

Notice of Meeting

Council

A meeting of the Test Valley Borough Council will be held on

Date: Wednesday 1 September 2021

Time: 5.30 pm

Venue: Crosfield Hall, Broadwater Road, Romsey, Hampshire SO51 8GL

when your attendance is required to consider the business set out in the agenda.



Head of Legal and Democratic Services

For further information or enquiries please contact:

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Legal and Democratic Service

Test Valley Borough Council,
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PUBLIC PARTICIPATION SCHEME

If members of the public wish to address the meeting they should notify the Legal and Democratic Service at the Council's Beech Hurst office by noon on the working day before the meeting.

Council

Wednesday 1 September 2021

AGENDA

**The order of these items may change as a result of members
of the public wishing to speak**

- 1 Prayers**
- 2 Apologies**
- 3 Public Participation**
- 4 Declarations of Interest**
- 5 To approve the minutes of the meeting of the Council held on 9 June 2021**
- 6 Mayor's Announcements**
- 7 Presentation of Past Mayor and Mayoress Badge**

To present the Past Mayor and Mayoress badges.
- 8 To receive and adopt Committee reports 4 - 20**

To receive and, where necessary, adopt reports of Committees.
- 9 Questions under Rule 11.1**
- 10 Councillor approval under s85(1) of the Local Government Act 1972 21 - 23**

Consideration of the six month attendance rule provided for at Section 85 (1) of the Local Government Act 1972.

- | | | |
|-----------|--|----------------|
| 11 | <u>Draft Calendar of Meetings June 2022 to December 2023</u> | 24 - 31 |
| | To approve the Calendar of Meetings from June 2022 to December 2023. | |
| 12 | <u>Community Governance Review - Romsey Town Council</u> | 32 - 40 |
| | To consider a request received by Romsey Town Council for a Community Governance Review. | |
| 13 | <u>Nitrate Mitigation</u> | 41 - 54 |
| | To consider an approach to nitrate mitigation. | |
| 14 | <u>Procurement of Andover Masterplan Services</u> | 55 - 59 |
| | To consider procurement for Andover Masterplan Services. | |
| 15 | Questions under Rule 11.2 | |
| 16 | <u>Notice of Motion - Rule 12</u> | 60 - 61 |
| | To consider a motion proposed by Councillor Gwynne. | |
| 17 | <u>Exclusion of the Public</u> | 62 |
| | The following Annex is confidential. | |
| 18 | <u>Procurement of Andover Masterplan Services Annex</u> | 63 |
| | Confidential Annex in relation to agenda item 14. | |

ITEM 8 To receive and, where necessary, adopt reports of Committees

(Some reports may involve the disclosure of exempt information. If the Council wishes to debate them, for each individual case the Council will need to adopt a suitable motion).

8.1 To receive the minutes of the following meetings:

- 8.1.1 Overview and Scrutiny Committee – 2 June 2021
- 8.1.2 Northern Area Planning Committee – 3 June 2021
- 8.1.3 Southern Area Planning Committee – 8 June 2021
- 8.1.4 Cabinet – 23 June 2021
- 8.1.5 General Purposes – 24 June 2021
- 8.1.6 Northern Area Planning Committee – 24 June 2021
- 8.1.7 Southern Area Planning Committee – 29 June 2021
- 8.1.8 Overview and Scrutiny Committee – 14 July 2021
- 8.1.9 Northern Area Planning Committee – 15 July 2021
- 8.1.10 Southern Area Planning Committee – 20 July 2021
- 8.1.11 Cabinet – 18 August 2021
- 8.1.12 Overview and Scrutiny Committee – 25 August 2021
- 8.1.13 Northern Area Planning Committee – 26 August 2021
- 8.1.14 Southern Area Planning Committee – 31 August 2021

(Note: in relation to 8.1.12, 8.1.13 and 8.1.14 these minutes are not included in the minute book and will be presented at the next Council meeting but members are able to ask questions on resolved items.)

8.2 To adopt recommendations from the following:

- 8.2.1 Cabinet – 18 August 2021
- 8.2.1.1 Community Infrastructure Levy (CIL) – Allocation of CIL Funds

Consideration was given to a report of the Planning Portfolio Holder which set out a summary of the bids received for CIL funding during September-November 2020, an evaluation of each project and funding recommendations for each project.

The Planning Portfolio Holder reported that 7 projects were submitted and 6 of those projects were approved using the criteria approved by Cabinet on the 18 October 2017 and adopted by Council on the 8 November 2017.

Having considered the options and for the reasons set out in the report, Cabinet agreed the following:

Recommended:

That the applications for CIL funding set out in the report are determined in accordance with the recommendations contained in paragraph 3 and release of £1,202,808 be authorised.

8.2.2 Overview and Scrutiny Committee – 25 August 2021

Recommendations to follow (if any)

8.2.3 Northern Area Planning Committee – 26 August 2021

Recommendations to follow (if any)

8.2.4 Southern Area Planning Committee – 31 August 2021

Recommendations to follow (if any)

Community Infrastructure Levy (CIL) – Allocation of CIL funds

Report of the Planning Portfolio Holder

Recommended:

That the applications for CIL funding set out in this report are determined in accordance with the recommendations contained in paragraph 3 and release of £1,202,808 be authorised.

Recommendation to Council

SUMMARY:

- This report sets out a summary of the bids received during September-November 2020, an evaluation of each project, and
- Funding recommendations made for each project.

1 Introduction

- 1.1 This report outlines 7 projects that were submitted during the September-November 2020 round of the CIL bidding process and the resultant funding recommendations.
- 1.2 The report includes a brief description of each project, a percentage score against the Spending Protocol scoring criteria and a funding recommendation.
- 1.3 There is currently £2,451,000 in the main infrastructure fund. This is after taking into account the Neighbourhood Portion passed to Parish and Town Councils as well as administrative expenses.

2 Background

- 2.1 The CIL Spending Protocol and scoring methodology was adopted by Council on the 8 November 2017.
- 2.2 This round of CIL bidding ran between 1 September and 30 November 2020.
- 2.3 The following paragraphs outline each project and provide a recommendation for funding based on the approved scoring methodology.
- 2.4 The approved Bid Assessment document is attached at Annex 1 of the report. This is made up of 10 questions with a maximum score of 120 points. Questions 1 and 2 are heavily weighted as they are linked to CIL's main purpose which is to enable or mitigate the impacts of development. An average percentage score is presented below alongside a funding recommendation.

Report to Cabinet – 18 August 2021

APPENDIX A

- 2.5 All bids are assessed against the same criteria meaning that a scheme with a total cost of £15,000 will be scored in the same way as a scheme with a total cost of £15,000,000.
- 2.6 Smaller schemes are likely to score lower as the level of detail required for the project is not as significant as a large scheme. This means that the threshold for recommendation reduces along with total project cost.

3 Funding Recommendations

3.1 Project 1 – New Community Clubhouse at Trojans Sports Club

Lead Organisation – Trojans Sports Club

Description – Develop a 2 story clubhouse with changing rooms and social facilities.

Evaluation of project – A well evidenced need alongside a range of benefits from the proposed clubhouse. Supporting documentation showed teams representing a range of sports fully supported the proposals. The new clubhouse will provide a high class sports facility for residents in the South of the Borough.

Average Score – 74%

Recommendation – That Cabinet approve the release of £350,000 towards a new community clubhouse at Trojans Sports Club.

3.2 Project 2 – Construction of a new Village Hall in Monxton

Lead Organisation – Monxton Parish Council

Description – Demolition of current village hall and construction of a new oak framed design maximising natural lighting and energy efficiency.

Evaluation of project – A detailed bid that made a strong case for a new community hub in Monxton. Detailed consultation has shown key issues from users of the existing village hall. This has allowed for a design that focuses on the requests of the intended user groups. The Parish have undertaken a good risk assessment and have addressed potential issues at the pre-development stage.

Average Score – 67%

Recommendation – That Cabinet approve the release of £345,000 towards the construction of a new village hall in Monxton.

3.3 Project 3 – New Sports Pavilion at Broughton Playing Field

Lead Organisation – Broughton Parish Council

Description – Replacement sports pavilion to serve football and cricket teams in the locality in addition to use for non-sporting and community events.

Report to Cabinet – 18 August 2021

APPENDIX A

Evaluation of project – Clearly evidenced submission with strong support from the clubs that utilise the formal recreation facilities. The project looks to address issues of compliance with sporting bodies from the current outdated pavilion. A strong project that will deliver clear benefits to the many regular users of the playing fields.

Average Score – 62%

Recommendation – That Cabinet approve the release of £200,000 towards a new sports pavilion at Broughton Playing Field.

3.4 **Project 4 – Abbots Ann Sports Field and Community Clubhouse**

Lead Organisation – Abbots Ann Parish Council

Description – A new Clubhouse and Multi Use Games Area at Bulbery Sports Field.

Evaluation of project – A proposal to improve the formal recreation offer in Abbots Ann. Effective communication and consultation has shown that the project is a top priority for the local community. This project delivers on these local aspirations.

Average Score – 60%

Recommendation – That Cabinet approve the release of £250,000 towards a community clubhouse and Multi Use Games Area at Bulbery Sports Field. Subject to £325,000 of additional funding being secured by 31 December 2023.

3.5 **Project 5 – North Baddesley Fitness Equipment**

Lead Organisation – Test Valley Borough Council

Description – To purchase and install three outdoor gym stations at Fleming Avenue, Lavington Gardens and North Baddesley Recreation Ground. An accessible 5km circular route will be formed as part of the installation.

Evaluation of project – The project addresses an identified need in the locality and provides additional informal recreation opportunities for residents. Consultation showed widespread support for the scheme.

Average Score – 60%

Recommendation – That Cabinet approve the release of £40,000 towards the procurement and installation of three outdoor gym stations in North Baddesley and the creation of a 5km circular route.

3.6 **Project 6 – Traffic Calming in Kings Somborne**

Lead Organisation – Kings Somborne Parish Council

Description – A series of traffic calming measures including gateways, signage and posts on various roads in Kings Somborne.

Report to Cabinet – 18 August 2021

APPENDIX A

Evaluation of project – The scheme is supported by the County Council and is already part funded through Section 106 contributions. Consultation showed support for the measures from residents, businesses and community groups.

Average Score – 53%

Recommendation – That Cabinet approve the release of £17,808 towards a series of traffic calming measures in Kings Somborne.

3.7 Project 7 – Wellow Groundsman’s Hut

Lead Organisation – Wellow Parish Council

Description – Replacement of cricket groundsman’s hut at West Wellow Recreation Ground.

Evaluation of project – A lack of supporting documentation and evidence of community consultation meant low scores. The project is not deemed to address an identified need in the community and would be best placed within a larger scheme to improve formal recreation opportunities in the parish.

Average Score – 20%

Recommendation – That Cabinet refuse the request for £10,000 for a replacement groundsman’s hut. Feedback will be provided to the Parish Council.

4 Objectives and Priorities

4.1 This report covers the following Corporate Priorities set out in the Corporate Plan 2019 – 2023 as shown below.

4.2 Communities – Five of the successful bids are being led by Parish Councils. Three of which are large schemes that have had extensive community involvement. Trojans Sports Club’s project will result in a high quality community asset that will be used by many Test Valley residents.

5 Consultations/Communications

5.1 There has been no external consultation because the report reflects the outcomes of an approved methodology. Projects listed have gone through various forms of consultation prior to bids being submitted as is required by the assessment criteria.

6 Options

6.1 **Option 1** – To approve the recommendations and the release of £1,202,808.

6.2 **Option 2** – To refuse or approve any or all of the projects against the recommendations.

Report to Cabinet – 18 August 2021

APPENDIX A

7 Option Appraisal

Option 1

- 7.1 Option 1 is the recommended Option. The recommendations contained in the report are a result of a transparent and fair assessment of each application using the criteria approved by Cabinet on the 18 October 2017.

Option 2

- 7.2 Any or all of the projects may be approved or refused against the recommendations. As set out at Option 1, the recommendations contained in this report are arrived at as a result of careful assessment using established and Council-approved criteria. Therefore Option 2 is not recommended.

8 Risk Management

- 8.1 An evaluation of the risks associated with the matters in this report indicate that further risk assessment is not needed because the changes/issues covered do not represent significant risks or have previously been considered by Councillors.

9 Resource Implications

- 9.1 The funding for these projects will come from the Council's CIL receipts. No other resources will be used.

10 Legal Implications (Note: Of the chosen option)

- 10.1 No legal implications for Option 1.

11 Equality Issues

- 11.1 An EQIA screening has been completed in accordance with the Council's EQIA methodology and no potential for unlawful discrimination and/or low level or minor negative impact have been identified, therefore a full EQIA has not been carried out.

12 Other Issues

- 12.1 Wards/Communities Affected – The projects listed affect the following communities: Chilworth, Monxton, Broughton, Abbots Ann, North Baddesley, Kings Somborne, Wellow.

13 Conclusion

- 13.1 Approval is sought to release CIL funds to the following projects:

- New Community Clubhouse at Trojans Sports Club – £350,000
- Construction of a new Village Hall in Monxton – £345,000
- New Sports Pavilion at Broughton Playing Field – £200,000

Report to Cabinet – 18 August 2021

APPENDIX A

- Abbotts Ann Sports Field and Community Clubhouse – £250,000
- North Baddesley Fitness Equipment – £40,000
- Traffic Calming in Kings Somborne – £17,808

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Cabinet report from the 18 October 2017.			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	1	File Ref:	N/A
(Planning Portfolio) Councillor N Adams-King			
Officer:	Oliver McCarthy	Ext:	8176
Report to:	Cabinet	Date:	18 August 2021

Community Infrastructure Levy CIL Bid Assessment

Annex 1



CIL Bid Assessment

Project name:	Applicant :	Project cost:	Band:	Total score: /120
			1: £10 - £50K	
			2: £50 - £100K	Percentage:
			3: £100K+	

This forms purpose is to assess bids for CIL funds and follows on from the CIL Bid Form. The CIL Bid Form obtains initial information, such as whether planning permission is required, about the scheme to progress to the assessment of the CIL bids using the assessment criteria contained within this form.

The purpose of the assessment criteria below is to determine how well the proposed scheme delivers benefits to the residents and businesses of Test Valley.

Question 1 and 2 are designed to reflect the purpose of CIL which is to mitigate and enable development. The score for the first 2 questions are weighted more heavily that the remainder of the questions in the assessment, being scored out of 20. From question 3, each question is scored out of 10. The higher the score the better the proposal has performed against the criteria. Scoring guidance has been provided to assist with scoring each bid against each of the criteria below.

Applicants are asked to address each question under a separate heading to assist with scoring. The more information that is provided in addressing each criteria, the more likely it is that a higher score will be achieved.

Section 1: Development and Local Communities

Question 1 Evidence of need		What evidence is available to demonstrate that the project mitigates the impact of development in the area?								
0	2	4	6	8	10	12	14	16	18	20
Scoring guidance		<p>2 - Anecdotal evidence that proposal is needed to mitigate growth from development in the area but no quantitative evidence to support proposed bid.</p> <p>10 – An audit or an assessment of need has been undertaken identifying quantitative deficits. Evidence or data has been gathered to suggest that the project is required to accommodate increased demand from development</p> <p>20 – The scheme has been identified and fully justified through both quantitative and qualitative assessments. Evidence or data has been gathered to demonstrate that infrastructure is reaching/has reached capacity and that the project is required increase capacity due to an increase in usage</p>								

Question 2 Enabling development		How does the proposal demonstrate that it helps bring forward development?								
0	2	4	6	8	10	12	14	16	18	20
Scoring guidance		<p>0 – The project doesn't enable development</p> <p>10 – Evidence that the proposal would attract development. Some evidence that this would have secondary effects such as increasing foot fall to local shops or shortens journey times for pedestrians & cyclists to key destinations</p> <p>20 –Project unlocks sites to enable development or is a catalyst for further development by attracting more people and businesses. May be that the project is required to enable another project to come forward.</p>								

Question 3 Evidence gathering - Engagement with communities and stakeholders		How well does the proposal show that it has captured the ambitions of local and interested communities or organisations about the details of the project through a variety of engagement techniques?									
0	1	2	3	4	5	6	7	8	9	10	
Scoring guidance		<p>1 – Limited consultation. No direct contact with stakeholders or end users seeking engagement or feedback (possibly 0 score). Consultation limited to informing local communities of proposal.</p> <p>5 – Some attempt to engage more meaningfully with local communities such as surveys or questionnaires and meetings capturing quantitative data. Analysis of feedback may include minor amendments of a proposal to address consultation responses from local communities (e.g. Parish Plan)</p> <p>10 – Range of consultation techniques used to engage local residents such as workshops, exhibitions, questionnaires. These techniques should be targeted to capture a wide range of stakeholders at different times over a period of time. The scheme should demonstrate how engagement attempted to build consensus amongst interested groups and local communities to meet the identified need and address the issue/deficit</p>									

Question 4 Benefits		What are the direct benefits and are there any potential indirect benefits?									
0	1	2	3	4	5	6	7	8	9	10	
Scoring guidance		<p>1 – Limited to a small number of direct benefits (<u>e.g. road crossing – enables pedestrians to cross more safely</u>).</p> <p>5 – Greater number of direct benefits intended to address the issue/deficit identified (e.g. safer crossing, reduces vehicle speeds)</p> <p>10 – Multitude of direct and indirect benefits that fully addresses the issue/deficit that has been identified (e.g. increase the perception of safety, reduce risk of pedestrian injury, encourage walking, reduce obesity)</p>									

Question 5 Breadth of Impact		How many different communities is the proposal likely to benefit? What proportion of those communities will benefit (e.g. all ages or under 12's)? (Communities can be defined by geography or by a common issue/interest).								
0	1	2	3	4	5	6	7	8	9	10
Scoring guidance		<p>1 – Specific user group. The project generally serves only a specific community or a limited proportion of the community</p> <p>5 – Multiple user groups. Serves a number of communities equally. May only serve a small or limited proportion of these communities.</p> <p>10 – Serves all or a significant number of communities. May extend well beyond communities in the local vicinity (e.g. other villages or towns) and serve a high proportion of each of those communities</p>								

Question 6 Impact of benefits		How do the benefits of the proposal impact upon the intended users? (To address this criteria, see Annex 1 - CIL Bid Form 2 regarding equalities impact assessment.)								
0	1	2	3	4	5	6	7	8	9	10
Scoring guidance		<p>1 – Benefits with limited impact. E.g. the benefits of the proposal would provide an experience that users would enjoy or find desirable but are probably not essential to meet their needs. The proposal may have a negative impact on certain 'protected' groups that has not been minimised or eliminated. Users may be able to have their needs met elsewhere should the proposal not be provided</p> <p>5 – Benefits would have a positive effect on users lives. An attempt has been made to address any negative impact the proposal has on users with 'protected' characteristics. The needs of all users can be met through alternative means but the proposal is the preferred option to maximise opportunities to improve the quality of their lives.</p> <p>10 – The proposal would have a profound positive effect on users or particular groups of users. Their level of need may be high and the provision of the project may be crucial to better their quality of life. Negative impacts on all users, particularly those with protected characteristics have been full assessed and minimised or eliminated. Users needs cannot be met through an alternative scheme or elsewhere. If the proposal wasn't provided it may have a negative impact on their lives. Community may not function well without this piece of infrastructure</p>								

Question 7 Negative impacts and mitigation measures		Have any permanent/long term negative impacts of the proposal been considered and how are they proposed to be mitigated? (e.g. cycle link proposed but some loss of hedgerow, new crossing point but loss of a parking space).									
0	1	2	3	4	5	6	7	8	9	10	
Scoring guidance		<p>1 – Impacts not considered (0 score). Minimal consideration of impacts but no mitigation proposed.</p> <p>5 – Impacts identified and assessed. Mitigation measures proposed but limited information about how and when they will be delivered.</p> <p>10 – All potential impacts identified and assessed. Full package of mitigation measures proposed which have been costed as part of the scheme. Advice from relevant expertise, where necessary, sought on impacts and mitigation. Programme of works provided setting out how and when mitigation will be integrated and delivered as part of proposed scheme.</p>									

Section 2: Financial viability

Question 8 Funding		What are the options for funding the proposal?									
0	1	2	3	4	5	6	7	8	9	10	
Scoring guidance		<p>1 – Proposal is wholly reliant on CIL and no other funding options (e.g. CAF) have been explored (0 score). Securing other funding is reliant on CIL funding being granted (Possible score of 1 or more).</p> <p>5 – Proposal is partly reliant on CIL. Other funding options have been explored. Other funding may have been secured</p> <p>10 – Proposal is partly reliant on CIL and other funding has been secured. Greater weight can be given to well-prepared large scale projects that seek funding but where the amount of CIL reserves available is insufficient. Bid is accompanied by a project plan evidencing how much is needed and why CIL funds are required to be set aside over successive years.</p>									

Question 9 Delivery risks		What measures have been explored to minimise the risk of the project not being delivered?									
0	1	2	3	4	5	6	7	8	9	10	
Scoring guidance		<p>1 – Limited assessment of various risks undertaken. None or few measures to demonstrate that project will be carefully managed, the contractor/supplier is adequately insured, capable of undertaking the project, or able to provide guarantees.</p> <p>5 – Budget management measures explored. Contractor/supplier has delivered a project of this scale and type before and can demonstrate capability. Minimal guarantees offered.</p> <p>10 – Multiple budget management measures secured (e.g. fixed price contract tenders). All approvals and permissions have been secured. Contractor/supplier can provide guarantees and all insurances are in place. All risks against going over budget fully assessed and mitigated.</p>									

Question 10 Sustainability-		How have any ongoing costs been covered?									
0	1	2	3	4	5	6	7	8	9	10	
Scoring guidance		<p>0 – Future costs not considered</p> <p>5 – Some future costs covered or may be covered for a limited time (e.g. through guarantees/warranty/certification)</p> <p>10 – No ongoing costs. Ongoing costs covered by another organisation or project may be self-funding</p>									

Question	score	
1	/20	
2	/20	
3	/10	
4	/10	
5	/10	
6	/10	
7	/10	
8	/10	
9	/10	
10	/10	
Total	/120	%

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TestValleyBC



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ITEM 10 Councillor approval under s85 (1) of the Local Government Act 1972

Report of the Corporate Portfolio Holder

Recommended:

That Council approves the waiver of the six month attendance rule provided for at section 85 (1) of the Local Government Act 1972 to Councillor Cross for the reason set out in the report for a period of six months to the 11 April 2022.

SUMMARY:

- To consider approving Councillor Cross's reason for non-attendance under Section 85 of the Local Government Act 1972 to allow him to continue in his role as a Borough Councillor.

1 Introduction

- 1.1 Section 85 (1) of the Local Government Act 1972 states that "if a member of a local authority fails throughout a period of six consecutive months from the date of his/her last attendance to attend any meeting of the authority, he/she shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a Member of the authority".

2 Background

- 2.1 Due to illness Councillor Cross has not been able to attend Council or Committee meetings since his last attendance at a Council meeting on 11 November 2020.
- 2.2 On 7 April 2021 Council approved the reason for his non-attendance.
- 2.3 Councillor Cross still remains unable to attend any Council or Committee meetings due to illness and in accordance with the legislation, on 11 October 2021, would cease to be a Member of Test Valley Borough Council if Council does not further approve the reason for his non-attendance.

3 Options

- 3.1 Option 1 – To approve a reason for Cllr Cross's non-attendance under Section 85 (1). It is proposed that the approval is not open-ended, hence the recommendation that it continue for a period of six months. The matter will be considered further if matters remain unchanged at that time.
- 3.2 Option 2 – To not approve a reason for non-attendance.

4 Option Appraisal

4.1 Option 1

4.2 Councillor Cross has not been able to attend Council or Committee meetings due to ill health.

4.3 Section 85 of the Local Government Act 1972 allows Council to approve a reason for a Councillor's non-attendance, thereby dispensing with the automatic consequence of ceasing to be a Councillor after six consecutive month's non-attendance.

4.4 It is considered that Councillor Cross' reason for being unable to attend a meeting is entirely valid and proper.

4.5 Option 1 is therefore the recommended option, allowing Councillor Cross time to recover from illness whilst remaining as a Borough Councillor and Ward Councillor for North Baddesley.

5 Risk Management

5.1 No risks have been identified.

6 Resource Implications

6.1 There are no resource implications.

7 Legal Implications

7.1 Section 85 of the Local Government Act 1972 states that if a member of a local authority fails throughout a period of six consecutive months from the date of his/her last attendance to attend any meeting of the authority, he/she shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a Member of the authority.

7.2 A Council decision is required to approve a reason for Councillor Cross's non-attendance. If this is not approved by Council then Councillor Cross will cease to be a Member of the Council and a By-election will need to be held in order to fill the vacancy.

8 Equality Issues

8.1 No equalities issues have been identified.

9 Other Issues

9.1 Community Safety - None

9.2 Environmental Health Issues - None

9.3 Sustainability and Addressing a Changing Climate - None

9.4 Property Issues - None

9.5 Wards/Communities Affected – North Baddesley

10 Conclusion and reasons for recommendation

10.1 Councillor Cross has been unable to attend meetings of Test Valley Borough Council for a period of 6 months due to illness. In accordance with Section 85 of the Local Government Act 1972 it is proposed that Council approves the reason for his non-attendance at meetings for a six month period to the 11 April 2022.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	0	File Ref:	N/A
(Portfolio: Corporate) Councillor T Tasker			
Officer:	Sally Prior	Ext:	8024
Report to:	Council	Date:	1 September 2021

ITEM 11 Draft Calendar of Meetings June 2022 to December 2023

Report of the Corporate Portfolio Holder

Recommended:

- 1. That the draft Calendar of Meetings for June to December 2022 and January to December 2023, as set out in the Annex to the report, be approved.**
- 2. That the standard General Purposes Committee start time is moved from 4:00 pm to 5:30 pm.**
- 3. That the current Calendar of Meetings for 2022 is amended to include an additional Southern Area Planning Committee on Monday 16 May.**

SUMMARY:

- To approve the draft Calendar of Meetings for June to December 2022 and January to December 2023.
- To seek approval to move General Purposes Committee to a 5:30 pm start time in line with all other committees.

1 Introduction

- 1.1 Council considered and approved the Calendar of Meetings for January to May 2022 at its meeting held on 26 February 2021.
- 1.2 The Annex to the report puts forward for approval of a draft Calendar of Meetings for June to December 2022 and January to December 2023.

2 Background

- 2.1 Should there be business that requires consideration at Committee between scheduled meetings there remains a number of options in order to ensure business is progressed as needed. Additional meetings may be called if appropriate and Officers and Portfolio Holders are able to make decisions outside of Committee on matters where permitted in accordance with the Constitution.
- 2.2 Points to note are as follows:
- 2.3 General Purposes Committee
- 2.4 It is proposed that the standard start time of General Purposes Committee meetings is changed from 4pm to 5.30 pm to bring it in to line with all other Council meetings.

2.5 Northern Area Planning

2.6 There will be a 4 week gap between the meeting on 20 April 2023 and 18 May 2023 due to the Borough Elections.

2.7 Southern Area Planning

2.8 There will be a 4 week gap between the meeting on 25 April 2023 and 23 May 2023 due to the Borough Elections

3 Corporate Objectives and Priorities

3.1 The Council's Committees are required in order to progress the business of the Council in accordance with legislation. An efficient and effective calendar of meetings directly contributes to all of the Council's corporate objectives and priorities.

4 Options and Option Appraisal

Option 1 – To approve the Council's Calendar of meetings for May to December 2022 and January to December 2023 as set out in the Annex to the Report.

Option 2 – Not to approve any or all of the meetings set out in the proposed Calendar of meetings for May to December 2022 and January to December 2023.

4.1 The draft calendar annexed to the report has been prepared taking account of the timings of the various Financial and Audit reports which are required to be considered at set times of the year. Option 1 is therefore the preferred option.

5 Risk Management

5.1 A Risk Management questionnaire has been completed and indicates this report does not require a risk assessment because the changes/issues covered by this report are not significant in terms of risk or have previously been considered.

6 Resource Implications

6.1 No additional resource implications have been identified.

7 Legal Implications

7.1 Full Council approves the Council's Calendar of meetings each year. It is for Council to decide the frequency of meetings for each of the Committees.

8 Equality Issues

8.1 None.

9 Other Issues

- 9.1 Community Safety – none.
- 9.2 Environmental Health Issues – none.
- 9.3 Sustainability and Addressing a Changing Climate – none.
- 9.4 Property Issues – none.
- 9.5 Wards/Communities Affected – none.

10 Conclusion

- 10.1 For the reasons set out above it is recommended that Council approves the proposed Calendars of meetings for May to December 2022 and January to December 2023.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	1	File Ref	N/A
(Portfolio: Corporate) Councillor T Tasker			
Officer	Sally Prior	Ext	8024
Report to	Council	Date	1 September 2021

	<u>Date</u>	<u>Meeting</u>	<u>Time</u>	<u>Venue</u>	
Jun	1	Wednesday	<i>Northern Viewing Panel</i>	9.00 am	tbc
	1	Wednesday	Northern Area Planning Committee	5.30 pm	Andover
	2	Thursday	BANK HOLIDAY		
	3	Friday	Additional BANK HOLIDAY		
	6	Monday	<i>Southern Viewing Panel</i>	2.00 pm	tbc
	7	Tuesday	Southern Area Planning Committee	5.30 pm	Romsey
	8	Wednesday	COUNCIL	5.30 pm	Andover
	16	Thursday	Licensing Committee	5.30 pm	Romsey
	22	Wednesday	<i>Northern Viewing Panel</i>	9.00 am	tbc
	22	Wednesday	Cabinet	5.30 pm	Romsey
	23	Thursday	Northern Area Planning Committee	5.30 pm	Andover
	24	Friday	<i>Southern Viewing Panel</i>	2.00 pm	tbc
	27	Monday	Budget Panel	5.30 pm	Romsey
	28	Tuesday	Southern Area Planning Committee	5.30 pm	Romsey
	29	Wednesday	Overview & Scrutiny Committee	5.30 pm	Romsey
Jul	4	Monday	General Purposes Committee	5.30 pm	Romsey
	13	Wednesday	<i>Northern Viewing Panel</i>	9.00 am	tbc
	14	Thursday	Northern Area Planning Committee	5.30 pm	Andover
	15	Friday	<i>Southern Viewing Panel</i>	2.00 pm	tbc
	19	Tuesday	Southern Area Planning Committee	5.30 pm	Romsey
	21	Thursday	Licensing Committee	5.30 pm	Romsey
	25	Monday	Audit Panel	5.30 pm	Romsey
Aug	3	Wednesday	<i>Northern Viewing Panel</i>	9.00 am	tbc
	3	Wednesday	Cabinet	5.30 pm	Romsey
	4	Thursday	Northern Area Planning Committee	5.30 pm	Andover
	5	Friday	<i>Southern Viewing Panel</i>	2.00 pm	tbc
	9	Tuesday	Southern Area Planning Committee	5.30 pm	Romsey
	10	Wednesday	Overview & Scrutiny Committee	5.30 pm	Romsey
	18	Thursday	Licensing Committee	5.30 pm	Romsey
	24	Wednesday	<i>Northern Viewing Panel</i>	9.00 am	tbc
	25	Thursday	Northern Area Planning Committee	5.30 pm	Andover
	26	Friday	<i>Southern Viewing Panel</i>	2.00 pm	tbc
	29	Monday	BANK HOLIDAY		
	30	Tuesday	Southern Area Planning Committee	5.30 pm	Romsey

	<u>Date</u>	<u>Meeting</u>	<u>Time</u>	<u>Venue</u>	
Sep	7	Wednesday	COUNCIL	5.30 pm	Romsey
	12	Monday	Budget Panel	5.30 pm	Andover
	14	Wednesday	<i>Northern Viewing Panel</i>	9.00 am	tbc
	14	Wednesday	Cabinet	5.30 pm	Andover
	15	Thursday	Northern Area Planning Committee	5.30 pm	Andover
	16	Friday	<i>Southern Viewing Panel</i>	2.00 pm	tbc
	20	Tuesday	Southern Area Planning Committee	5.30 pm	Romsey
	21	Wednesday	Overview & Scrutiny Committee	5.30 pm	Andover
	22	Thursday	Licensing Committee	5.30 pm	Andover
	29	Thursday	General Purposes Committee	5.30 pm	Andover
Oct	5	Wednesday	<i>Northern Viewing Panel</i>	9.00 am	tbc
	6	Thursday	Northern Area Planning Committee	5.30 pm	Andover
	7	Friday	<i>Southern Viewing Panel</i>	2.00 pm	tbc
	11	Tuesday	Southern Area Planning Committee	5.30 pm	Romsey
	20	Thursday	Licensing Committee	5.30 pm	Andover
	26	Wednesday	<i>Northern Viewing Panel</i>	9.00 am	tbc
	26	Wednesday	Cabinet	5.30 pm	Andover
	27	Thursday	Northern Area Planning Committee	5.30 pm	Andover
	28	Friday	<i>Southern Viewing Panel</i>	2.00 pm	tbc
Nov	1	Tuesday	Southern Area Planning Committee	5.30 pm	Romsey
	2	Wednesday	Overview & Scrutiny Committee	5.30 pm	Andover
	16	Wednesday	<i>Northern Viewing Panel</i>	9.00 am	tbc
	16	Wednesday	COUNCIL	5.30 pm	Andover
	17	Thursday	Northern Area Planning Committee	5.30 pm	Andover
	18	Friday	<i>Southern Viewing Panel</i>	2.00 pm	tbc
	22	Tuesday	Southern Area Planning Committee	5.30 pm	Romsey
	24	Thursday	Licensing Committee	5.30 pm	Romsey
	28	Monday	Audit Panel	5.30 pm	Romsey
Dec	7	Wednesday	Northern Viewing Panel	9.00 am	tbc
	7	Wednesday	Cabinet	5.30 pm	Romsey
	8	Thursday	Northern Area Planning Committee	5.30 pm	Andover
	9	Friday	<i>Southern Viewing Panel</i>	2.00 pm	tbc
	13	Tuesday	Southern Area Planning Committee	5.30 pm	Romsey
	14	Wednesday	Overview & Scrutiny Committee	5.30 pm	Romsey
	22	Thursday	Licensing	5.30 pm	Romsey
	25	Saturday	CHRISTMAS DAY		
	26	Sunday	BOXING DAY		

<u>Date</u>		<u>Meeting</u>	<u>Time</u>	<u>Venue</u>
Jan	2	Monday	Bank Holiday	
	4	Wednesday	<i>Northern Viewing Panel</i>	9.00 am tbc
	5	Thursday	Northern Area Planning Committee	5.30 pm Andover
	6	Friday	<i>Southern Viewing Panel</i>	2.00 pm tbc
	10	Tuesday	Southern Area Planning Committee	5.30 pm Romsey
	12	Thursday	Licensing Committee	5.30 pm Romsey
	16	Monday	General Purposes Committee	5.30 pm Romsey
	17	Tuesday	Budget Panel	5.30 pm Romsey
	18	Wednesday	Cabinet	5.30 pm Romsey
	23	Monday	Overview & Scrutiny Committee	5.30 pm Romsey
	25	Wednesday	<i>Northern Viewing Panel</i>	9.00 am tbc
	25	Wednesday	COUNCIL	5.30 pm Romsey
	26	Thursday	Northern Area Planning Committee	5.30 pm Andover
	27	Friday	<i>Southern Viewing Panel</i>	2.00 pm tbc
	31	Tuesday	Southern Area Planning Committee	5.30 pm Romsey
Feb	9	Thursday	Licensing Committee	5.30 pm Andover
	15	Wednesday	<i>Northern Viewing Panel</i>	9.00 am tbc
	16	Thursday	Northern Area Planning Committee	5.30 pm Andover
	17	Friday	<i>Southern Viewing Panel</i>	2.00 pm tbc
	21	Tuesday	Southern Area Planning Committee	5.30 pm Romsey
	22	Wednesday	Cabinet	5.30 pm Andover
	24	Friday	COUNCIL	5.30 pm Andover
Mar	1	Wednesday	Overview & Scrutiny Committee	5.30 pm Romsey
	8	Wednesday	<i>Northern Viewing Panel</i>	9.00 am tbc
	9	Thursday	Northern Area Planning Committee	5.30 pm Andover
	10	Friday	<i>Southern Viewing Panel</i>	2.00 pm tbc
	13	Monday	Audit Panel	5.30 pm Romsey
	14	Tuesday	Southern Area Planning Committee	5.30 pm Romsey
	16	Thursday	Licensing Committee	5.30 pm Romsey
	29	Wednesday	<i>Northern Viewing Panel</i>	9.00 am tbc
	30	Thursday	Northern Area Planning Committee	5.30 pm Andover
	31	Friday	<i>Southern Viewing Panel</i>	2.00 pm tbc
Apr	4	Tuesday	Southern Area Planning Committee	5.30 pm Romsey
	5	Wednesday	COUNCIL	5.30 pm Romsey
	7	Friday	GOOD FRIDAY	
	10	Monday	EASTER MONDAY	
	12	Wednesday	Cabinet	5.30 pm Andover
	13	Thursday	Licensing Committee	5.30 pm Andover
	17	Monday	General Purposes Committee	5.30 pm Andover
	19	Wednesday	<i>Northern Viewing Panel</i>	9.00 am tbc
	19	Wednesday	Overview & Scrutiny Committee	5.30 pm Andover
	20	Thursday	Northern Area Planning Committee	5.30 pm Andover
	21	Friday	<i>Southern Viewing Panel</i>	2.00 pm tbc
	25	Tuesday	Southern Area Planning Committee	5.30 pm Romsey

	<u>Date</u>	<u>Meeting</u>	<u>Time</u>	<u>Venue</u>
May	1	Monday	BANK HOLIDAY	
	4	Thursday	ELECTIONS	
	15	Monday	ANNUAL COUNCIL	11.00 am Romsey
	17	Wednesday	<i>Northern Viewing Panel</i>	9.00 am tbc
	18	Thursday	Northern Area Planning Committee	5.30 pm Andover
	19	Friday	<i>Southern Viewing Panel</i>	2.00 pm tbc
	23	Tuesday	Southern Area Planning Committee	5.30 pm Romsey
	24	Wednesday	Cabinet	5.30 pm Andover
	25	Thursday	Licensing	5.30 pm Andover
	29	Monday	BANK HOLIDAY	
	31	Wednesday	Overview & Scrutiny Committee	5.30 pm Andover
Jun	7	Wednesday	<i>Northern Viewing Panel</i>	9.00 am tbc
	7	Wednesday	COUNCIL	5.30 pm Andover
	8	Thursday	Northern Area Planning Committee	5.30 pm Andover
	9	Friday	<i>Southern Viewing Panel</i>	2.00 pm tbc
	13	Tuesday	Southern Area Planning Committee	5.30 pm Romsey
	22	Thursday	Licensing	5.30 pm Romsey
	28	Wednesday	<i>Northern Viewing Panel</i>	9.00 am tbc
	29	Thursday	Northern Area Planning Committee	5.30 pm Andover
	30	Friday	<i>Southern Viewing Panel</i>	2.00 pm tbc
Jul	3	Monday	Budget Panel	5.30 pm Romsey
	4	Tuesday	Southern Area Planning Committee	5.30 pm Romsey
	5	Wednesday	Cabinet	5.30 pm Romsey
	10	Monday	General Purposes Committee	5.30 pm Romsey
	12	Wednesday	Overview & Scrutiny Committee	5.30 pm Romsey
	17	Monday	Audit Panel	5.30 pm Romsey
	19	Wednesday	<i>Northern Viewing Panel</i>	9.00 am tbc
	20	Thursday	Northern Area Planning Committee	5.30 pm Andover
	21	Friday	<i>Southern Viewing Panel</i>	2.00 pm tbc
	25	Tuesday	Southern Area Planning Committee	5.30 pm Romsey
	27	Thursday	Licensing Committee	5.30 pm Romsey
Aug	9	Wednesday	<i>Northern Viewing Panel</i>	9.00 am tbc
	10	Thursday	Northern Area Planning Committee	5.30 pm Andover
	11	Friday	<i>Southern Viewing Panel</i>	2.00 pm tbc
	15	Tuesday	Southern Area Planning Committee	5.30 pm Romsey
	16	Wednesday	Cabinet	5.30 pm Romsey
	23	Wednesday	Overview & Scrutiny Committee	5.30 pm Romsey
	24	Thursday	Licensing Committee	5.30 pm Romsey
	28	Monday	BANK HOLIDAY	
	30	Wednesday	<i>Northern Viewing Panel</i>	9.00 am tbc
	31	Thursday	Northern Area Planning Committee	5.30 pm Andover

	<u>Date</u>	<u>Meeting</u>	<u>Time</u>	<u>Venue</u>	
Sep	1	Friday	<i>Southern Viewing Panel</i>	2.00 pm	tbc
	5	Tuesday	Southern Area Planning Committee	5.30 pm	Romsey
	6	Wednesday	COUNCIL	5.30 pm	Romsey
	20	Wednesday	<i>Northern Viewing Panel</i>	9.00 am	tbc
	21	Thursday	Northern Area Planning Committee	5.30 pm	Andover
	22	Friday	<i>Southern Viewing Panel</i>	2.00 pm	tbc
	25	Monday	General Purposes Committee	5.30 pm	Andover
	26	Tuesday	Southern Area Planning Committee	5.30 pm	Romsey
	27	Wednesday	Cabinet	5.30 pm	Andover
	28	Thursday	Licensing	5.30 pm	Andover
Oct	2	Monday	Budget Panel	5.30 pm	Andover
	4	Wednesday	Overview & Scrutiny Committee	5.30 pm	Andover
	11	Wednesday	<i>Northern Viewing Panel</i>	9.00 am	tbc
	12	Thursday	Northern Area Planning Committee	5.30 pm	Andover
	13	Friday	<i>Southern Viewing Panel</i>	2.00 pm	tbc
	17	Tuesday	Southern Area Planning Committee	5.30 pm	Romsey
	26	Thursday	Licensing Committee	5.30 pm	Andover
Nov	1	Wednesday	<i>Northern Viewing Panel</i>	9.00 am	tbc
	2	Thursday	Northern Area Planning Committee	5.30 pm	Andover
	3	Friday	<i>Southern Viewing Panel</i>	2.00 pm	tbc
	6	Monday	Audit Panel	5.30 pm	Andover
	7	Tuesday	Southern Area Planning Committee	5.30 pm	Romsey
	8	Wednesday	Cabinet	5.30 pm	Andover
	14	Tuesday	Overview & Scrutiny Committee	5.30 pm	Andover
	15	Wednesday	COUNCIL	5.30 pm	Andover
	22	Wednesday	<i>Northern Viewing Panel</i>	9.00 am	tbc
	23	Thursday	Northern Area Planning Committee	5.30 pm	Andover
	24	Friday	<i>Southern Viewing Panel</i>	2.00 pm	tbc
	28	Tuesday	Southern Area Planning Committee	5.30 pm	Romsey
	30	Thursday	Licensing Committee	5.30 pm	Romsey
Dec	13	Wednesday	<i>Northern Viewing Panel</i>	9.00 am	tbc
	14	Thursday	Northern Area Planning Committee	5.30 pm	Andover
	15	Friday	<i>Southern Viewing Panel</i>	2.00 pm	tbc
	19	Tuesday	Southern Area Planning Committee	5.30 pm	Romsey
	20	Wednesday	Cabinet	5.30 pm	Romsey

ITEM 12 Community Governance Review – Romsey Town Council

Report of the Corporate Portfolio Holder

Recommended:

That Council decide whether or not to carry out a Community Governance Review to consider the request from Romsey Town Council following its resolution of 25 May 2021 seeking to extend the boundaries of Romsey Town.

SUMMARY:

- This report is to consider undertaking a Community Governance Review (CGR) of the boundaries of Romsey Town, following a request from Romsey Town Council to extend the existing boundaries, so that the new boundary is coterminous with the existing Borough Ward boundaries.
- This is a decision for full Council, which can decide to agree the request and carry out a CGR, decline the request, or take other action such as that set out in the report.
- The decision before Council today is whether to carry out a CGR. It is not a decision on whether the boundaries should be changed in accordance with the request (as such a decision can only be taken once a full CGR process has been carried out).

1 Introduction

- 1.1 Romsey Town Council has formally resolved to request a review of its boundaries, so as Romsey Town's area will include the full extent of the three Romsey Borough Wards.
- 1.2 This report sets out the request and its implications, and the possible responses that full Council can make to the request.

2 Background

- 2.1 Historically, the parish of Romsey Town comprised the core town centre area of Romsey. It is completely surrounded by Romsey Extra Parish.
- 2.2 In recent years, housing and other development has occurred at the edge of Romsey Town, and extended into the adjacent parts of Romsey Extra. The result is that although parts of Romsey Extra Parish have remained rural in nature, other parts now comprise urban housing. As such housing is often contiguous with the urban nature of Romsey Town, there are often no longer any obvious features which mark the boundary between the two parish areas.

- 2.3 In 2018, the Local Government Boundary Commission for England (LGBCE) carried out a review of the Borough Ward boundaries. Previously, the Borough Wards reflected more closely the parish boundaries, but the LGBCE considered that arrangements where one ward encircled another were not appropriate. As a result, a “spokes of a wheel” approach was taken in Romsey, where the three Borough Wards radiated from the centre of the town, and included areas in both Romsey Town and Romsey Extra Parish.
- 2.4 Following the LGBCE Review, the Borough Council carried out a Community Governance Review (CGR) across the whole Borough. This provided an opportunity to consider whether any changes were needed to parish arrangements (boundaries, wards, council size, etc.), not only because of the LGBCE changes, but also to reflect other changes that may have occurred (including new developments, communities, etc.).
- 2.5 The 2018 CGR invited proposals for changes, through two separate consultation stages. In respect of Romsey, representations were made supporting/opposing three main options which emerged (expand Romsey Town to cover Borough Ward areas, merge Romsey Town and Romsey Extra Parish, and maintain status quo).
- 2.6 As part of the consultation process in 2018, Romsey Extra Parish supported no change, but no submission was received from Romsey Town Council, so it was assumed they had no formal view on any of the three options.
- 2.7 The outcome of the 2018 CGR, as agreed by full Council, was to maintain the status quo for the Romsey area and keep the existing governance arrangements (subject to some minor localised boundary changes which dealt with various anomalies). However, the Town and Parish Councils were encouraged to work together on the use of CIL money and involvement in the Romsey Future project, in order to provide the most effective local governance.
- 2.8 As a result, the Reorganisation Order which gave effect to the CGR left Romsey Extra Parish and Romsey Town essentially unchanged.

3 Action Taken Post 2018

- 3.1 Since 2018, Romsey Town and Romsey Extra Parish Councils have begun working jointly on various matters such as planning.
- 3.2 In addition, Romsey Town Council has been looking into promoting boundary changes which would seek to bring into effect one of the options considered in 2018, namely making the area of Romsey Town coterminous with the three Romsey Borough Wards.

4 Formal request From Romsey Town Council

- 4.1 The work identified in 3.2 above has culminated in a formal resolution made by Romsey Town Council on 25 May 2021, as follows:-

33. BOUNDARY REVIEW - RESOLUTION NO. 21/54

It was RESOLVED Romsey Town Council will, before December 2021 and with all relevant consultation documentation - that Test Valley Borough Council review the boundary of Romsey Parish, such that it includes all current and planned urban areas identified as Romsey. No possible boundary changes are to be implemented until after appropriate public consultation, although they should be in place for the 2023 council elections.

PROPOSED: Cllr. N. Gwynne

SECONDED: Cllr. J. Burnage

CARRIED

Discussions with officers have subsequently confirmed that the reference in the resolution to “current and planned urban areas identified as Romsey” is indeed seeking to make the area of Romsey Town coterminous with the three Romsey Borough Wards (Abbey, Cupernham and Tadburn).

- 4.2 The map attached as the Annex to the report shows the parish boundaries in blue, and the three Romsey Borough Wards edged red. The red edged area would therefore constitute the new extended area of Romsey Town if the proposal were to be accepted and agreed following a CGR process.

5 Community Governance Arrangements – Legal Requirements

- 5.1 Changes such as that now being formally requested by Romsey Town Council are within the powers and functions of the Borough Council. Such changes may be made by the Borough Council following the undertaking of a Community Governance Review (CGR). Legislation in the Local Government and Public Involvement in Health Act 2007 sets out the process which a CGR must follow.

- 5.2 As part of the CGR process, changes to community governance arrangements that can be considered by include:

- Altering the boundaries of existing parishes
- Changing the names of existing parishes
- Creating a new parish or abolishing an existing parish
- Creating or abolishing parish councils
- The electoral arrangements for parish councils (including the number of councillors and arrangements for parish warding)
- The grouping or de-grouping of parish councils (and consequential changes to their electoral arrangements)
- The “style” of a parish (enabling an area to be known as a town rather than a parish).

- 5.3 Under Guidance issued on the conduct of CGRs, councils are expected to keep community governance arrangements under review, and consider on a regular basis whether a review is needed. Guidance indicated that good practice would be to conduct a review every 10-15 years, but equally the need for a review may be triggered earlier, e.g. following a major change in the population of a community or where boundaries have become anomalous e.g. following new housing developments being built across existing boundaries. In 2018, the changes in Borough Ward boundaries were an example where it was clearly appropriate to undertake a CGR.
- 5.4 Where a CGR is carried out, the legislation requires that the Council has regard to the need to secure that any community governance for the area under review:-
- reflects the identities and interests of the local community in that area; and
 - that it is effective and convenient.
- 5.5 A CGR can be carried out at any time, either as a result of the Council deciding to do so of its own volition, or because of a request from a parish council or local residents.
- 5.6 The 2007 Act provides a route whereby a council can be *required* to carry out a CGR. This involves a petition being signed by a specified number of local government electors in the area in question (7.5% where there are more than 2,500 electors). If a valid petition is received, the Council *must* carry out a CGR on the issue which is the subject of the petition. In the absence of a petition, it is a matter for full Council to decide whether or not to undertake a CGR.
- 5.7 The area of a petition would depend on the change being sought. Romsey Town's request seeks to extend Romsey Town into Romsey Extra Parish, so the appropriate area for a petition would be the combined Town/Parish area. Using the latest electorate figures (July 2021), Romsey Town has 11,802 and Romsey Extra 4,500, a total of 16,302 for the combined area. A valid petition for such an area would need to be signed by at least 7.5% of the electors, i.e. 1,223 local government electors. The signatories would not have to be "spread" proportionately or otherwise between the two areas – it would just require 1,223 signatures who are electors within either REPC or RTC.

6 Community Governance Process

- 6.1 Broadly, if the Council decide to undertake a CGR, it is for the Council to decide how the CGR will be carried out. There is no formal procedure set down in legislation, although local people must be consulted during a CGR, and representations received in connection with the CGR must be taken into account. Those making representations must be informed of the outcomes from the CGR.

- 6.2 In 2018, the Council followed a similar process to that used by the LGBCE in the Borough Ward Review. Once terms of reference were agreed, a First Consultation was undertaken, whereby proposals for changes to community governance were invited. The representations were considered by a Member Panel appointed by full Council, and taking these representations into account, the Panel produced a set of Draft Recommendations that were considered and agreed by full Council. A Second Consultation was then undertaken (the focus now being on the Draft Recommendations issued) and the results of that Second Consultation were again considered by the Panel, and a report to full Council made with a set of Final Recommendations being proposed. These Final Recommendations were agreed by full Council and published. Following a period to allow for any challenges to the outcome (none being received), a Reorganisation Order was made to give effect to the changes which had been agreed as part of the CGR process. These changes came into effect for the May 2019 elections.
- 6.3 If full Council were to agree to carry out a CGR as a result of the request from Romsey Town, it is suggested that a further report be brought to the next Council meeting, recommending terms of reference, process, and a timetable, for approval before the CGR is then undertaken.

7 Corporate Objectives and Priorities

- 7.1 This report responds to a formal request from Romsey Town Council. It provides an opportunity to consider the governance arrangements for Romsey, in the light of developments which are planned and have already taken place.

8 Consultations/Communications

- 8.1 Romsey Town Council has written to adjoining parish councils that could be affected by their request, and are responding to communications from those parishes.
- 8.2 As noted above, if a CGR is undertaken, a fundamental part of the process would be a public consultation exercise to obtain and consider the views of local people.

9 Options

- 9.1 A formal petition has not been lodged, and therefore the options available to respond to Romsey Town Council's request include:-
- Agree to carry out a CGR (ensuring that consequential issues such as the impact on adjacent parishes are taken into account);
 - Decline the request on the grounds that a full CGR process was undertaken three years ago;
 - Take further action/seek further information before determining a response to the request.

10 Option Appraisal

Agree to carry out CGR

- 10.1 It should be noted that a decision agreeing to undertake a CGR in response to a request such as that from Romsey Town Council is not a decision to make the changes requested. It is merely a decision to investigate and consider whether (or not) to make the changes requested, and does not pre-judge the final outcome. The CGR process would explore the issues arising from the request, and would look at the effect on other adjoining parishes as well as Romsey Town itself. The outcome may be a change to the existing governance arrangements (either in line with the request, or a different change), but equally the outcome could be a decision to maintain the status quo and make no changes.
- 10.2 As noted above, a full public consultation exercise would be carried out, and any representations received would have to be taken into account.
- 10.3 Although some officer time would be required spent to undertake a review, much has been gained from the CGR carried out in 2018, and therefore a review would not be disproportionate in terms of time required.
- 10.4 Although a CGR was carried out three years ago, changes have occurred since then. Joint working between Romsey Town and Romsey Extra Parish has taken place, has taken place, and the public views of the Town Council have changed (from no stated position, to positive support for change). Undertaking a CGR would provide an opportunity for the community governance arrangements to be revisited in the light of these new circumstances.
- 10.5 A CGR could (depending on the eventual outcome) remove the situation where a Borough Ward covers parts of both Romsey Town and Romsey Extra, simplifying elections and local representation.

Decline to Undertake A CGR

- 10.6 In the absence of a petition, there is no duty on the Council to undertake a CGR in response to the request. Officer time would not be required, and would be available for other projects (although as noted above, the amount of time required is not expected to be significant).
- 10.7 The anomalies between parish and borough ward boundaries would remain if a CGR was not undertaken.

Take Further Action/Seek Further Information Before Determining A Response To The Request

- 10.8 Members may consider that more work or information is required to allow them to decide whether or not to undertake a CGR. Deferring the decision in this way would put back the start and finish points of a CGR process, and make achieving a final decision in time for May 2023 elections more difficult to achieve.

- 10.9 Requiring more information or e.g. carrying out “pre-consultation” might also result in a duplication of work which would have to be done if the decision is then made to undertake a CGR. The public may feel that such an exercise is pre-judging the outcome of the CGR process. It might also jeopardise the effectiveness of any formal CGR consultation process which follows, as the public may feel they have already commented.

11 Resource Implications

- 11.1 As noted above, the primary resource required would be officer time in undertaking the consultation process, analysing the responses and assisting a Member Panel to formulate recommendations as a result.

12 Legal Implications

- 12.1 No changes to governance arrangements for any parish council would result from the decision out of this report. Changes would only occur if approved as part of a subsequent CGR process.

13 Equality Issues

- 13.1 There are no identified equality issues arising from the subject matter of the report.

14 Other Issues

Wards/Communities Affected

- 14.1 The Borough Wards of Romsey Abbey, Romsey Cupernham and Romsey Tadburn are affected by this report. If a CGR were to be agreed and the request from Romsey Town Council endorsed, Blackwater and Chilworth, Nursling and Rownhams Wards would also be affected. The Parishes of Romsey Extra, Wellow, Nursling and Rownhams, and Michelmersh would also be affected by any CGR undertaken.

15 Conclusion and reasons for recommendation

- 15.1 Although a CGR process was carried out in 2018, the conclusion of that review in respect of the Romsey area was essentially no change in governance arrangements. However, since that review, working arrangements between Romsey Town and Romsey Extra Parish have changed, leading to joint working between the two councils. In addition, a formal request has now been received from Romsey Town Council, seeking to extend the boundaries of Romsey Town to be coterminous with the three Borough Wards.
- 15.2 Such changes can only take place following a CGR process. Agreeing to carry out a CGR does not pre-judge the outcome of the process, which would involve full public consultation before a decision is made.

Background Papers (Local Government Act 1972 Section 100D)

Formal request from Romsey Town Council to Chief Executive 16 July 2021.

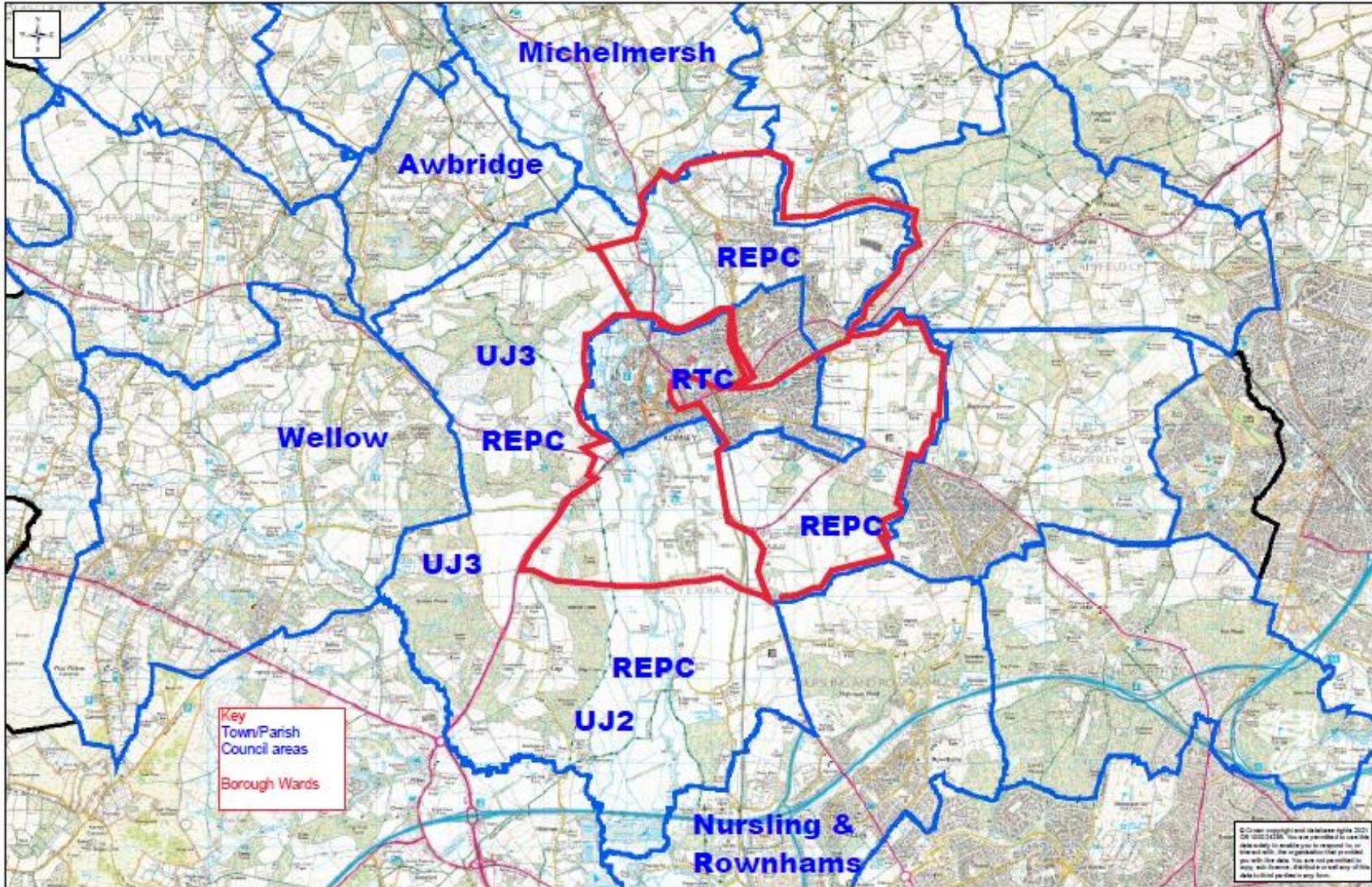
Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	1	File Ref:	N/A
(Portfolio: Corporate) Councillor T Tasker			
Officer:	Howard Bone	Ext:	8467
Report to:	Council	Date:	1 September 2021

Date: 04/01/2021
Scale: 1:40,000
Author: Web AppBuilder for ArcGIS

ArcGIS Web Map



ITEM 13

Nitrate Mitigation

Report of the Planning Portfolio Holder

Recommended:

1. That the purchase of 250 nitrate credits from land shown in Annexes 1 & 2 to the report be approved.
2. That the Council releases funding from the unallocated New Homes Bonus Reserve, up to the amount described in section 8 for the purpose of purchasing nitrate credits from the land shown in Annexes 1 & 2 to the report.
3. That authority is delegated to the Head of Planning Policy and Economic Development in consultation with the Head of Finance and Revenues, the Head of Legal and Democratic Services, the Finance Portfolio Holder and the Planning Portfolio Holder to enter into the appropriate Agreement/s securing the purchase and delivery of the nitrate credits from the land shown in Annexes 1 & 2 to the report.

SUMMARY:

- In order to satisfy the Habitat Regulations certain types of development are required to be nutrient neutral in order to have no adverse impact on The Solent. The absence of mitigation is an impediment to housing delivery.
- In line with the adopted Nitrate Mitigation Framework it is proposed that the Council purchase nitrate credits from Roke Manor Farm. Applicants would be able to purchase these credits.
- In April 2021 Council agreed to the purchase of 250 credits. The Council has reached the stage where it needs to consider whether to purchase an additional 250 credits.

1 Introduction

- 1.1 As Local Planning Authority, the Council has been severely affected by the lack of options available to applicants whose schemes are required to achieve nutrient neutrality in order to address the adverse effects on the international designated nature conservation sites (SPAs, SACs and Ramsar sites) in and around the Solent.
- 1.2 The purpose of this report is to seek approval for the purchase of a second tranche of nitrate credits from land at Roke Manor Farm, Romsey and that the second purchase of 250 credits for £750,000 be funded from the New Homes Bonus reserve. This would provide the Council with a mechanism to help unlock current and future planning applications by satisfying the Habitat Regulations.
- 1.3 The attached plan at Annex 1 (with the same site shown at a larger scale in Annex 2) indicates the location of the land where the credits will be generated.

2 Background

- 2.1 The Solent provides one of the most important water environments for wildlife in the United Kingdom, with many parts of its estuary, shoreline and the sea being protected through legislation. The area is home to a wide variety of habitats and species that help to make it special, some of which result in international designations. A number of the habitats, such as the mudflats and saltmarshes, provide essential winter feeding and roosting grounds for tens of thousands of coastal birds that fly from as far as Arctic Siberia to spend the winter on the Solent. This includes about 10 per cent of the global population of Brent geese. The area also supports important breeding gull and tern populations. It is unique in Britain for the complexity of the marine and estuarine habitats that are found.
- 2.2 Excessive levels of nutrients (nitrogen and phosphorus) in the water environment are having an adverse effect on international designated nature conservation sites in and around the Solent. These are causing eutrophication, resulting in dense mats of green algae that impact on the internationally protected species and habitats. This must be addressed as required by the Conservation of Habitats and Species Regulations 2017 (as amended) (referred to as the Habitats Regulations). The impact of the condition of these sites is relevant in the context of their conservation objectives and achieving favourable conservation status.
- 2.3 Following the Court of Justice of the European Union judgments, Natural England advised in June 2019 that in order to comply with the Habitats Regulations, all new residential and overnight accommodation development should be nutrient neutral. In taking a precautionary approach, their advice is that it is uncertain as to whether the increase in such wastewater will have an adverse effect on the Solent's international designated sites. As such mitigation is required to be put in place.
- 2.4 This constraint applies to the area of the Borough which falls within the catchments of the River Test and River Itchen and their tributaries, which then flow into the Solent. Essentially this covers the whole Borough, with the exception of a small area around Shipton Bellinger and Cholderton, which falls within the catchment of the River (Hampshire) Avon.
- 2.5 In light of the Natural England advice since summer 2019 the Council has not permitted any affected planning applications which do not achieve nutrient neutral development. In order to satisfy the Habitats Regulations, it needs to be established that planning decisions will not make the situation worse. Any increase in nutrients is deemed significant, however small, due to the in-combination impact and therefore small sites cannot be screened out from the requirements to achieve nutrient neutrality. A mitigation solution is therefore needed in order to enable such developments to proceed where they are otherwise unable to achieve nutrient neutrality, but are deemed to be acceptable in all other planning respects. The absence of a solution is an impediment to housing delivery and a consequential impact on the local economy.

- 2.6 The issue of nitrate mitigation is a controversial one from the perspective of both the development industry and interested parties objecting to development. In April, Council were made aware of a Judicial Review challenge from local objectors to the operation of Fareham Borough Council's nitrate mitigation schemes and the use of the Natural England's nitrate methodology to conduct appropriate assessments as part of the Habitats Regulations. These judgments have now been handed down and whilst amendments are required to Natural England's approach they do not affect the principle of off-site mitigation or nitrate purchase.
- 2.7 Whilst the issue affects a wide geographic area, for Test Valley achieving nutrient neutral development without the provision of off-site mitigation solutions is particularly challenging as the amount of nutrient in wastewater is assumed to be higher in the absence of wastewater treatment works (WwTW) having a permit limit for nitrogen discharge. This means that there is no nitrate stripping at the WwTW taking place. Of the WwTW which serve Test Valley only Millbrook WwTW which serves Chilworth, North Baddesley and Nursling and Rownhams has such a permit limit. There are also rural areas within the Borough which are not served by mains drainage and are therefore reliant on package treatment plants or septic tanks. Achieving on site nutrient neutrality is unlikely to be achieved for all but the large scale greenfield allocations.
- 2.8 The Council continues to explore other options to reduce the scale of the challenge. One approach is for the Environment Agency to undertake a Solent specific nitrogen permit review or formal 'Review of Consents'. Following a meeting of Environment Agency directors on 25 January 2021 to instigate a target review of permits a dedicated officer has now been appointed to lead the review. This is particularly relevant as the Fullerton WwTW and Romsey WwTW do not have permits in place. By reviewing the permits which set the level of nitrates discharged in the water it would reduce the levels of nitrates currently seen. Further details and timescales for the permit review are yet to be confirmed but it is hoped that these will be considered by Southern Water, Environment Agency and OFWAT as part of the five year investment programme for the period 2025-30. However, this option is currently not available to the Council and as such an alternative short term solution needs to be secured. It should also be noted that the providing permits would not eliminate the issue but would mean the size of the constraint may become more manageable.

- 2.9 In the absence of practical mitigation solutions being available at present, the focus is on potential land based off-site mitigation in the form of 'nitrate offsetting' solutions. This concerns taking land out of agricultural production, or significantly reducing the current level of artificial additional nitrogen added to agricultural land from fertiliser and animal waste. This source accounts for between 70-80% of excess nitrates as opposed to that arising from development or other background sources. It can take decades for nutrients in the upper reaches of river catchments to reach the sea. However, as the Habitats Regulations apply to planning decisions, there is a legal obligation on considering the impact of new development in order to avoid exacerbating an existing issue, notwithstanding that the impact of this is relatively minor overall. By taking land out of agricultural production this reduction in nitrates can then be used as a 'credit' to offset the increased nitrogen from new development so that neutrality is achieved. Credits can be achieved either through land acquisition or purchasing credits from third parties.
- 2.10 At its meeting on 27 January 2021 the Council approved the 'Nutrient Neutrality Off-Site Mitigation Framework'. This framework set out the options that could apply once the applicant has completed the NE nitrate methodology. Applicants could a) demonstrate that the development would not lead to an increase in nutrients and would therefore achieve nutrient neutrality on-site; b) provide and secure in perpetuity a bespoke off-site package; or c) provide a financial contribution of £3,000 per kg of nitrogen, plus a £100 fee to cover much of the additional administrative and legal work, to provide off-site mitigation (the nitrate credit tariff).
- 2.11 As part of the Council's agreed approach it was confirmed that the tariff would be used to secure credits either through the purchase of land and/or credits, to provide off site mitigation solutions in order to achieve nutrient neutral development. It was on that basis which officers explored opportunities for mitigation and engaging with landowners on a without prejudice basis. Out of this exercise land at Roke Manor Farm, Romsey was promoted by the landowner for nitrate credit purchase.
- 2.12 The site at Roke Manor Farm extends to 101.5 Ha (250 acres) of which: 40.4 Ha (100 acres) of land used for rearing pigs on for 15+ plus years. The remainder comprises 26.3Ha (65 acres) of mixed woodland and 34.8 ha (85 acres) of traditional (unimproved) Test Valley water meadows designated as a Site of Special Scientific Interest.
- 2.13 The landowner is phasing the removal of the pig farming operation on site and is selling the nitrate credits arising. It has been calculated that the site would provide a total of 2,522 credits. A long term management plan has been agreed with Natural England and the Council. The management plan secures habitat creation through additional tree planting of mixed native species, soil restoration and soil stabilisation through the creation of meadows for an 'in perpetuity' period (i.e. 80+ years). Work has commenced on site in compliance with the management plan.

- 2.14 In April 2021 the Council agreed to the release of £750,000 from unallocated New Homes Bonus reserve to purchase 250 credits from Roke Manor Farm. The purchase was completed in June 2021. Since that time officers have been liaising with applicants and developers and allocating credits to those planning applications where a positive response has been received.
- 2.15 Agreeing an equitable way of distributing the purchased credits is a complex one. Following discussions with the portfolio holder it was agreed to focus the available credits on southern Test Valley housing market area for the purposes of unlocking applications to help supplement the housing land supply. Whilst there is a benefit to housing land supply it should be noted that the impact is relatively small due to some sites who have purchased credits already being accounted for in supply forecasts. There was also an allocation of credits to the northern Test Valley market area. In both instances it was to first offer those applicants who had been waiting the longest for a mitigation solution. At the time of writing of the 250 credits purchased, 218 have been reserved (131 in southern Test Valley and 87 in northern Test Valley) to specific planning applications. This approach would equate to an extra 0.2 years Housing Land Supply (based on the position as at 1 April 2020). In addition a further 21 dwellings which are already included in the supply as they have outline permission, but need mitigation in order for their reserved matters to be permitted, would also benefit.
- 2.16 It is acknowledged that there remains a small surplus of credits which have not been allocated by applicants. However, the Council has to be mindful that there is no ability to control how the landowner disposes of the nitrate credits that they have available. It is completely within the landowner's gift to sell the credits to developers and applicants anywhere within the catchment of the River Test, River Itchen or Bartley Water. Given the lack of mitigation options available across the three catchments there was a risk that credits could be purchased relatively quickly. To safeguard the Council's ability to purchase more credits from Roke Manor Farm a 'first refusal' clause was included in the legal agreement with the ability to purchase a further 250 credits. The clause does require the notification of intention to purchase to be made by 14 September 2021. This clause allowed the Council to make a decision guided by a more informed estimated demand whilst being able to re-evaluate the risks. It should also be noted that the previous Council report highlighted that the purchase of future credits may be required, if justified.

3 Corporate Objectives and Priorities

- 3.1 The Test Valley Corporate Plan (2019-23) sets out that the Council will work with communities and partners to deliver the supply of homes which reflect current and future housing needs. The lack of nitrate mitigation is preventing the majority of relevant planning applications from being permitted. The Corporate Plan also identifies the aim of providing high quality green infrastructure for our communities to enjoy. Subject to the detailed discussion and agreement of the management plan this proposal would help deliver that objective.

- 3.2 The Council's Climate Emergency Action Plan (CEAP) was adopted by the Council in June 2020. The aim of the plan is for the Council to achieve carbon neutrality as quickly as possible. The plan includes the action of continuing to explore opportunities for small scale woodland creation. This action was included because such opportunities would not only reduce carbon emissions via offsetting but also providing ecological mitigation and public recreation to help improve our residents' health and wellbeing. Whilst the site would remain in private ownership the principles of what the landowner is seeking to achieve on site and secured through the management plan are mutually beneficial to the aspirations of the CEAP.
- 3.3 The Council's draft Green Space Strategy (2020) also promotes tree planting and options for future woodland creation. Again, the landowner's aspiration for the site complement the Council's own approach.

4 Consultations/Communications

- 4.1 The principle of using credits arising from Roke Manor Farm have previously been agreed by both the Council and Natural England. The availability of credits has been the subject of communications with the local development industry and applicants.

5 Options

- 5.1 There are two options considered in the report, whether the Council notifies the landowner of the intention to purchase a further 250 credits from Roke Manor Farm (option one), or not (option two).

6 Option Appraisal

6.1 Option One (Recommended)

- 6.1.1 The principle of purchasing credits has previously been agreed by Council through its nitrate mitigation framework (January 2021) and the initial purchase of credits (April 2021).
- 6.1.2 It is proposed that a second tranche of 250 credits is purchased from Roke Manor Farm. The adopted tariff sets a rate of £3,000/credit with a further £100 to cover additional administration and legal fees. No profit is sought from this approach. The cost would be £750,000 and would be funded from the New Homes Bonus unallocated reserve with the intention that future nitrate tariffs secured through S106 would be used to replenish that budget.

- 6.1.3 The challenge of achieving nitrate neutrality is affecting a significant number of planning applications for residential and overnight accommodation. At the time of writing the total number of credits required to meet the backlog is 275 (189 credits for southern Test Valley planning team and 86 credits for northern Test Valley planning team). These cover those applications which are expected to receive a favourable officer recommendation of permission, but are not currently expected to achieve nutrient neutrality without additional off site mitigation. The opportunity to provide mitigation benefits the delivery of those sites with outline planning permission, and are therefore already included in land supply calculations, and bringing forward those sites which constitute a windfall allowance. It should be noted that the backlog does not equate to a confirmed appetite from the applicant to make use of the Council's approach.
- 6.1.4 In considering this proposal officers have looked to balance a number of factors relating to the site and the landowner's intention and disposal of those credits purchased.
- 6.1.5 The site is 101.5Ha of which approx. 40.4Ha has been used for outdoor pig production. There is an understandable reluctance to mitigate nitrates through taking land out of agricultural production. The loss of the agricultural land should not be seen solely as a mechanism to generate nitrate credits. It is necessary to achieve additional benefits from that land. The Council has worked with Natural England and the landowner to agree a management plan which includes securing the principles of tree planting and habitat creation with the future intention of opening parts of the site to public access. These multiple benefits when combined outweigh the loss of agricultural land.
- 6.1.6 In any event there is no ability for the Council to prevent the landowner from ceasing operation or controlling their intention of selling the nitrate credits arising from the site. It is completely within the landowner's gift to sell the credits to developers and applicants anywhere within the catchment of the River Test, River Itchen or Bartley Water.
- 6.1.7 The implications of this are that the nitrate credits could provide mitigation for sites outside of the Borough and thus help other authorities' housing delivery and land supply calculations at the expense of our own. The landowner could also dispose of the credits to developers within Test Valley who are seeking to promote sites which are contrary to policy. Whilst this may not happen as any credit payment would be dependent on achieving a successful planning permission there is a risk that if the Council's housing land supply fall below five years, being able to demonstrate nitrate mitigation would be a significant material matter in favour of the speculative application. The only ability the Council has to influence how some of the credits are used is through their direct purchase.
- 6.1.8 Purchasing credits would allow the Council to provide the mitigation for the applications currently locked in the planning system. Whilst not exclusive, the tariff approach is aimed at supporting smaller windfall sites from undertaking unnecessary work to locate, negotiate and secure nitrate mitigation. Should credits remain there is scope to help mitigate larger residential developments.

- 6.1.9 At the time of the initial purchase it was identified that it would be difficult to try and gauge future demand for the credits. There was a risk that in purchasing the credits the Council may not be able to dispose of all of them. That risk remains. To reduce the risk any credit purchase must be measured against likely appetite and secured in amounts that would minimise the likelihood of the Council being unable to dispose of them. In December 2020/January 2021 an expression of interest exercise was undertaken. Whilst the level of interest equated to approximately 500 credits the exercise did not give the certainty to justify the risk of a greater purchase.
- 6.1.10 The April 2021 report did identify the possibility that once the mitigation was confirmed it would generate a higher level of interest from applicants and this has been demonstrated. Given the response the Council has had to both the expression of interest exercise held at the beginning of the year and more recent contact with applicants it is considered that the risk of not being able to dispose of the credits purchased is low. Should the Council find itself in the position of not having disposed of all of the purchased credits these could be 'banked' to provide mitigation for the development in the two town centres. This would further reduce the risk.
- 6.1.11 A linked risk relates to the availability of alternative mitigation sites/ credits arising from other landowners, especially if those credits were made available at a lower price. Officers are aware of other schemes within the Borough which are considering being brought forward although at the time of writing there are no other sites within the Borough which are in the same position as Roke Manor Farm. What should be noted is that whilst alternatives could be brought forward the important factor is the speed in which the site and the credits are made available. Roke Manor Farm has that benefit of being able to release credits in a relatively short period with an agreed management plan and legal framework. Officers are also mindful of the availability of other mitigation schemes within neighbouring districts which would be available to applicants. As such there is a risk that applicants may make use of alternative sites and that further mitigation sites will become available during the period where any credits purchased remain unsold. Should that happen those credits can be either used on other applications who choose to remain with the Council's scheme or the credits could be 'banked' for the Council's own development in Andover and Romsey.
- 6.1.12 There is an additional factor of the length of time in recovering the cost of purchase. The agreed approach is that the credits are secured by applicants through individual S106 with the trigger for payment being prior to occupation. This results in a lag between the allocation of credits and the receipt of funds for those credits. It is difficult to know how long that lag would be, 12 months between permission being granted and occupation is a reasonable estimate. It would be unreasonable to apply an earlier trigger (e.g. prior to commencement) as the mitigation is only required once the house is occupied.

- 6.1.13 A further issue is that there is a risk of non-implementation of a planning permission and therefore no nitrate tariff payment made. Whilst this could occur it is considered to be rare given the current housing market and delivery rates within Test Valley.
- 6.1.14 There is also a risk that an applicant could reserve TVBC credits but then decide to use alternative measures e.g. cheaper credits being sold from an alternative source/landowner. This risk could occur both prior to signing the S106 or after issuing planning permission through applying to vary the S106. Whilst possible, this situation would only occur if those alternative credits are being sold at a price significantly lower than the current value of £3,000. The likelihood of this occurring is difficult to forecast but given the procedural delays and additional costs involved with varying the S106 it is unlikely that applicants would chose to swap mitigation so late in the process. Should it happen, those credits can be either used on other sites or 'banked' for the Council's own schemes.
- 6.1.15 It will be necessary for both the financial contribution framework and specific credit purchase to be monitored and kept under review, especially in light of how any market may develop and the principle and scale of other available off site mitigations. Should sufficient alternative mitigation solutions become available then the Council may step back from direct participation and only have a signposting role to mitigation schemes administered by other parties.
- 6.1.16 The Council continues to explore other mitigation opportunities however there is limited land available which would be of a size to secure the scale of credits or provide the multiple benefits proposed. Other non-land based mitigation options are not available in the short term and in any event would not eliminate the need for mitigation.
- 6.1.17 Given the issues identified and the potential for other mitigation schemes to become available it is recommend to limit the second purchase to 250 credits. A higher number of credits would increase the scale of the risk at this stage. Should it prove necessary the Council could consider a further purchase from Roke Manor Farm or an alternative site at the appropriate time.
- 6.1.18 In April 2021, when considering the purchase of nitrate credits, the Council also approved a strategic land purchase. Work on this continues although the purchase has yet to be completed. The site's current agricultural use may potentially generate a nitrate benefit from its change of use. Work has been commissioned to calculate the principle, scale and delivery of any nitrate credits. Based on an initial calculation any credits that may arise from the potential purchase would not be sufficient to provide mitigation for the anticipated demand.

6.2 Option Two

- 6.2.1 The alternative option is that the Council does not trigger a further purchase of credits. This is not preferred for the following reasons.

- 6.2.2 To not to proceed with the recommendation would mean that achieving nutrient neutrality continues to be very difficult especially in the short term. This is particularly the case for brownfield sites and for those developments which discharge their wastewater to WwTW without a permit limit, or which are reliant upon non-mains drainage.
- 6.2.3 One of the main consequences of not purchasing the credits is the implications this has for housing delivery. If delivery of homes is not achieved in the short term, it puts pressure on the Council's housing land supply and puts the Borough at risk of speculative planning applications which have managed to secure nitrate mitigation through some means. In the medium and longer term the Council will need to be able to demonstrate a suite of mitigation measures as part of delivering the next local plan and the future housing requirement. At this stage it is too early to know what mitigation approach will need to be put in place or at what scale.
- 6.2.4 As outlined above the Council has no control over the principle of the landowner's intention to sell credits and also who these are sold to. The implications of this are that the nitrate credits could provide mitigation for sites outside of the Borough and thus help other authorities' housing delivery and land supply at the expense of our own. Their sale may be to applicants of sites within the Borough. This would negate the need to purchase all or part of the credits and the risks attached to not recovering the cost. However, by putting in place the nitrate framework it is intended to make for a simpler, quicker process which will be attractive to applicants, especially smaller developers, to participate in.
- 6.2.5 If the decision were to not purchase further credits, the Council could take on a role of 'sign posting' applicants to available mitigation schemes. Whilst this removes the financial risk there would be no mechanism for the Council to control which sites would benefit from the mitigation. It is completely within the landowner's gift to sell the credits to developers and applicants anywhere within the catchment of the River Test, River Itchen or Bartley Water.
- 6.2.6 It is for these reasons that this option is not recommended.

7 Risk Management

- 7.1 Risks of the proposed options are set out in the narrative above. These relate to the financial outlay, the timing of repayment and whether all credits will be purchased. The report outlines the approach which officers have taken or identified in reducing the risk. This includes limiting the number of credits purchased and identifying the ability to bank surplus credits to benefit development on Council land.

8 Resource Implications

- 8.1 The cost of purchase of the second tranche of credits would be £750,000. Please note that Stamp Duty Land Tax will not be payable on this transaction. This purchase would be funded from the New Homes Bonus unallocated balance with the intention that future nitrate tariffs secured through S106 would be used to replenish that reserve.
- 8.2 The existing tariff approach includes an additional £100 administration and legal fee to cover the extra cost of putting the requirement in place within the agreements attached to each application along with any charges for drawing up the required legal agreements as per existing practice.

9 Legal Implications

- 9.1 The implications relating to the Habitats Regulations and the nitrate mitigation benefits arising from the site have been outlined within the report.
- 9.2 The nitrate scheme would be secured through two separate legal structures.
- 1) A S106 agreement obligating the landowner to:-
 - Establish and maintain the site as a nitrate credit scheme;
 - Comply with the Management Plan, which must be approved by the Council and Natural England.
 - Maintain a schedule of allocations of credits sold and provide a copy to the Council each and every time an Allocation Agreement is entered into.
 - 2) An Allocations Agreement which would set out the commercial and contractual terms in relation to the sale of the credits. This will include the obligation to ensure that the credits are implemented for first occupation of the reliant development and that the mitigation will be provided in perpetuity. The Allocations Agreement would be agreed with any potential purchaser, including the Council, who need to secure nitrate credits.
- 9.3 The S106 Agreement has already been agreed and it is not proposed to be amended. This would continue to be the legal framework the Council would use for monitoring and enforcement of the future legal agreements connected with the sale of the credits whether the purchase is direct with the landowner or through the credits the Council has obtained.
- 9.4 A new Allocation Agreement would need to be agreed to confirm the purchase of the second tranche. At this stage the agreement has not been drafted. It is proposed that delegated authority be given to the Head of Planning Policy & Economic Development, in consultation with the Head of Legal & Democratic, Head of Finance & Revenues, the Planning Portfolio Holder and Finance Portfolio Holder to enter into any agreements necessary to secure the purchase.

10 Equality Issues

- 10.1 The EQIA has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have and will be taken.

11 Other Issues

- 11.1 Ward/communities affected.

11.1.1 The site is located in Blackwater ward but the purchase of credits has the potential to benefit the delivery of homes throughout the borough.

- 11.2 Sustainability and addressing climate change.

11.2.1 As outlined in the report there is the opportunity to deliver a number of measures which can help address climate change through the management plan.

12 Conclusion and reasons for recommendation

- 12.1 The challenge of finding nitrate mitigation is one that many Hampshire authorities are facing. In the absence of alternative mitigation measures to unblock current and future housing delivery the Council has needed to explore land based solutions. This is in line with the Council's adopted Nitrate Mitigation Framework. The option of buying further credits from Roke Manor Farm represents an opportunity to unlock existing planning permissions and achieve wider environmental benefits.

Background Papers (Local Government Act 1972 Section 100D)

Borough Local Plan 2016

Nitrates Mitigation Framework (2021)

Climate Emergency Action Plan 2020

Corporate Plan 2019-23

Green Spaces Strategy (draft) 2020

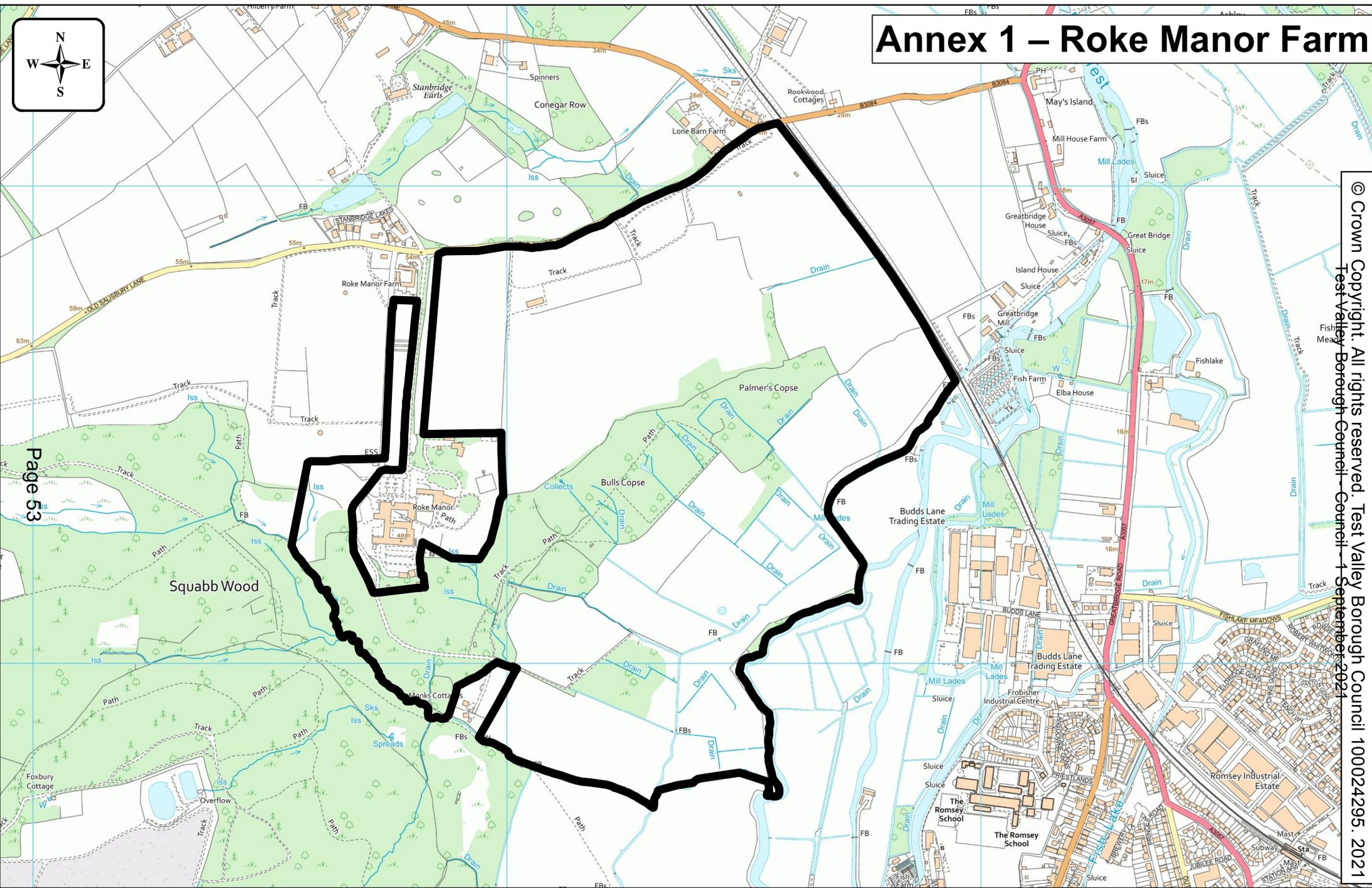
Natural England Advice on Achieving Nutrient Neutrality for New Development in the Solent Region (Version 5) (June 2020)

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972 (as amended) and can be made public.

No of Annexes:	2	File Ref:	Pp5.1.1
(Portfolio: Planning) Councillor N Adams-King			
Officer:	Graham Smith	Ext:	8141
Report to:	Council	Date:	1 September 2021

Annex 1 – Roke Manor Farm



Page 53

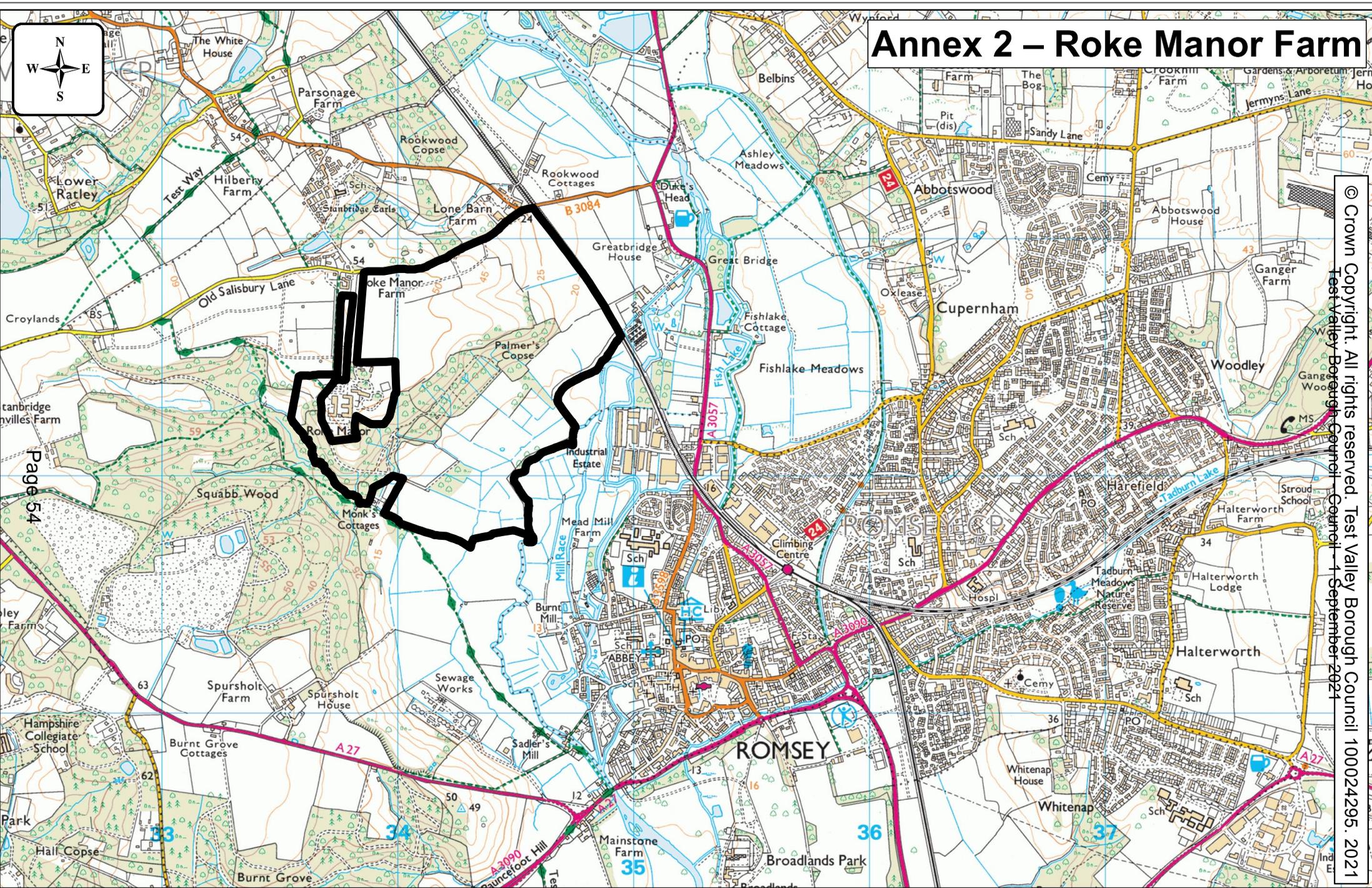
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**Land at Roke Manor Farm, Old Salisbury Lane,
Awbridge, Romsey, Hampshire, SO51 0GD**



Annex 2 – Roke Manor Farm



Page 54

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**Land at Roke Manor Farm, Old Salisbury Lane,
Awbridge, Romsey, Hampshire, SO51 0GD**



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ITEM 14 Procurement of Andover Masterplan Services

Report of the Leader

Recommendation:

That the budget and funding, as set out in paragraph 8, for the projects described in this report and confidential annex relating to the delivery of the Andover Town Centre Masterplan be approved.

SUMMARY:

- The purpose of this report is to seek approval for expenditure in relation to two elements of the Andover Masterplan delivery project, to be funded from the Regeneration Reserve in accordance with the delegations in the resolution of Council of 27 January 2021.

1 Introduction

- 1.1 Council adopted the Andover Regeneration Masterplan in September 2020. This ambitious document sets out a series of proposals for the development and improvement of Andover Town Centre that will ensure it develops as a vibrant place that will be attractive and inviting for users and investors. The delivery of the Masterplan objectives is one of the Council's top strategic priorities.
- 1.2 The Council report of January 2021 set out the requirements for approval to spend in relation to the Regeneration Reserve. For works over £50,000 approval is required in line with the Council's Financial Regulations.
- 1.3 The items set out in this report are both over £100,000 and therefore Council approval is required before the expenditure can be committed.

2 Background

- 2.1 The Council adopted the Andover Regeneration Masterplan in September 2020 and appointed a Regeneration Manager in January 2021 to oversee the delivery of both the Andover Town Centre Masterplan and the South of Romsey Town Centre Masterplan.
- 2.2 In June 2019 Council approved the creation of a Regeneration Reserve of £1M to take forward the delivery of both of the Masterplans. This was funded by a transfer from the New Homes Bonus Reserve. Details of the forecast reserve balance are shown in the resource implications in section 8. In January 2021 Council agreed the delegations required to authorise spending.

- 2.3 A procurement exercise has been undertaken in accordance with the Council's Contract Standing Orders relating to two areas of delivery:- Feasibility study and Urban Design Strategies & Design Schemes.
- (a) **Feasibility Study**—The brief is to build on the work carried out as part of the development of the masterplan. The consultants will undertake capacity studies and development appraisals for the various schemes. This will give the Council a robust understanding of the financial mechanics of delivering the schemes. It will allow the Council to be an informed partner in any future Joint Venture arrangements and provide strong evidence relating to funding bids. The final stage of this work is to produce detailed deliverable feasibility designs. These will be used to attract a development investment partner.
 - (b) **Urban Design Strategies and Design Schemes**—Although procured as a single element, this work breaks down into eight discrete projects. These are made up of two design strategy documents and six design schemes:
 - (i) Public Realm Manual: Setting out materials, street furniture, lighting, landscaping etc. based on character areas and agreed with HCC as the Highways Authority.
 - (ii) Design Guide for Developers and Occupiers: Giving guidance to those seeking to undertake any kind of development or improvement works. This will include issues such as scale, street frontages, Shop front improvements, lighting, signage, use of public space etc. It will be an invaluable tool for enabling the Development Management team to ensure quality in the public realm is maintained. This guide will be supplemented with six detailed briefs:-
 - (iii) Design Scheme for High Street
 - (iv) Design Scheme for Bridge Street/London Street
 - (v) Design Scheme for South of Bridge Street Riverside Walk
 - (vi) Design Scheme for Western Avenue Gyratory
 - (vii) Design Scheme for Vigo Roundabout
 - (viii) Design Scheme for Eastern Avenue traffic calming
- 2.4 The two design strategy documents will be produced in parallel with the first tranche of design schemes. This is to save time and to ensure consistency.
- 2.5 The six design schemes were bid for based on a modular price menu basis. This is so the work can be drawn down in accordance with the Council's priorities for delivery without the need for further procurement.
- 2.6 Both the Design Strategies and six design schemes will be subject to significant engagement and consultation.
- 2.7 The design schemes for Western Avenue, Vigo Roundabout and Eastern Avenue will need to be delivered in conjunction with Hampshire County Council as Highways Authority. This is due to the traffic engineering that will be required on these projects.

- 2.8 In order to enter into contracts with the successful bidders for this work Council approval is required to commit and spend the funds.

3 Corporate Objectives and Priorities

- 3.1 Growing Our Potential – the Corporate Plan 2019 -2023 identifies town centres as a strategic priority. It recognises the need to change the face of the High Street and to future-proofing our town centres to be accessible places where people live, shop, work and spend their leisure time. Enhancing public realm and ensuring a high quality appearance and environment is vital to secure successful development.

4 Consultations/Communications

- 4.1 Significant public consultation has taken place in conjunction with Andover Vision in the production of the masterplan. Public consultation will form an important element of the Urban Design suite of documents.

5 Options

- 5.1 The options to consider are whether to authorise payment against the two contracts as outlined or not.

6 Option Appraisal

- 6.1 The professional commercial advice is necessary to allow the Council to fully consider all the options and constraints relating to the delivery of the Andover Masterplan. Without this, the Council would be at a disadvantage.
- 6.2 The Feasibility studies will allow the Council to take an evidence-based approach to delivery and will provide the necessary background information for inclusion in funding applications.
- 6.3 The urban design contract would help ensure the quality of design, materials, street furniture etc. is achieved through the course of delivering the masterplan. This will serve as a tool for the Development Management Team to safeguard the quality of the Town Centre.

7 Risk Management

- 7.1 The purpose of entering into these contracts is in order to commission expert advice which would help guide the Council in its decision making process with the aim of delivering the objectives of the Andover masterplan. An evaluation of the risks associated with the matters in this report has previously been reported to Council in June 2019 (Regeneration Reserve) and Council in 29 September 2020 (Masterplan Adoption).

8 Resource Implications

- 8.1 The total cost of the work recommended in this report is £419,262 and can be contained within the balance of the earmarked reserve set aside for the regeneration projects in Andover and Romsey.

- 8.2 Transactions into and out of the Regeneration Reserve are summarised in the following table:

	£
Original Reserve Transfer	1,000,000
Additional contribution approved in 2020/21	310,200
Expenditure charged to reserve to 31 March 2021	(175,474)
Balance as at 31 March 2021	1,134,726
Additional contribution approved for 2021/22	744,600
Forecast contribution for 2022/23	744,600
Committed expenditure in 2021/22 to date	(38,081)
Other already approved expenditure	(65,701)
Feasibility Study and Urban Design Studies – this report	(419,262)
Forecast balance as at 31 March 2023	2,100,882

- 8.3 Additional transfers to the Regeneration Reserve were approved in the budget-setting report in February 2020, funded from short-term savings in pension fund contributions. The additional amounts were £310,200 in 2020/21 and £744,600 in 2021/22. The medium-term financial forecast for 2022/23 includes an assumption of a further transfer of £744,600 in that year (and is included in the table above), but it will not be approved until February 2022.

9 Legal Implications

- 9.1 All of the procurement undertaken for the items in this report were carried out in accordance with the Council's Contract Standing Orders.

10 Equality Issues

- 10.1 There are no equalities implications arising from the recommendations in report. Equality considerations will be contemplated as an integral part of the on-going work to funded by the proposed payments which will include completion of Equality Impact Assessments where appropriate.

11 Other Issues

- 11.1 Community Safety - None
- 11.2 Environmental Health Issues - None
- 11.3 Sustainability and Addressing a Changing Climate - None

11.4 Property Issues – The Feasibility Studies will enable the Council to fully analyse and understand the costs and values relating to developments on its property assets.

11.5 Wards/Communities Affected – Andover St. Mary’s.

12 Conclusion and reasons for recommendation

12.1 The reason for this recommendation is to ensure the delivery of the Council’s regeneration aspirations in relation to the Andover Town Centre Masterplan.

12.2 The feasibility study will ensure this is progressed in a commercially informed way that will allow the Council to make decisions that protect both its strategic and financial interests.

12.3 The Urban Design Strategies will provide tools that will allow Development management to safeguard the quality of the Town Centre built environment. This will create a place that is attractive to residents, visitors and investors, protecting the economic prosperity of the Town.

12.4 The recommended approval to spend will allow officers to deliver this work in a timely and efficient way providing the high standard of professional advice and guidance that will help the Council in its decision making process.

Background Papers (Local Government Act 1972 Section 100D)

Andover Town Centre Masterplan
 June 2019 Council Report (Regeneration Reserve)
 January 2021 Council Report (Delegations)

Confidentiality

Whilst this report does not contain exempt information and can be made public, it is considered that the Annex contains exempt information within the meaning of paragraph 3 of Schedule 12A of the Local Government Act 1972, as amended in that it relates to the financial or business affairs of any particular person (including the authority holding that information). In accordance with paragraph 10 of Schedule 12 A, It is further considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

No of Annexes:	1	File Ref:	N/A
(Portfolio: Leader of the Council) Councillor P North			
Officer:	Paul Ramshaw	Ext:	8511
Report to:	Council	Date:	1 September 2021

ITEM 16 Notice of Motion – Rule 12

Councillor Gwynne will move that:

Humans have already caused irreversible climate change, the impacts of which are being felt in the UK and around the world. Global temperatures have increased by 1.2°C from pre-industrial levels and the natural world has reached crisis point, with [28% of plants and animals](#) currently threatened with extinction.

Unless we drastically change course, the world is set to exceed the Paris Agreement’s safe 1.5°C limit. Pledges like the Paris Agreement and updated emissions targets are not legally binding. The gap between pledges and policies leaves the world on course for catastrophic warming of [near 3%](#) (or more). As the [2018 report](#) by the Intergovernmental Panel on Climate Change (IPCC) made clear, every half a degree makes a world of difference: severe climate impacts with 1.5°C of warming, such as extreme weather patterns causing flooding and heat waves, get significantly worse with 2°C. According to the IPCC’s 2021 report, limiting heating to 1.5°C may still just be possible with ambitious action from national and sub-national authorities, civil society, the private sector and local communities.

The UK is [one of the most nature-depleted countries in the world](#) and more than one in seven of our plants and animals face extinction and more than 40% are in decline. As an example, we have lost [95% of our hedgehog population](#). The UK needs a legally-enforceable nature target so that by 2030 nature is visibly and measurably on the path of recovery, in line with the [Global Goal for Nature](#) and the [Leaders' Pledge for Nature](#) .

Council notes that:

- I. *Many local authorities are playing an important role in the UK taking action to achieve net zero carbon emissions, and to protect and revitalise local wildlife and natural habitats.*
- II. *Parliament in May 2019 declared an Environment and Climate Emergency. This Council declared a Climate Emergency in the same year and has had a Biodiversity Action Plan in place since 2008.*
- III. *There is a Bill before Parliament—the [Climate and Ecological Emergency Bill](#) (published as the “Climate and Ecology Bill”), which, if it became law, would require the government to develop a strategy to address the emergency that would ensure:*
 - A. ***the ecological emergency is tackled shoulder to shoulder with the climate crisis in a joined-up approach;***

- B. the **Paris Agreement** is enshrined into law to ensure that UK does its real fair share to limit global temperature rise to the most stringent end of the Paris agreement -1.5°C.*
- C. the **Leaders Pledge for Nature** is enshrined into law to ensure that the **UK's ecosystems are protected and restored** with a focus on biodiversity, soils and natural carbon sinks;*
- D. the UK takes **full responsibility for our entire greenhouse gas footprint** (ie consumption emissions plus shipping, flights and land-based transport) by accounting for all of the emissions that take place overseas to manufacture, transport and dispose of the goods and services we import and consume;*
- E. the UK takes **full responsibility for our ecological footprint** so that we protect health and resilience of ecosystems along both domestic and our global supply chains;*
- F. an **independent, temporary Climate and Nature Assembly** is set-up, representative of the UK's population, to engage with the UK Parliament and UK Government to help develop the **emergency strategy**.*

Council therefore resolves to:

- I. **Support** the Climate and Ecological Emergency Bill;*
- II. **Inform the local media** of this decision;*
- III. **Write an open letter to Kit Malthouse MP and Mrs Caroline Nokes MP** (shared with our residents through local and social media) urging them to sign up to support the Bill; and*
- IV. Write to the [CEE Bill Alliance](#), (now known as Zero Hour), the organisers of the campaign for the Bill, expressing its support (joinus@ceebill.uk).*

Councillor C Dowden will second the motion.

ITEM 17

Exclusion of the Public

Recommended:

That, pursuant Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following Annex on the grounds that it involves the likely disclosure of exempt information as defined Paragraph 3 of Part 1 of Schedule 12A of the Act, indicated below and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Procurement for Andover Masterplan Services - Annex

Paragraph 3

It is considered that the Annex contains exempt information within the meaning of paragraph 3 of Schedule 12A of the Local Government Act 1972, as amended in that it relates to the financial or business affairs of any particular person (including the authority holding that information). In accordance with paragraph 10 of Schedule 12 A, it is further considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.