure Needs & Planning Background

1. Poor health and health inequalities in England are estimated to cost the NHS an extra £4.8 billion a year from the greater use of hospitals by people in deprived areas and cost the UK £31-33 billion a year in lost productivity (see Public Health England, *A guide for local authority public health and planning teams* (2020)).
2. The Health and Social Care Act 2012 gave responsibility for the improvement of public health and health protection to upper tier and unitary authorities such as Hampshire County Council. The Act gave local authorities a new duty to take such steps as they consider appropriate for improving the health of the people in their area.
3. In implementing this duty, the County Council works with its NHS partners including NHS England, the Care Commissioning Groups, NHS Trusts, GP Partnerships and voluntary organisations to invest public funds in the commissioning of healthcare services in Hampshire. The strategy aims to deliver improved health and wellbeing outcomes for everyone in Hampshire, driven by individual choice and with less dependency on health and social care provision.
4. The link between planning and health has been long established. The built and natural environments are major determinants of health and wellbeing. The National Planning Policy Framework (2023) recognises the significant synergies between environment and

health and as such embeds health within the planning system as forming a key part of the social objective of achieving sustainable development (paragraph 8b).

5. The NPPF (2023) specifically includes a reference to health infrastructure as something towards which developer contributions might reasonably be sought (paragraph 34). Chapter 8 of the NPPF is about promoting healthy and safe communities:

*“Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: . . . [..]...enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.”*

6. Government planning guidance on promoting healthy and safe communities notes that planning and health need to be considered together on two ways:

*“...in terms of creating environments that support and encourage healthy lifestyles, and in terms of identifying and securing the facilities needed for primary, secondary and tertiary care, and the wider health and care system (taking into account the changing needs of the population).”*

*Paragraph: 001 Reference ID:53-001-20190722*

7. The built and natural environment where we live, work and play is inextricably linked to health and wellbeing and can determine the health outcomes of individuals and populations. Whilst access to healthcare is important, 90% of people's health and wellbeing is linked to the wider determinants of health such as neighbourhood design, quality of homes, exposure to air pollution, access to green space, climate resilience, contact with good quality education and employment opportunities, maximisation of opportunities to connect communities via community facilities and sustainable active travel options.
8. An ageing population is a growing consideration for Hampshire requiring significant care infrastructure, as well as an awareness of those needs in the delivery of other infrastructure. The development of the built environment should become adaptive to these needs, supporting access and physical activity which should be integral in well-designed neighbourhoods.

### **Existing Provision: Public Health needs in Hampshire**

9. Public Health in Hampshire does not itself provide infrastructure but provides or commissions a range of services, seeking to tackle health and social care priorities including domestic abuse support, healthy weights, falls prevention and school nursing services, for examples.
10. The Director of Public Health in every local authority in England is required to produce an annual report on the health of their residents. The County Council has produced a wealth of local evidence on the health needs of Hampshire's population in the form of the Joint Strategic Needs Assessment (JSNA). The JSNA looks at the current and future health and wellbeing needs and inequalities within the Hampshire population and

provides the context for the planning and commissioning of health service and infrastructure to address these needs and inequalities.

11. This Joint Strategic Needs Assessment evidence has been used to inform the preparation of the County Council's Public Health Strategy 2023 – 2026. The JSNA also includes placed-based intelligence and planning authorities are encouraged to review the report for the relevant Hampshire district area to identify public health priorities across wide ranging issues. This includes topics such as green space accessibility, healthy homes, social and digital isolation, air quality and community safety.

## Strategic Background

12. Hampshire's Public Health Strategy (2023-2026) explains that buildings, spaces and the natural environment around us are part of the building blocks of health. The Strategy includes three Strategy Themes: Healthy Places; Healthy People and Healthy Lives.
13. A key area of focus within the Public Health Strategy's Healthy Places theme is planning strategy, policy and practice- to ensure places built for Hampshire's communities are accessible, safe and sustainable. This recognises the need for health practitioners to engage with the planning system to implement a range of actions which can improve public health. To work in partnership with planning authorities, the Council has a Planning for health ambition, so that the Council will:
  - support spatial planning to understand and develop the best way to improve people's health, including using this to design healthier schools
  - implement Air Quality guidance and Supplementary Planning Documents with Hampshire's Districts and Boroughs
  - take the lead with health colleagues to address how planning and place can improve health, using a 'whole system approach'
14. The transport and climate change ambitions within the Healthy Places strategy aligns closely with the Local Transport Plan 4 as set out in Part 4 of this Guidance.
15. The issue of planning for public health encompasses a range of cross-cutting considerations related to the planning and delivery of new development necessary to create healthy, high-quality sustainable places, including:
  - high quality health focused urban design approaches;
  - affordable, adaptable, appropriate and high quality housing which meets the full range of identified needs;
  - provision of and safe access to open spaces, nature and recreational facilities;
  - adaptable spaces, landscape and buildings;
  - accessibility to services and facilities (including health & social care);
  - green and blue infrastructure;
  - sustainable climate resilient infrastructure; and
  - (where appropriate) mitigation of poor air quality.

## Obligations and Developer Infrastructure Contributions

16. A projected increase of over 350,000 people in Hampshire over the 30-year period 2020-2050 (based on the POPGROUP projections model) will impact on public health services across the County from hospital and emergency services provision, mental health and adult social care, GP services and so on.
17. The County Council's own demographic forecasting model (Small Area Population Forecasts) suggest an increase from 1,428,900 to 1,504,000 by 2029. This is a forecast population increase of 75,100. An increase of 5.6%. This level of growth will give rise to an increased impact on healthcare provision necessitating additional healthcare infrastructure, resources and funding. To meet the needs of our future populations whilst making best use of existing assets, mitigation may be sought from new developments to contribute towards necessary improvements in healthcare facilities.
18. The County Council as a consultee on planning applications would not itself seek financial contributions towards healthcare infrastructure. In appropriate circumstances, and where there is evidence of a need arising from the development, additional contributions may be required for healthcare facilities by a local planning authority. Local authority guidance on developer contributions will set out the circumstances in which such obligations may be sought.
19. Hampshire Public Health teams work in partnership with NHS service providers and can advise on the preparation of Infrastructure Delivery plans, for example any planned changes in the commissioning of health care locally, or local infrastructure deficiencies.
20. If local planning authorities are so minded to seek contributions for General Practice Infrastructure they may wish to contact Hampshire and Isle of Wight NHS Integrated Care Board. The Local Planning Authority Engagement (LPAE) team hosted by Torbay and South Devon NHS Foundation Trust, are now working on behalf of Hampshire and Isle of Wight Integrated Care Board (HIOW ICB) estates teams to manage that organisation's response to planning applications in Hampshire. The HIOW ICB intend to review planning applications for developments of 20 or more dwellings and where justified, their planning application responses could request funding from developers to mitigate the impacts that may arise for primary care as a result of development.
21. It should be noted that adequate provision of primary health care also has an important bearing on the County Council's public health responsibilities, and it is advisable to involve the team in early discussions on these issues.

## Assessing needs and calculating demand

22. The County Council has produced a Position Statement (see link below) on planning and public health which includes recommendations to local planning authorities. This Statement includes guidance on the use of Health Impact Assessments for plan-making and decision-making. The Statement suggests that authorities consider the requirement for a Health Impact Assessment (HIA) for all developments of 100 units and above and involve public health in pre-application discussions for major developments of 100 units and above. If not already requested by the local planning authority, the County Council will request that



applicants of these major schemes consider any health impacts through the preparation of an HIA. The should include a suite of proposed actions to mitigate any adverse impacts, particularly in areas which evidence (through the JSNA) shows are suffering from high deprivation, fuel poverty, poor health, elderly or vulnerable groups or high levels of childhood obesity.

23. A Health Impact Assessment (HIA) is a flexible, proportionate and practical tool, which allows for the evaluation of the health impact of policies, strategies and initiatives in sectors that indirectly affect health, such as transportation, employment and the environment. The overall goal of HIAs is to inform decision- makers of any adverse health effects of proposed actions and support the identification of appropriate policy options.
24. An HIA is most effective when it is undertaken to inform and shape a plan, policy or development project during options appraisal and design (that is before decisions are made and submitted as part of a planning application). It considers in an explicit and comprehensive way the impact of development and can address and help to discuss and mitigate any issues before they arise.
25. The County Council Public Health team is able to support local planning authorities in conducting Health Impact Assessments of Local Plans if required.
26. Public Health England published 'Health Impact Assessment in Spatial Planning: a guide for local authority public health and planning teams (2020), which provides further information on undertaking a Health Impact Assessment (HIA).

## Further Information

Contact			
Healthy and safe communities Guidance on promoting healthy and safe communities (last updated Aug 2022)	DLUHC	<a href="https://www.gov.uk/guidance/health-and-wellbeing">www.gov.uk/guidance/health-and-wellbeing</a>	Link checked Dec 2023
Joint Strategic Needs Assessment	Hampshire County Council Public Health	<a href="https://www.hants.gov.uk/socialcareandhealth/publichealth/jsna">www.hants.gov.uk/socialcareandhealth/publichealth/jsna</a>	Link checked Oct 2023
Health Impact Assessment in spatial planning A guide for local authority public health and planning teams (October 2020)	Public Health England	<a href="https://www.gov.uk/government/publications/health-impact-assessment-in-spatial-planning">www.gov.uk/government/publications/health-impact-assessment-in-spatial-planning</a>	Link checked Oct 2023
Public Health in Hampshire	Hampshire County Council Public Health	<a href="https://www.hants.gov.uk/socialcareandhealth/publichealth">www.hants.gov.uk/socialcareandhealth/publichealth</a>	Link checked Nov 2023
Public Health Strategy 2023 - 2026	Hampshire County Council Public Health	<a href="https://www.hants.gov.uk/publichealthstrategy">https://www.hants.gov.uk/publichealthstrategy</a>	Link checked Nov 2023
Hampshire Planning and Public Health Position Statement	Hampshire County Council Public Health	<a href="https://documents.hants.gov.uk/public-health/PublicHealthandPlanninginHampshirePositionStatement.pdf">https://documents.hants.gov.uk/public-health/PublicHealthandPlanninginHampshirePositionStatement.pdf</a>	Link checked Nov 2023
The state of the Union: reuniting health with planning in promoting healthy communities	TCPA	<a href="https://www.tcpa.org.uk/resources/the-state-of-the-union-reuniting-health-with-planning-in-promoting-healthy-communities/">www.tcpa.org.uk/resources/the-state-of-the-union-reuniting-health-with-planning-in-promoting-healthy-communities/</a>	Link Checked Nov 2023
Building for a Healthy life (design toolkit) (endorsed by Homes England)	Design for Homes	<a href="https://www.udg.org.uk/publications/other-manuals/building-healthy-life">www.udg.org.uk/publications/other-manuals/building-healthy-life</a>	Link Checked Dec 2023



# Guidance on Planning Obligations and Developer Infrastructure Requirements

## **Part 9: Flood & Water Management**

## Summary

- The County Council has a statutory duty to consider the surface water flood risk implications of new development and, to provide advice on Sustainable Drainage Systems (SuDS). It also has a responsibility for consenting works to Ordinary Watercourses (OWs).
- The County Council has produced a number of guidance documents for developers and landowners to help explain their responsibilities in these matters.
- The County Council encourages early engagement with those proposing development which might have implications for surface or ground water flood risk or may require works to OWs.
- This guidance sets out how the County Council will work in partnership with local planning authorities, landowners and developers to ensure that the County Council is able to meet its statutory duties as a Lead Local Flood Authority (LLFA).

## Infrastructure Needs & Planning Background

1. Hampshire County Council was established as a Lead Local Flood Authority (LLFA) under the provisions of the 2010 Flood & Water Management Act.
2. The Act requires LLFAs to develop, maintain, apply and monitor a strategy for local flood risk management in its area in relation to groundwater, surface water and ordinary watercourse flooding. The Environment Agency retains responsibility for managing flood risk associated with coastal, river and reservoir flooding.
3. The planning system is founded on the principle of a sequential, risk-based approach to the location of development to avoid, wherever possible, flood risk to people and property. Development should be steered to areas with the lowest risk of flooding, based on the Environment Agency's Flood Risk Zones and it should not increase flood risk elsewhere.
4. While decisions about the suitability of water management provision concerning any development proposal are ultimately made by local planning authorities (LPAs), as LLFA, the County Council is a statutory consultee on major planning applications. It is the responsibility of the County Council to consider the surface water flood risk implications of new development and, in particular to provide advice on Sustainable Drainage Systems (SuDS).
5. The NPPF (paragraph 160) requires LPAs to take account of the advice of flood risk management bodies including LLFAs on flood risk management. It also requires (paragraphs 167/169) that major developments (defined as those of 10 or more dwellings) should incorporate SuDS unless there is clear evidence that this would be inappropriate. The full enactment of Schedule 3 of the Flood and Water Management Act in 2024 will make this mandatory and is expected later in 2024.
6. SuDS aim to mimic natural drainage systems (rather than use artificial drains, pipes, gullies and impermeable surfaces) and so attenuate or infiltrate surface water as close to its

source as possible rather than accelerate flows into artificial systems which can become overwhelmed and fail or cause flood risk further downstream.

7. The NPPF is supported by Government's NPPG on Flood Risk and Coastal Change which elaborates in considerable detail on the general policy principles set out in the NPPF.

## Existing Provision: Flood and Water Management Infrastructure

8. The Environment Agency is responsible for managing the flood risk related to Main Rivers and the coast whilst the LLFA is responsible for managing the flood risk related to ordinary watercourses, surface water and groundwater.
9. The Flood and Water Management Act requires the Lead Local Flood Authority (LLFA) to create and maintain a register of all structures and features that are anticipated or known to have an effect (positive or negative) on flood risk in the area.
10. This is known as the Water Management Asset Register and is available on the County Council's website (see *Further Information* below); allowing stakeholders to identify key assets that could impact flood risk and ensure they are carefully managed.
11. Flood defences exist across Hampshire in many forms. There are many areas of natural flood defence such as sites that are lower than surrounding areas and provide storage for flood water, attenuation areas such as marsh land, and naturally occurring weirs within rivers. Artificial flood defences include dams, sluices and pipes to route water away from its natural path.
12. The County Council has a comprehensive programme of flood alleviation schemes ranging from ditch maintenance to strategic partnerships. For example, the Outer Winchester flood alleviation scheme involving road resurfacing, enhancements to ditches and culverts, and drainage system repairs.

## Strategic Background

13. Hampshire County Council updated its Local Flood and Water Management Strategy (formerly the Local Flood Risk Management Strategy) in 2020. It has also produced a suite of 18 river catchment based Catchment Management Plans providing advice and information on flood risk from multiple sources of flooding across the county.
14. These strategy and plan documents provide a useful evidence base for developers and local planning authorities when considering flood risk issues, including sources of flooding and areas prioritised as being vulnerable to flood risk, which may be affected by new development proposals.
15. Flood risk management is a complex issue and although risk management authorities work together to reduce flood risk, it often requires individual landowners to also do their part to help themselves and others to manage the flow of water.

## Obligations and Developer Infrastructure Contributions

16. As outlined above, decisions about the suitability of water management provision concerning any development proposal are ultimately made by local planning authorities (LPAs). LPAs can negotiate directly for flood infrastructure with developers on a case-



by-case basis. Developers are encouraged to refer to the planning obligations (infrastructure) guidance provided by individual Hampshire local Planning Authorities and/or applicable Local Plan policies on flood and water management. Such guidance can explain that if flood risk cannot be managed on site or by way of condition, then a section 106 agreement may be needed to agree either an appropriate financial contribution or provision of flood defence works or mitigation measures.

17. The County Council does not directly seek developer contributions towards off-site flood infrastructure. The County Council usually seek funding from Flood Defence Grant-in-Aid (FDGiA) to flood and coastal erosion risk management projects, and Levy funding from the Regional Flood and Coastal Committees (RFCCs).
18. Additionally, CIL bids are another mechanism that might be used to fund flood infrastructure where a clear case can be made to CIL charging authorities that funding is required to help deliver a scheme.
19. It is the County Council's view that most potential development sites in Hampshire will be suitable and appropriate for the successful delivery of SuDS schemes. In accordance with paragraph 169 of the NPPF, the onus will be on the developers of 'major' sites to provide clear evidence that this would not be appropriate. On the presumption that most sites will be suitable, developers and LPAs are instructed to take account of advice from the LLFA on the type of SuDS proposed to be used. This policy also requires that the SuDS used should:
  - a) Meet appropriate minimum operational standards;
  - b) Have maintenance arrangements in place to ensure an acceptable standard of operation of the SuDS for the lifetime of the development; and
  - c) Where possible, provide multifunctional benefits, which are meeting four design objectives (known as the 4 pillars of SuDs by the Construction Industry Research and Information Association) of water quantity, water quality, amenity and biodiversity,
20. The County Council has produced guidance notes on different aspects of flood risk management (see link to "Reducing flood risk in planning" advice in *Further Information* below). The key guidance in relation to infrastructure associated with new development is the guidance provided on SuDS, reflecting the NPPF paragraph 169 policy requirements for developers to incorporate SuDS. This is provide by the partnership organisation Susdrain.
21. The County Council also offers advice to LPAs on surface water management strategies and SuDS and developers can seek pre-application advice from the LLFA in relation to surface water drainage.
22. The County Council provides a Surface Water Checklist Guidance document to advise developers and applicants and define the information the County Council requires to assess planning applications in relation to Surface Water Drainage. It has been developed with reference to the NPPF and utilising guidance in the NPPG on Flood Risk and guidance and Ciria SuDS Manual (C753).
23. A key aspect of the success or otherwise of any SuDS lies in the provisions that are made for their long-term maintenance. The responsibility for ensuring the long-term maintenance of SuDS in developments currently will sit with the developer, however, the full enactment of Schedule 3 of the Flood and Water Management Act is expected to

change this. In January 2023 Defra published a review for the implementation of Schedule 3 of the Food and Water Management Act 2010, and the new approach is expected later in 2024/ 2025. Schedule 3 provides a framework for the approval and adoption of drainage systems, and a sustainable drainage system approving body which is expected to sit within unitary and county councils.

24. Until regulations and processes for the creation of sustainable drainage systems at new development are in place, there is no legislation in place specifying which bodies can/should adopt SuDS. The County Council recommends that a recognised and well-established management, utilities or New Appointment and Variations (NAV) company is employed. This will help ensure that SuDS are well maintained and continue to function correctly rather than adding to flood risk.
25. The LLFA therefore currently requires evidence and documentation as part of the planning process (for example, through a planning condition) to demonstrate that appropriate provisions are in place for the entirety of the drainage system to be adopted and maintained for the lifetime of the development. Adoption of SuDS could be agreed through a s106 legal agreement or a separate agreement with the District, Town or Parish Council or private management company but it must, in any instance, be accompanied by a commuted sum to secure and guarantee satisfactory long-term maintenance of the SuDS to the required standard.

## Assessing needs and calculating demand

26. The County Council's FWM team comments on draft Local Plans with regard to flood risk and surface water management and offer advice on specific prioritised areas considered to be at high risk of flooding. The County Council in its capacity as Lead Local Flood Authority (LLFA) is a statutory consultee on all major applications (defined as development over 10 dwellings).
27. In addition to its statutory SuDS role, the County Council also has statutory role in respect of Ordinary Watercourses (OWs) and is the consenting authority for any works required to OWs.
28. An ordinary watercourse is defined under the Land Drainage Act 1991 as a watercourse that does not form part of a main river (the Environment Agency is responsible for flood risk management in respect of main rivers). An OW may include rivers, streams, all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.
29. Ordinary Watercourse Consent (OWC) is required from the LLFA prior to any development or works which obstruct, alter or affect the flow of an OW. Retrospective consent cannot be not given and any works which are unconsented are categorised as a nuisance and a notice may be served by the LLFA to abate such nuisance.
30. The Council has produced guidance for landowners and developers about riparian responsibilities and process for seeking consent to make changes to water courses.

## Further Information

Contact	
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National Planning Policy Framework	Department for Levelling Up, Housing & Communities	<a href="https://www.gov.uk/government/policies/national-planning-policy-framework">National Planning Policy Framework - GOV.UK (www.gov.uk)</a>	Link checked Nov 2023
National Planning Policy Guidance	Department for Levelling Up, Housing & Communities	<a href="https://www.gov.uk/government/publications/planning-practice-guidance">Planning practice guidance - GOV.UK (www.gov.uk)</a>	Link checked Nov 2023
Local Flood Risk Management Strategy	Hampshire County Council	<a href="https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/strategies/local-flood-risk-management-strategyCouncil">www.hants.gov.uk/landplanningandenvironment/environment/flooding/strategies/local-flood-risk-management-strategyCouncil</a> (hants.gov.uk)	Link checked Dec 2023
Catchment Approach to Flood Risk Management	Hampshire County Council	<a href="https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/strategies/catchment-management-plans">https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/strategies/catchment-management-plans</a>	Link checked Dec 2023
Catchment Management Plans (August 2023)	Hampshire County Council	<a href="https://documents.hants.gov.uk/flood-water-management/HCC-CMP-LocalPlanGuidance.pdf">https://documents.hants.gov.uk/flood-water-management/HCC-CMP-LocalPlanGuidance.pdf</a>	Link checked Dec 2023
Groundwater Management Plan for Hampshire	Hampshire County Council	<a href="https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/strategies/groundwater-management-plan">https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/strategies/groundwater-management-plan</a>	Link checked Dec 2023
Hampshire County Council Preliminary Flood Risk Assessment (2011)	Hampshire County Council	<a href="https://documents.hants.gov.uk/flood-water-management/watercourses/PFRAReportsavedJan2016.pdf">https://documents.hants.gov.uk/flood-water-management/watercourses/PFRAReportsavedJan2016.pdf</a>	Link checked Dec 2023
Hampshire County Council - Reducing flood risk in planning information.	Hampshire County Council	<a href="https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/planning">www.hants.gov.uk/landplanningandenvironment/environment/flooding/planning</a>	Link checked Dec 2023
Hampshire County Council Surface Water Checklist Guidance	Hampshire County Council	<a href="https://documents.hants.gov.uk/flood-water-management/SurfaceWaterChecklistGuidance.pdf">https://documents.hants.gov.uk/flood-water-management/SurfaceWaterChecklistGuidance.pdf</a>	Link checked Dec 2023
Flood and Water Management Act (2010)	National Legislation	<a href="https://www.legislation.gov.uk/ukpga/2010/29/contents">https://www.legislation.gov.uk/ukpga/2010/29/contents</a>	Link checked Dec 2023
Sustainable Drainage Design Guidance	Susdrain	<a href="https://www.susdrain.org/delivering-suds/using-suds/background/sustainable-drainage.html">https://www.susdrain.org/delivering-suds/using-suds/background/sustainable-drainage.html</a>	Link checked Dec 2023

Surface Water Management Pre-Application Advice/Historic Flood Information Request	Hampshire County Council	<a href="https://floodwatermanagement.hants.gov.uk/HistoricFloodInformation.aspx">https://floodwatermanagement.hants.gov.uk/HistoricFloodInformation.aspx</a>	Link checked Dec 2023
Surface Water Management Asset Register (online GIS map)	Hampshire County Council	<a href="https://hampshireonline.maps.arcgis.com/apps/webappviewer/index.html?id=71cf47ed7a5344ef958d49255ede3526">https://hampshireonline.maps.arcgis.com/apps/webappviewer/index.html?id=71cf47ed7a5344ef958d49255ede3526</a>	Link checked Dec 2023

## Appendix C - NTV Sites Assessed in SA - LPA SCORES



[illegible]

## Appendix D - NTV Sites Assessed in SA - PV SCORES



## Appendix E - SA Criteria - SA Appendix IV Housing Site Appraisals extract

## Sustainability Appraisal Residential Site Assessment Framework

This section sets out the Sustainability Appraisal Framework that was used to appraise residential sites at Stage 5 (detailed assessment) of the site selection methodology.

**Table 1: Performance**

Strongly positive	++
Positive	+
Mixed performance	+/-
Negative	-
Strongly negative	--
Depends on implementation	i
Uncertain	?
No effect	O

**Table 2: Site Details**

<b>Site Name / Address</b>	
<b>Site reference / SHELAA No:</b>	
<b>Site area:</b>	
<b>Promoted Housing Capacity</b>	

**Table 3: Assessment Criteria**

SA Objective	Draft Criteria	Assessment Criteria		Assessment
<b>Objective 1: Ensure everyone has the opportunity to live in an appropriate and affordable home that meets their needs</b>	A) Is the site able to address a particular housing need?	+	Promotion of the site includes provision to meet a particular identified housing need e.g. specialised housing for older persons (C2)/ accessible / self and custom build plots	
		-	Promotion of the site precludes provision for meeting a particular identified housing need.	
		?	No information provided	
<b>Objective 2: Ensure the local economy is thriving with high and stable levels of growth, whilst</b>	A) Is the site likely to increase future economic and employment opportunities?	+	Promotion of the site includes a proposal for mixed use or commercial floorspace offering ongoing economic and employment opportunities. This may be in the form of an area of employment land and or a local	



SA Objective	Draft Criteria	Assessment Criteria		Assessment
<b>supporting productivity and the promotion of a diverse economy, with the availability of a skilled workforce</b>			centre providing commercial / employment uses.	
		O	No employment uses proposed	
		-	Would result in loss of employment land	
	B) Is the site accessible to a strategic employment site by sustainable modes of transport?	++	The site is within 1600m distance <sup>1</sup> of a strategic employment site.	
		+	A strategic employment site lies between 1600m and 5km distance. Alternatively, the site is within 400m of a bus stop or train station providing a frequent <sup>2</sup> service to a strategic employment site.	
		-	The site is over 400m from a bus stop/route providing a bus service to a strategic employment site and over 5km distance from a strategic employment site and/or there are major barriers to sustainable movement.	
	C) Is there connection to high quality broadband?	++	High quality connectivity (of at least 24 mbps) is available in close proximity to the site	
		+	Standard connectivity (10-24 mbps) is available in close proximity to the site	
		-	Limited or no connection (less than 10mbps connection) is available in close proximity to the site	
		?	Insufficient information	

<sup>1</sup> All distances throughout the assessment assume approximate walking distances and times as follows: 400m – 5 minutes walking; 800m – 10 minute walking; 1600m – 20 minute walking, each way. It is assumed that these distances are reasonable for cycling/walking purposes.

The assessment draws from the principles behind the '20 minute neighbourhood' and reflects advice set out in the National Design Guide, Transport for New Homes, and elsewhere regarding sustainable and walkable neighbourhoods.

<sup>2</sup> Frequent service would include at least an hourly service, starting before 8am and running until after 4.15pm.

SA Objective	Draft Criteria	Assessment Criteria		Assessment
	D) Is the site accessible to Andover or Romsey town centre?	++	The site is within 400m of a frequent <sup>3</sup> bus service or within 800m distance to the town centre, with an overall journey time, door to door of less than 1 hour.	
		+	The site is within 400m of a bus service to town centres and/or within 1600m of a town centre, with an overall journey time, door to door of less than 1 hour.	
		-	There is limited public transport within 800m and/or the site is not within 1600m and/or there are major barriers to movement.	
<b>Objective 3: Maintain and improve access to services, facilities, and other infrastructure, whilst improving the efficiency and integration of transport networks and the availability and utilisation of sustainable modes of travel*</b>	A) Is the site accessible to early years education provision?	++	The site is within 800m distance with direct access** to footpaths and/or cycleways.	<p><b>**Direct</b> access means there is pedestrian or cycling access via footways, paths and cycleways to or adjacent to the site, this may include crossing points, as needed, but not via the vehicular carriageways of classified roads.</p> <p><b>***Indirect</b> access may involve some use of classified roads, but should not involve walking on the carriageway of an A-road, trunk road or dual carriageway.</p>
		+	The site is within 800m distance with indirect access*** to footpaths and/or cycleways	
		+/-	The site is within 800m to 1.6km distance	
		-	The site is within 1.6 km to 5km distance	
		--	The site is over 5km in distance or there are major barriers to movement or the proposal could result in the loss of an early years provision.	
	B) Is the site accessible to a primary school?	++	The site is within 800m distance with direct access to footpaths and/or cycleways	
		+	The site is within 800m distance with indirect access to footpaths and/or cycleways	
		+/-	The site is within 800m to 1600m distance	
		-	The site is within 1600m to 5km distance	
		--	The site is over 5km in distance or there are major barriers to access, or the proposal could result in the loss of a primary school.	

<sup>3</sup> Frequent service would include at least an hourly service, starting before 8am and running until after 4.15pm.

SA Objective	Draft Criteria	Assessment Criteria		Assessment
	C) Is the site accessible to a secondary school?	++	The site is within 1600m distance with direct** access to footpaths and/or cycleways.	
		+	The site is within 1600m distance with indirect*** access to footpaths and/or cycleways	
		+/-	The site has access to a direct bus or train route within 400m to a secondary school location, and with an overall journey time of 30 minutes maximum.	
		-	The site is within 1600m to 5km distance, and/or has access to a direct bus or train route within 400m to a secondary school location (with an overall journey time of 1 hour maximum).	
		--	The site is over 5km in distance and / or has no bus/rail service to secondary schools within 400m or the proposal could result in the loss of a secondary school.	
	D) Is the site accessible to a convenience store <sup>4</sup> including at a local / district / town centre?	++	The site is within 800m distance with direct access to footpaths and/or cycleways.	
		+	The site is within 800m distance with indirect access to footpaths and/or cycleways	
		+/-	The site is within 800m to 1.6km distance	
		-	The site is within 1.6 to 5km distance	
		--	The site is over 5km in distance or could result in the loss of such a facility	
	E) Is the site accessible to a	++	The site is within 800m distance with direct access** to footpaths and/or cycleways.	

<sup>4</sup> A 'convenience store' could include a supermarket, village store, farm shop or petrol station with a shop selling fresh food (with or without a Post Office).

SA Objective	Draft Criteria	Assessment Criteria		Assessment
	primary healthcare facility (GP, health centre or Hospital) <sup>5</sup> ?  [this does not include dentist provision]	+	The site is within 800m distance with indirect*** access to footpaths and/or cycleways	
		+/-	The site is within 800m to 1.6km distance	
		-	The site is within 1.6 to 5km distance	
		--	The site is over 5km in distance or could result in the loss of such a facility	
	F) Is the site accessible to a community facility <sup>6</sup> ?	++	The site is within 800m distance with direct access** to footpaths and/or cycleways.	
		+	The site is within 800m distance with indirect*** access to footpaths and/or cycleways	
		+/-	The site is within 800m to 1.6km distance	
		-	The site is within 1.6 to 5km distance	
		--	The site is over 5km in distance or could result in the loss of such a facility	
	G) Can the site readily connect to cycleways and footpath networks?	++	Direct access** to cycleways and/or footpath networks	
		+	Direct access** to cycleways and footpaths however limited connection to wider networks.	
		-	No clear direct access** to footpaths and/or cycleways. Could include physical barriers such as a railway line.	
	H) Is the site accessible to a	++	Within 400m of a frequent <sup>7</sup> bus route or railway station connecting to major	

<sup>5</sup> This does not include dentist provision

<sup>6</sup> Taken to be a village hall, community hall, community centre, active place of worship, public house with some form of community role/service, or similar.

<sup>7</sup> Frequent service would include at least an hourly service, starting before 8am and running until after 4.15pm.

SA Objective	Draft Criteria	Assessment Criteria		Assessment
	bus or rail service?		destinations <sup>8</sup> (including local towns or cities, which have onward connections to wider destinations).	
		+	Within 400m of an infrequent bus route or railway station to major destinations (or within 800m of a frequent bus service).	
		+/-	Within 800m of limited bus route or railway station to major destination	
		-	No bus route or railway station in vicinity (800m) or there may be major barriers to accessing these services.	
	I) Is the site able to connect to the highway?	+	No access constraints	
		-	Potential access constraints	
<b>Objective 4: Encourage the efficient use of land and conserve soil resources.</b>	A) Is the site on previously developed land?	+	All or majority (at least half) of the site is previously developed land as defined by NPPF*****.	<i>*****Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry</i>
		+/-	The site includes some previously developed land (less than half)	
		-	The site is not previously developed land	

<sup>8</sup> A major destination includes town and cities with public transport connections, including Andover, Romsey, Southampton, Winchester, Salisbury, Basingstoke, London.



SA Objective	Draft Criteria	Assessment Criteria		Assessment
				<i>buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape. (NPPF, July 2021)</i>
	B) Will development result in the loss of best or most versatile agricultural land?	+	The site does not comprise best or most versatile agricultural land as defined by the NPPF	
		?	The classification of the site is not known or it is not clear whether it is classified as grade 3a or 3b	
		+/-	The site includes some best or most versatile agricultural land but not the majority of the site (i.e. less than half of the site).	
		-	The majority of the site is best and most versatile agricultural land as defined by NPPF	
		--	All of the site is best and most versatile agricultural land as defined by NPPF; or the majority of the site is grade 1 and / or 2 agricultural land	
	C) Does the site fall within a	O	Site does not lie within a mineral consultation area.	

SA Objective	Draft Criteria	Assessment Criteria		Assessment
	mineral and waste consultation area?	+/-	Site includes land within a mineral consultation area.	
	D) Does the site include a former landfill site?	O	Site does not include land that comprises a former landfill site.	
		-	Site includes land that comprises a former landfill site – this comprises the minority of the site.	
		--	Site includes land that comprises a former landfill site – this comprises the majority of the site (over approximately 75%).	
<b>Objective 5. Conserve and, where possible, enhance the water environment and ensure the sustainable management of water resources.</b>	A) Is site within a groundwater source protection zone?	+	The whole of the site is outside source protection zones	
		+/-	The site partially falls within a source protection zone but not the majority of the site	
		-	The majority or all of the site is located within a source protection zone or the site includes areas within source protection zones 1 or 2.	
<b>Objective 6: Seek to avoid and reduce vulnerability to the risk of flooding and the resulting detrimental effects to the public,</b>	A) Does the site contain areas at risk of or potential to be susceptible to flooding, either now or in the future?	++	The site is entirely within Flood Zone 1; low or no risk from surface water flooding; and is likely to be of limited susceptibility to groundwater flooding	
		+	The site is entirely within Flood Zone 1; low or no risk from surface water flooding; and is unlikely to be susceptible to groundwater flooding at ground level.	

SA Objective	Draft Criteria	Assessment Criteria		Assessment
<b>economy and environment</b>		+/-	Part of the site (less than half) is within Flood Zones 2 and / or 3, and / or at moderate / high risk of surface water flooding, and / or is likely to be susceptible to groundwater flooding at the surface.	
		-	Majority of the site (at least half of the site) is within Flood Zone 2, and / or at medium risk of surface water and / or likely to be susceptible to groundwater flooding at the surface.	
		--	The majority of the site (at least half) is within Flood Zone 3, and / or at high risk of surface water and / or likely to be susceptible to groundwater flooding at the surface.	
<b>Objective 7: Maintain and, where possible, enhance air quality</b>	Would development of the site lead to concerns on air quality in light of national air quality objective levels?	0	No change in air quality	
		?	There is potential for change in air quality and requires further consideration	
		-	Potential for detrimental impact on air quality generated by the development and or impact on air quality affecting the development from surrounding uses.	
<b>Objective 8: Conserve and, where possible, enhance the Borough's</b>	A) Would development affect landscape character and / or	+	Potential for some positive effect on the landscape with potential to improve it.	
		+/-	Mixed impact across site some positive/negative impacts likely or mixed sensitivity	

SA Objective	Draft Criteria	Assessment Criteria		Assessment
<b>landscape, townscapes and settlement character</b>	protected landscapes?	0	No negative impact on the landscape character	
		-	Site is likely to have a negative effect on the landscape character. The site may be more sensitive to development in terms of landscape impact.	
		--	Site is likely to have a significant negative effect on landscape, which may include adverse effects on designated landscapes (e.g. National Park and AONB) and their setting.	
	B) Does the site relate well to the existing settlement and to the immediate context/surrounding area?	+	Has the potential to relate positively to the existing settlement and settlement edges and / or surroundings / context.	
		+/-	Mixed impact on settlement, settlement edges, and/or immediate context, where there may be potential positive and negative impacts.	
		-	Is unlikely to relate positively to the existing settlement and/or the settlement edge and/or the immediate surroundings and context.	
	C) Does the site have the potential to impact the distinction between settlements, or lead to a risk of physical or visual	0	The site is unlikely to have an effect on the distinction/separation between settlements or result in a risk of physical or visual coalescence	
		-	The site would result in a reduction in the distinction / separation of settlements through a degree of visual and / or physical coalescence	

SA Objective	Draft Criteria	Assessment Criteria		Assessment
	coalescence, where this is relevant to settlement identity?	--	The site results in the coalescence of settlements in a way that adversely affects settlement identity.	
<b>Objective 9: Conserve and, where possible, enhance the historic environment and the significance of heritage assets</b>	A) Is development likely to conserve or enhance the significance of heritage assets, their setting, and the wider historic environment?	+	Development could conserve and enhance heritage assets and their setting	
		0	The development of this site would have no effect on the historic environment.	
		-	The development has the potential to impact on the significance of a heritage asset but this is likely to be of less than substantial harm	
		--	The development has the potential to impact on the significance of a heritage asset that has the potential to result in substantial harm or loss of heritage assets	
	B) Is development likely to conserve or enhance the significance of sites of archaeological interest?	+	An archaeological constraint to bringing forward this site is unlikely / may encounter archaeology but unlikely for there to be an impact on the significance of archaeological asset or result in harm	
		?	Additional information needed to clarify the potential effects on archaeological assets	
		-	Potential for an impact on archaeological assets that could affect the development of this site	
		--	Potential for an impact on archaeological assets that could preclude the development of the whole site	



SA Objective	Draft Criteria	Assessment Criteria		Assessment
<b>Objective 10: Conserve and, where possible, enhance biodiversity and habitat connectivity</b>	A) Will the development conserve and enhance protected sites (internationally, nationally and locally) in line with relevant legislation and national policy?	+	Development would be likely to conserve, restore, and / or enhance protected sites	
		0	No protected sites or habitats identified on site or in the vicinity or are likely to be impacted.	
		-	The development has the potential to result in or contribute to indirect and or cumulative adverse effects on protected sites.	
		--	The development has the potential to result in significant harm to and/or direct losses of protected sites.	
	B) Will the development conserve habitats and species, achieve net gains for biodiversity and enhance the local ecological network?	++	The development has the potential to conserve habitats and species and would be likely to deliver enhancements to the local ecological network and / or provide realistic opportunities to deliver net gains for biodiversity on site beyond those that are likely to be legally required.	
		+	Development has the potential to conserve habitats and species and would conserve the local ecological network.	
		+/-	Development would be likely to conserve habitats and species; however it may limit or compromise opportunities to enhance the local ecological network / future connectivity.	

SA Objective	Draft Criteria	Assessment Criteria		Assessment
		-	The development has the potential to result in a degree of harm to habitats, species, and / or the local ecological network.	
		--	The development has the potential to result in significant harm to habitats (including irreplaceable habitats and / or priority habitats), species (including priority species) or the local ecological network.	
		?	Unknown at this stage	
	C) Would development conserve and enhance quality local green infrastructure provision?	+	Promotion of the site includes provision that would enable the conservation and enhancement of green infrastructure.	
		?	Insufficient information available	
		0	Likely to have a neutral impact on site, i.e. no gain or loss of GI, trees or woodland.	
		-	Site has the potential to result in the loss or harm to a form of local green infrastructure, including the loss of existing areas of established trees, green space, mature hedgerows or woodland.	
	D) Would development affect protected and unprotected trees?	+	No protected or unprotected trees on site or adjacent to the site.	
		+/-	The intensity of site development is unlikely to be constrained by the presence of protected or unprotected trees, either on or adjacent to the site.	

SA Objective	Draft Criteria	Assessment Criteria		Assessment
		-	The intensity of site development is likely to be constrained by the presence of protected or unprotected trees, either on or adjacent to the site	
		--	The site has severely limited feasibility for development as a result of the extensive presence of trees, either on or adjacent to the site, including protected trees	
<b>Objective 11: Support the delivery of climate change mitigation and adaptation measures</b>	A) Will the site contribute towards reducing our impact on the climate?	+	Site performed positively in relation to the majority of criteria relating to objectives 3, 4, 5, 6, 10	
		+/-	Site performed positively in relation to at least 50% of the criteria, or the majority attained a mixed performance on objectives 3, 4, 5, 6, 10	
		-	For the criteria relating to objectives 3, 4, 5, 6, 10, the site performed negatively in the majority of cases	
<b>Objective 12: Seek to maintain and improve the health and wellbeing of the population</b>	A) Is the site accessible to open space?	++	There are a combination of open space typologies (e.g. informal, allotments, parks and gardens or children and teenagers) within 800m	
		+	There is a publicly accessible open space and / or equipped children's play space within 800m	
		+/-	Distance to closest identified area of open space (informal, allotments, parks and gardens or children and teenagers) – 801 – 1600m	
		-	Distance to identified area of open space (informal, allotments, parks and gardens or children and teenagers) greater than 1600m	

SA Objective	Draft Criteria	Assessment Criteria		Assessment
	B) Is the site accessible to sport facilities?	--	The development of this site would result in the loss of existing open space	
		++	Distance to indoor sports facility and / or sports pitches with pavilion/changing facility – up to 800m	
		+	Distance to nearest indoor sports facility or pitches and pavilion/changing facility - 801 – 1600m	
		+/-	Distance to indoor sports facility / and or sports pitches (with or without pavilion or changing facility) within 1600m.	
		-	Distance to any sports facility is more than 1600m	
		--	The development of this site would result in the loss of sport or recreation facilities	
	C) Would development support the retention and / or enhancement of access and rights of way to the countryside?	+	The development of the site has the potential to enhance access to the countryside and / or the availability of public rights of way / other links to countryside.	
		+/-	The development of the site is likely to retain the provision of public rights of way but the character of such routes is likely to alter as a result of the development.	
		-	The development of the site has the potential to impede/reduce access to the countryside and / or the availability of/access to public rights of way.	

SA Objective	Draft Criteria	Assessment Criteria		Assessment
	D) Would development of the site be able to minimise the risk of exposing people to inappropriate levels of noise pollution?	+	No part of the site is likely to include any areas identified as likely to be exposed to: <ul style="list-style-type: none"><li>• night time road traffic noise &gt;50 dB(A);</li><li>• night time railway train noise &gt;50 dB(A); or</li><li>• industrial and commercial noise.</li></ul>	
		-	Any part of the site is likely to be exposed to: <ul style="list-style-type: none"><li>• night time road traffic noise &gt;50 dB(A);</li><li>• night time railway train noise &gt;50 dB(A); or industrial and commercial noise</li></ul>	
Commentary / Summary:				



## Appendix F - SW Extract re WWTWs

## 40 - Large sewage treatment works - Wholesale wastewater

For the 12 months ended 31 March 2019

Line description	Units	DPs	STWNAMED08	STWNAMED09	STWNAMED10	STWNAMED11	STWNAMED12	STWNAMED13	STWNAMED14
------------------	-------	-----	------------	------------	------------	------------	------------	------------	------------

A	Sewage treatment works - Explanatory variables									
40.1	Works name	Text	0	CHICKENHALL EASTLIEGH	EASTBOURNE	FAIRLEE	FAVERSHAM	FORD	FULLERTON	GODDARDS GREEN
40.2	Classification of treatment works	Text	0	TB2	TB2	TB2	TB2	TB2	TB2	TB2
40.3	Population equivalent of total load received	000	2	97.05	117.44	0.00	28.29	132.77	55.88	49.19
40.4	Suspended solids consent	mg/l	0	20	150	0	60	150	20	11
40.5	BOD <sub>5</sub> consent	mg/l	0	12	25	0	25	25	10	7
40.6	Ammonia consent	mg/l	0	3		0			3	3
40.7	Phosphorus consent	mg/l	0	1		0			1	2
40.8	UV consent	mW/s/cm <sup>2</sup>	0	0	0	0	0	0	0	0
40.9	Load received by STW	kgBOD <sub>5</sub> /d	0	5823	7046	0	1697	7966	3353	2951
40.10	Flow passed to full treatment	m <sup>3</sup> /d	0	33,803	35,741	0	6,755	38,263	20,981	12,635

B	Sewage treatment works - Functional expenditure									
40.11	Service charges	£000	0	34.000	38.000	0.000	10.000	28.000	15.000	18.000
40.12	Estimated terminal pumping expenditure	£000	0	0.000	0.000	0.000	0.000	0.000	0.000	0.000
40.13	Other direct expenditure	£000	0	704.000	2016.000	0.000	160.000	519.000	315.000	326.000
40.14	Total direct expenditure	£000	0	738	2054	0	170	547	330	344
40.15	General and support expenditure	£000	0	378.000	934.000	0.000	74.000	247.000	166.000	217.000
40.16	Functional expenditure	£000	0	1116	2988	0	244	794	496	561

## Appendix G - Proposed Amendment to Local Gap at East Anton

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The proposal presented here is subject to review by specialist consultants, and is to be read in conjunction with all relevant specialist's drawings and information where available. Any discrepancies between this and any other consultant's drawings and information should be reported to Pro Vision immediately.

Aerial Imagery © Google 2024.



ISSUE	DATE	DESCRIPTION	DRAWN	CHECKED
v1	28.03.24	First Issue	LL	RD



Key:

- Altered Local Gap boundary
- Land to be removed from Local Gap

CLIENT:	Trinley Estate Ltd		
PROJECT:	Trinley Estate Local Plan Representations		
DRAWING:	Andover, Smannell Local Gap Alterations	NTS	
NUMBER:	1721-XX-E0-01	A4	
ISSUE:	v1	28.03.24	



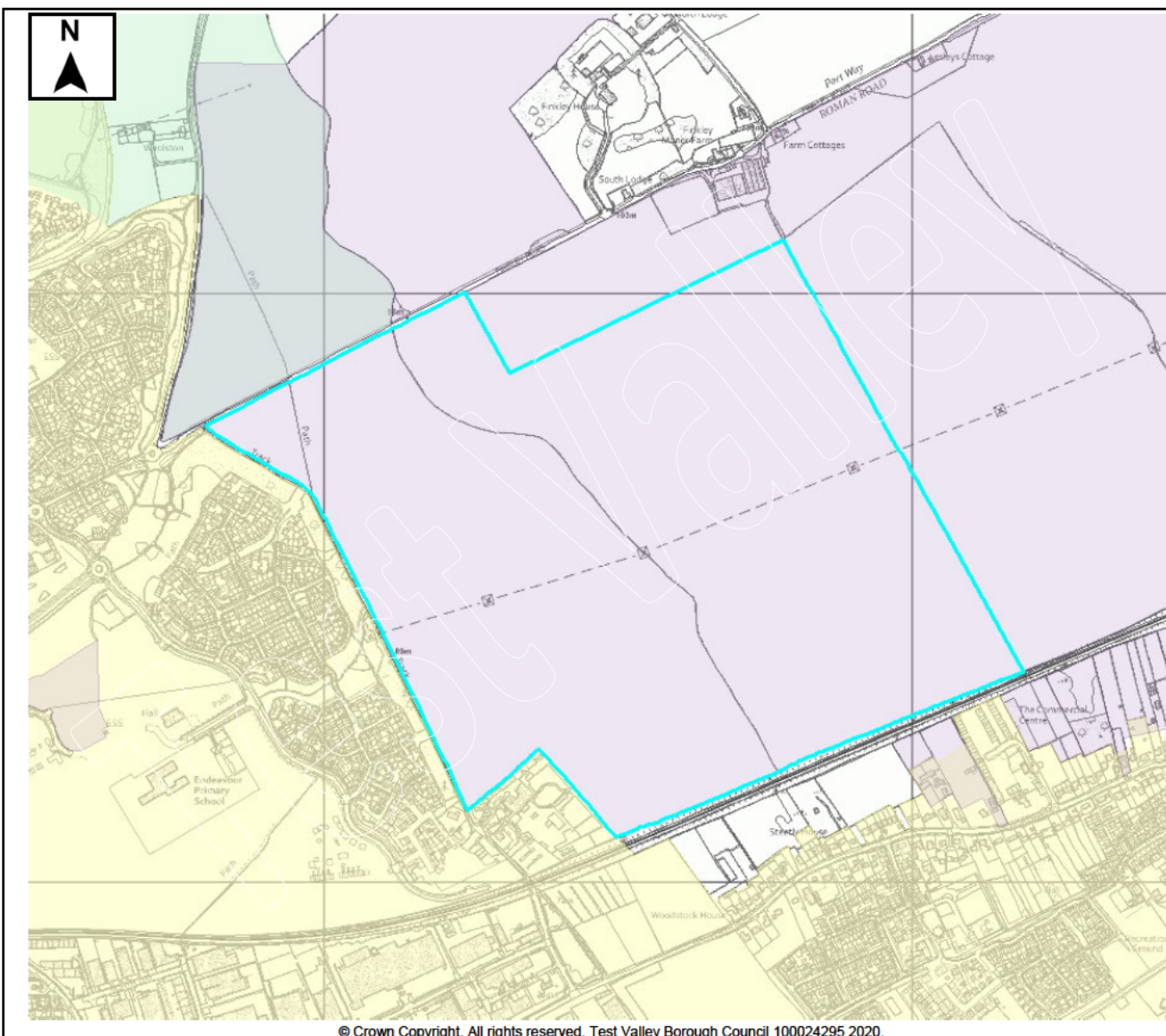
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## Appendix H    SHELAA 2024 - Appendix 2 extract - Sites 165 and 231





## Site Details

SHELAA Ref	165	Site Name	Land at Finkley Down Farm			
		Settlement	Andover			
Parish/Ward	Andover Romans			Site Area	78.1 Ha	Developable Area 64.3 Ha
Current Land Use	Agriculture			Character of Surrounding Area	Residential and agricultural	
Brownfield/PDL		Greenfield	✓	Combined		Brownfield/PDL Ha Greenfield Ha

## Site Constraints

Countryside (COM2)	✓	SINC		Infrastructure/ Utilities	✓	Other (details below)	✓
Local Gap (E3)		SSSI		Land Ownership		Groundwater Source Protection	
Conservation Area (E9)		SPA/SAC/Ramsar		Covenants/Tenants			
Listed Building (E9)		AONB (E2)		Access/Ransom Strips			
Historic Park & Garden (E9)		Ancient Woodland		Contaminated Land			
Public Open Space (LHW1)		TPO	✓	Pollution (E8)	✓		
Employment Land (LE10)		Flood Risk Zone		Mineral Safeguarding			

## Proposed Development

Availability	
Promoted by land owner	✓
Site Available Immediately	✓
Site Currently Unavailable	
Achievability/Developer Interest	
Promoted by developer	
Developer interest	✓
No developer interest	
Deliverability	
Could commence in 5yrs	
Unlikely to commence in 5yrs	✓
Possible self build plot provision	
Yes/Element	✓
No	

Residential			Dwellings
Employment			Floor Space (m²)
Retail			Floor Space (m²)
Leisure			Floor Space (m²)
Traveller Site			Pitches
Other			
Mixed Use Scheme			
Residential	✓	1600	Dwellings
Employment			Floor Space (m²)
Retail			Floor Space (m²)
Leisure			Floor Space (m²)
Other	✓		Primary school

Phasing if permitted (Dwellings only)	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Years 6-10	350
Years 11-15	800
Years 15+	450
Total	1600
Not Known	

This document forms part of the evidence base for the New Local Plan DPD. It provides information on available land, it does not allocate sites.

## Summary

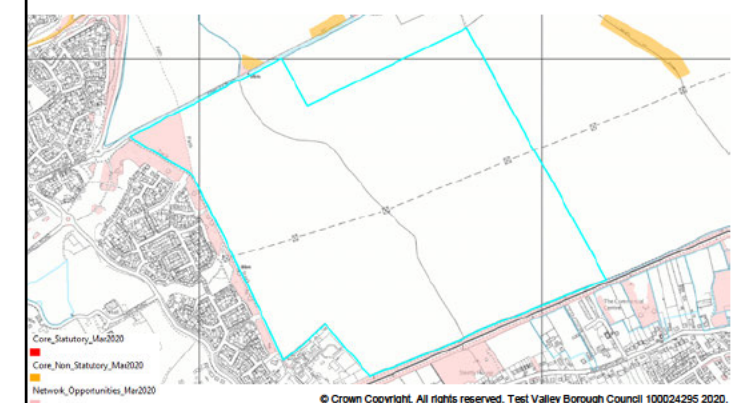
The site is available and promoted for development by the land owner, with interest from a developer.

The site is located outside of the settlement boundary of the TVBC Revised Local Plan DPD. The site is adjacent to the town of Andover which is identified as a Major Centre in the Local Plan Settlement Hierarchy.

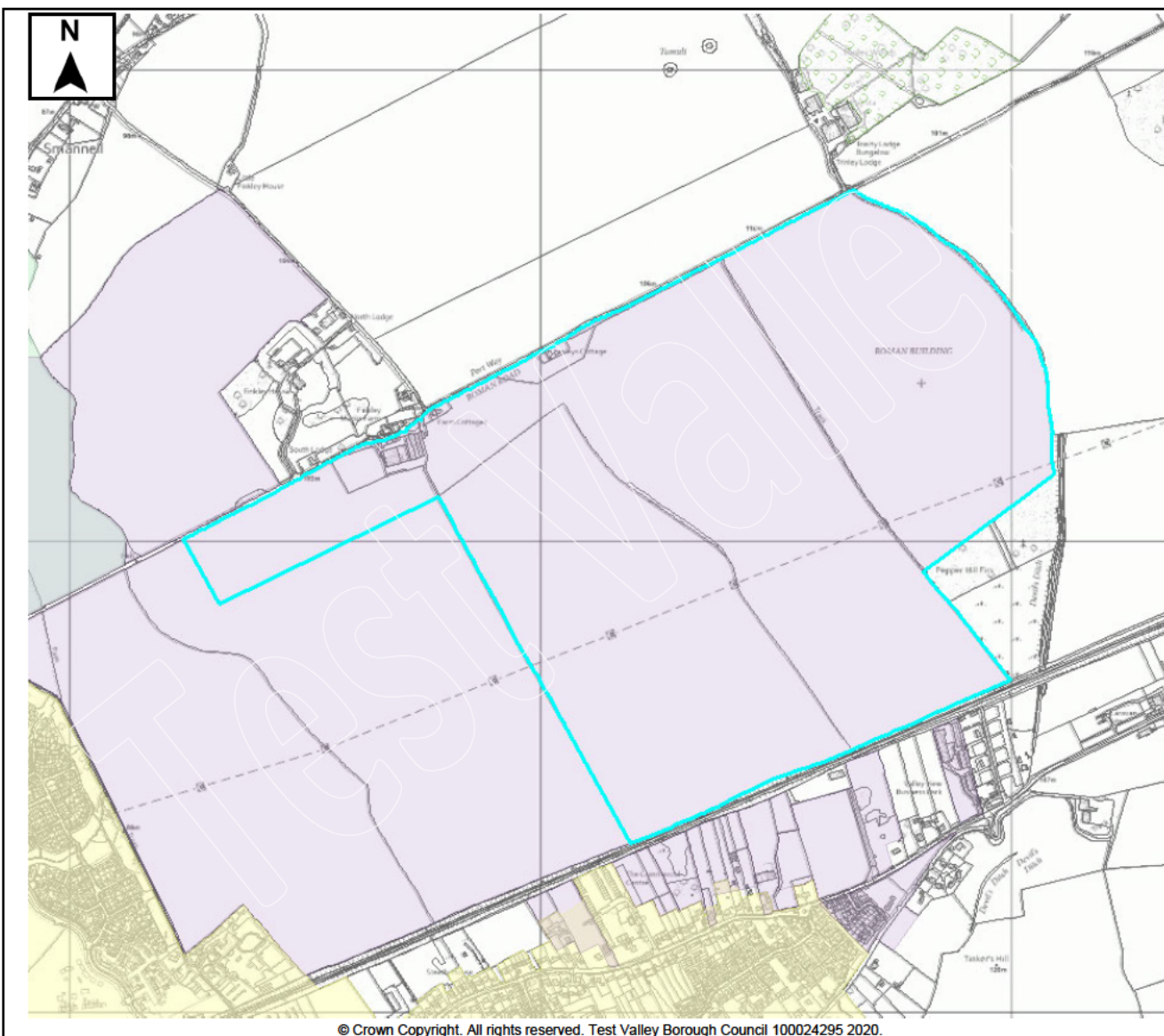
Major Centres are settlements with the widest range of facilities and services in the Borough and are more accessible due to better public transport provision.

## Hbic Local Ecological Network

An ecological network is a group of habitat patches that species can move easily between, maintaining ecological function and conserving biodiversity. This site includes some Network Opportunity Areas containing "Woodland/ Scrub", "Neutral Grassland" or "Calcareous Grassland".







## Site Details

SHELAA Ref	231	Site Name	Land south of Finkley Farm			
		Settlement	Finkley			
Parish/Ward	Andover Romans			Site Area	130 Ha	Developable Area 80 Ha
Current Land Use	Agricultural land			Character of Surrounding Area	Agriculture and countryside	
Brownfield/PDL		Greenfield	✓	Combined		
				Brownfield/PDL	Ha	Greenfield Ha

## Site Constraints

Countryside (COM2)	✓	SINC		Infrastructure/ Utilities	✓	Other (details below)	✓
Local Gap (E3)		SSSI		Land Ownership		Groundwater Source Protection	
Conservation Area (E9)		SPA/SAC/Ramsar		Covenants/Tenants			
Listed Building (E9)		AONB (E2)		Access/Ransom Strips			
Historic Park & Garden (E9)		Ancient Woodland		Contaminated Land			
Public Open Space (LHW1)		TPO		Pollution (E8)	✓		
Employment Land (LE10)		Flood Risk Zone		Mineral Safeguarding			

## Proposed Development

Availability	
Promoted by land owner	✓
Site Available Immediately	✓
Site Currently Unavailable	
Achievability/Developer Interest	
Promoted by developer	
Developer interest	✓
No developer interest	
Deliverability	
Likely to commence in 5yrs	
Unlikely to commence in 5yrs	✓
Possible self build plot provision	
Yes	
No	✓

Residential			Dwellings
Employment			Floor Space (m²)
Retail			Floor Space (m²)
Leisure			Floor Space (m²)
Traveller Site			Pitches
Other			
Mixed Use Scheme			
Residential	✓	2500	Dwellings
Employment	✓	100K	Floor Space (m²)
Retail	✓	Tbc	Floor Space (m²)
Leisure	✓	Tbc	Floor Space (m²)
Other	✓	Primary school	

Phasing if permitted (Dwellings only)	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Years 6-10	600
Years 11-15	500
Years 15+	1400
Total	2500
Not Known	

This document forms part of the evidence base for the New Local Plan DPD. It provides information on available land, it does not allocate sites.

## Summary

The site is available and promoted for development by the land owner, with interest from a developer.

The site is located outside of the settlement boundary of the TVBC Revised Local Plan DPD. The closest settlement is the town of Andover. Andover is identified as a Major Centre in the Local Plan Settlement Hierarchy.

Major Centres are settlements with the widest range of facilities and services in the Borough and are more accessible due to better public transport provision.

## Hbic Local Ecological Network

An ecological network is a group of habitat patches that species can move easily between, maintaining ecological function and conserving biodiversity. This site includes both Core Non-Statutory Areas containing "Ancient Woodlands" "All Local Wildlife Sites (SINCs)" or "Priority Habitats" and Network Opportunity Areas.

