

Notice of Meeting

Cabinet

Date: Wednesday 7 June 2023
Time: 5.30 pm
Venue: Conference Room 1, Beech Hurst, Weyhill Road, Andover SP10 3AJ

For further information or enquiries please contact:

Emma Silverton - 01264 368000
esilverton@testvalley.gov.uk

Legal and Democratic Service

Test Valley Borough Council,
Beech Hurst, Weyhill Road,
Andover, Hampshire,
SP10 3AJ

www.testvalley.gov.uk

This is formal notice under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 that part of this meeting may be held in private because the agenda and reports for the meeting may contain exempt information under Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) and that the public interest in withholding the information outweighs the public interest in disclosing it.

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.

Membership of Cabinet

MEMBER	WARD
Councillor P North (Chairman)	Bourne Valley
Councillor N Adams-King (Vice-Chairman)	Blackwater
Councillor P Bundy	Chilworth, Nursling & Rownhams
Councillor D Drew	Harewood
Councillor M Flood	Anna
Councillor A Johnston	Mid Test
Councillor N Lodge	Andover Downlands
Councillor T Swain	Chilworth, Nursling & Rownhams

Cabinet

Wednesday 7 June 2023

AGENDA

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

- 1 Apologies**
- 2 Public Participation**
- 3 Declarations of Interest**
- 4 Urgent Items**
- 5 Minutes of the meeting held on 12 April 2023**
- 6 Recommendations of the Overview and Scrutiny
Committee: None**
- 7 Revenue Outturn 2022/23 6 - 14**

Finance and Resources
To report the Council's Revenue Outturn position, explain reasons for variances between the original estimate and the outturn and recommend how the surplus in the year should be treated.
- 8 Treasury Management Outturn 2022/23 15 - 21**

Finance and Resources
To review the performance of the Treasury Management function in 2022/23.
- 9 Infrastructure and Developer Contributions
Supplementary Planning Document 22 - 163**

Planning
To consider the adoption of the Infrastructure and Developer Contributions Supplementary Planning Document.

17 Project Enterprise Outturn - Annex

248 - 251

Finance and Resources

Confidential Annex to Item 15.

ITEM 7

Revenue Outturn 2022/23

Report of the Finance and Resources Portfolio Holder

Recommended:

1. That the Council's Revenue outturn for 2022/23, as shown in Annexes 1 and 2 to the report, be noted.
2. That the reasons for the budget variances, as shown in paragraph 3 in the report, be noted.
3. That the transfers to reserves of £1.576M, detailed in paragraph 3.16 in the report, be approved.
4. That the item detailed in paragraph 3.18 in the report, totalling £64,000, be approved for carry forward into the 2023/24 revenue budget.
5. That the transfers to reserves, as detailed in paragraph 4 in the report, be approved.
6. That the Head of Finance and Revenues be authorised to make necessary adjustments through the Budget Equalisation Reserve, should any additional variances be identified in finalising the Statement of Accounts for 2022/23.

SUMMARY:

- The Council's Revenue outturn for the year ended 31 March 2023 shows net General Fund expenditure of £8.681M (Annex 2).
- Following the completion of the revenue outturn work there is a surplus on the general fund of £695,000. Details of how this arose are discussed in more detail in paragraph 3. The utilisation of this variance is considered in paragraph 4.

1 Introduction

- 1.1 The General Fund covers all areas of the Council's revenue activities. This report summarises the total revenue expenditure for Services in 2022/23 which is summarised in Annex 1.
- 1.2 The summary in Annex 1 includes notional charges applied to the revenue account in respect of capital financing transactions and transfers to the pension reserve. Annex 2 shows the same information as Annex 1 with these charges stripped out. Throughout this report any comparisons between budget and actual expenditure will refer to the figures contained in Annex 2.
- 1.3 Where there have been significant variances from the original estimate to the final outturn figures, these are explained in paragraph 3.

- 1.4 The information in this report forms the basis of the Comprehensive Income and Expenditure Statement in the Council's Annual Statement of Accounts which is due to be audited in the coming months by Ernst & Young.

2 Background

- 2.1 The original revenue estimates for 2022/23 were approved by Council in February 2022. This report shows how the final figures compare to those approved in the original estimates which have been adjusted for additional approvals throughout the year and explains the reasons for significant variances.
- 2.2 The Council's Revenue outturn for 2022/23 shows a favourable variance of £695,000 compared with the original estimate. The details of the variance are explained in paragraph 3.
- 2.3 Annex 1 shows the full cost of Services which includes depreciation charges, charges to revenue for capital expenditure that does not generate new assets and notional adjustments in respect of the pension fund. Whilst it is important that these costs are known and included, they are also highly changeable and make comparisons with budgets very difficult.
- 2.4 Annex 2 strips out these charges to provide Councillors with a more understandable comparison of budget figures.

3 2022/23 Revenue Outturn

- 3.1 Annexes 1 and 2 show the revenue account outturn for 2022/23. They show a favourable variance of £695,000 when compared with the original estimate.
- 3.2 The table below provides a summary of the main reasons for the variance with more detailed explanations in paragraphs 3.3 to 3.17:

	£'000
Employee costs (see para 3.3)	423
Employee costs – pension fund credit (see para 3.3)	289
Net additional income from services (see para 3.4)	193
Various supplies & services savings (see para. 3.5)	148
Impact of inflation on fuel and utility costs (see para 3.6)	(378)
Additional investment income (see para. 3.7)	295
Net additional income from the Chantry Centre (see para 3.8)	119
Benefit overpayment recovery (see para 3.9)	(121)

Government grants (see para 3.10)	1,890
Business rates (see paragraphs 3.11 – 3.15)	(262)
Transfers to Reserves (see para 3.16)	(1,576)
Other miscellaneous variances	(75)
Reduce budgeted draw from reserves (see para 3.17)	(250)
Total surplus	695

- 3.3 The employee costs budget for 2022/23 included a vacancy management provision set at 4.5% of the gross salary budget equating to £724,000. The actual outturn for employee costs has exceeded the provision by £712,000. £423,000 of this is due to ongoing recruitment challenges across the authority and the timing of vacancies being filled, with a further £289,000 from a pension fund credit.
- 3.4 Net additional income of £193,000 has been generated by services. The most notable of these are:
- Net additional income of £469,000 from Environmental Service. This includes £100,000 from additional garden waste subscriptions, £336,000 from the sale of recyclables (dry mixed recyclables and glass) and £18,000 from grounds maintenance contracts.
 - Net additional rental income of £318,000 in Property & Asset Management where rent reviews have generated more income than expected.
 - These are offset in part by a reduction in planning fees and building control fees of £456,000 and a reduction in engineers' project consultancy income of £138,000.
- 3.5 Supplies & services across all services show savings of £148,000. This includes savings on training, consultancy and office expenses offset by increases in audit and legal fees.
- 3.6 The impact of the steep increases in inflation across the year have been felt most substantially in two areas:
- The diesel costs of running the fleet increased by £204,000 compared to budget.
 - Utility costs across the Council's properties increased by £174,000 compared to budget.
- 3.7 Investment income is £295,000 greater than budgeted. This is due to higher than forecast rates being achieved on fixed investments, the rapid increases in the base rate across the year and interest receivable on a loan.

- 3.8 Net additional income from the Chantry Centre is £119,000. This is due mainly to lower than anticipated void costs for both service charge and business rates. As per the report to Council on 13th March 2019, it is recommended to transfer this additional income to the Chantry Centre Planned Maintenance Reserve.
- 3.9 Identification and recovery of Benefits overpayments was £121,000 lower than estimated. This is due to the fall in caseload and workload as working age customers move from Housing Benefit to Universal Credit.
- 3.10 After accounting for associated expenditure, net unbudgeted government grants of £1.890M have been received in the year. This includes:
- The amount received for the Council Tax Annex Discount grant was £41,000 higher than budgeted.
 - Various new burdens funding grants totalling £165,000 more than budgeted were received to alleviate some of the costs of administering various cost of living grant schemes across the year. The net of these after deducting associated costs, such as additional staff or software expenses, is £88,000 which has contributed to the cost of redeploying existing resources.
 - Various unbudgeted housing grants totalling £388,000 were received in the year. The most notable of these are the Rough Sleeping Initiative Grant at £167,000, the winter top up to the Flexible Homelessness Support Grant at £60,000 and the Household Support Fund at £99,000. After expenditure, the net amount of £232,000 is recommended to be transferred to the Housing reserve.
 - £1.625M was received to support Ukrainian refugees who arrived in the borough during the year. After expenditure of £188,000, the net amount of £1.437M is recommended to be transferred to the Community Support reserve to cover future expenditure.
 - Four other small grants were received from Central Government across the services. The total net amount on these after taking into account expenditure is £92,000 of which £50,000 will be transferred to reserves for future use under the delegated authority of the Head of Finance and Revenues and the Finance and Resources Portfolio Holder.
- 3.11 Transactions through the General Fund in relation to business rates income are difficult to predict and extremely volatile. Since 2013/14, the Council has experienced business rate growth and is therefore required to pay an immediate NDR Surplus Levy to Government. In addition, the Council receives grants for small business rate and other reliefs and is entitled to retain 100% of business rates relating to renewable energy schemes within the Borough. These transactions are managed through both the General Fund and the Collection Fund Equalisation Reserve.

- 3.12 Business rates income is extremely vulnerable to the level of appeals that may occur as a result of the 2017 and 2023 revaluation exercises. In addition, the Government maintains the power to take away all of the accumulated growth in income generated since 2013 in a reset of the Business Rates Retention Scheme. This reset is now not expected to happen until 2025/26 at the earliest. The Council maintains the Collection Fund Equalisation Reserve to smooth the impact of these unknowns.
- 3.13 In 2022/23, the Council has continued to experience business rate growth and is still required to pay a surplus levy to Government.
- 3.14 To offset the impact of the Covid-19 related business rates reliefs (Retail, Hospitality and Leisure discount and the Covid-19 Additional Relief Fund) that have been given in the collection fund again this year, the Government has given local authorities additional Section 31 grants in the year which are accounted for in the general fund. The impact of these reliefs was lower than budget and therefore, the Council has received less S31 grants.
- 3.15 The variances against budget are detailed in the table below and the balance of £262,000 is recommended to be drawn from the Collection Fund Equalisation reserve.

	£'000
Lower than budgeted section 31 grants received	(581)
Reduction in provision for surplus levy	324
Reduction in NDR retained from renewable energy schemes	(5)
Net impact of business rates on General fund in 2022/23	(262)

- 3.16 The following transfers to / (from) reserves are recommended:

	£'000
Chantry Centre PMP reserve (see para 3.8)	119
Housing reserve (see para 3.10)	232
Community support reserve – Ukraine (see para 3.10)	1,437
Other net transfers to reserves (see para 3.10)	50
Collection Fund Equalisation Reserve (see paras 3.11 – 3.15)	(262)
Total recommended transfer to reserves	1,576

3.17 The budget for 2022/23 included a draw from the Budget Equalisation Reserve of £250,000 to offset a pressure from a reduction in car parking income. Whilst car parking income remained close to the budgeted levels, other additional income has offset this pressure and it is no longer necessary to draw from this reserve.

3.18 One item has been identified where a budget was included in the 2022/23 estimate but was not spent by the end of the year for staffing costs in the IT service. The total of £64,000 is recommended to be carried forward into 2023/24 to fund interim posts.

4 Transfer to / from Reserves

General Reserves

4.1 The recommended prudential minimum level for unallocated general reserves is £2.6M. This balance remains unchanged at 31 March 2023.

Earmarked Reserves

4.2 The surplus on the General Fund is £695,000 for 2022/23.

There are a number of ways in which the Council could utilise this sum. It is recommended that it is all transferred to the Budget Equalisation Reserve.

4.3 This reserve is used to mitigate against additional budget pressures. A top up of £695,000 is recommended and will be used as a contingency against higher than forecast inflationary pressures and as a contingency for the 2024/25 budget setting process.

5 Resource Implications

5.1 This report shows that the Council had a budget surplus in 2022/23 of £695,000. This amount will be transferred to reserves to be used in future years.

5.2 Some of the variances that have been identified throughout this report have already been taken into account in setting the 2023/24 budget, others will be considered as part of the Medium Term Financial Strategy for 2024/25 to determine if there are any ongoing savings or additional income that could help reduce the Council's budget gap.

6 Risk Management

6.1 An evaluation of the risks associated with the matters in this report indicate that further risk assessment is not needed because the issues covered do not represent significant risks.

7 Equality Issues

7.1 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.

8 Conclusion and reasons for recommendation

- 8.1 This report shows that actual net General Fund expenditure in 2022/23 was £695,000 less than the Original Estimate and explains the significant causes of this variance. The report recommends transfers to the regeneration reserve to support the corporate priorities of the development and implementation of the Andover and Romsey masterplans, and the budget equalisation reserve to offset inflationary pressures.

<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:	2	File Ref:	N/A
(Portfolio: Finance and Resources) Councillor M Flood			
Officer:	Jenni Carter	Ext:	8236
Report to:	Cabinet	Date:	7 June 2023

GENERAL FUND REVENUE SUMMARY - 2022/23

	(1) Original Estimate 2022/23 £'000	(2) Actual 2022/23 £'000	(3) (Under) / Over Spend £'000
Service Requirements			
Chief Executive's Office	(9.6)	(0.1)	9.5
Community & Leisure	3,011.8	3,897.4	885.6
Environmental Service	6,427.1	7,104.6	677.5
Finance & Revenues	1,793.2	2,156.1	362.9
Housing & Environmental Health	2,841.4	1,729.9	(1,111.5)
I.T.	39.8	64.8	25.0
Legal & Democratic	76.8	0.0	(76.8)
Planning & Building	2,317.1	3,595.6	1,278.5
Planning Policy & Economic Development	2,027.9	2,400.6	372.7
Property & Asset Management	(5,208.3)	(5,869.8)	(661.5)
Strategy & Innovation	54.2	0.0	(54.2)
	13,371.4	15,079.1	1,707.7
Other Requirements			
Benefits	(20.8)	100.0	120.8
Corporate & Democratic Core	2,122.8	1,734.1	(388.7)
Net Cost of Services	15,473.4	16,913.2	1,439.8
Corporate Requirements			
Contingency Provision	36.2	0.0	(36.2)
Depreciation & Capital Charges	(4,554.1)	(3,864.1)	690.0
Investment Income	(1,792.2)	(2,087.0)	(294.8)
Borrowing Costs	151.3	150.7	(0.6)
Minimum Revenue Provision	199.9	199.9	0.0
New Homes' Bonus	(2,104.7)	(2,104.7)	0.0
Small Business Rate Relief & other S31 grants	(5,347.0)	(4,765.6)	581.4
Other Government grants	(652.0)	(713.4)	(61.4)
Provision for NDR surplus 'levy'	2,559.4	2,234.9	(324.5)
Retention of NDR re Renewable Energy Schemes	(398.6)	(393.8)	4.8
Write Offs / Year End Transfers	0.0	(17.8)	(17.8)
Net General Fund Expenditure	3,571.6	5,552.3	1,980.7
Transfer to / (from) Earmarked Reserves	162.4	2,083.4	1,921.0
Transfer to Asset Management Reserve	1,901.6	1,250.8	(650.8)
Contribution to Capital Balances	3,740.3	3,740.3	0.0
Transfer from Pension Reserve	0.0	(3,946.0)	(3,946.0)
GENERAL FUND REQUIREMENTS	9,375.9	8,680.8	(695.1)
Revenue Support Grant	0.0	0.0	0.0
Business Rates Retained	(3,079.5)	(3,079.5)	0.0
Parish Precepts	1,847.8	1,847.8	0.0
Surplus on Previous Years' Collection Fund - Ctax	(108.2)	(108.2)	0.0
Deficit on Previous Years' Collection Fund - NDR	2,053.1	2,053.1	0.0
Council Tax Requirement	10,089.1	9,394.0	(695.1)

GENERAL FUND VARIANCE**695.1**

GENERAL FUND REVENUE SUMMARY - 2022/23
excluding asset charges and pension transfers

	(1)	(2)	(3)
	Original		(Under) /
	Estimate	Actual	Over
	2022/23	2022/23	Spend
	£'000	£'000	£'000
Service Requirements			
Chief Executive's Office	(9.6)	(151.3)	(141.7)
Community & Leisure	1,659.7	2,145.3	485.6
Environmental Service	5,614.7	5,367.4	(247.3)
Finance & Revenues	1,793.2	1,640.0	(153.2)
Housing & Environmental Health	2,852.0	1,332.2	(1,519.8)
I.T.	(69.2)	(168.0)	(98.8)
Legal & Democratic	76.8	(231.9)	(308.7)
Planning & Building	2,317.1	2,995.8	678.7
Planning Policy & Economic Development	2,027.9	2,009.2	(18.7)
Property & Asset Management	(6,114.3)	(6,311.0)	(196.7)
Strategy & Innovation	54.2	(168.5)	(222.7)
	10,202.5	8,459.2	(1,743.3)
Other Requirements			
Benefits	(20.8)	100.0	120.8
Corporate & Democratic Core	2,113.1	1,919.4	(193.7)
Net Cost of Services	12,294.8	10,478.6	(1,816.2)
Corporate Requirements			
Contingency Provision	36.2	0.0	(36.2)
Investment Income	(1,792.2)	(2,087.0)	(294.8)
Borrowing Costs	151.3	150.7	(0.6)
Minimum Revenue Provision	199.9	199.9	0.0
New Homes' Bonus	(2,104.7)	(2,104.7)	0.0
Small Business Rate Relief & other S31 grants	(5,347.0)	(4,765.6)	581.4
Other Government grants	(652.0)	(713.4)	(61.4)
Provision for NDR surplus 'levy'	2,559.4	2,234.9	(324.5)
Retention of NDR re Renewable Energy Schemes	(398.6)	(393.8)	4.8
Write Offs / Year End Transfers	0.0	(17.8)	(17.8)
Net General Fund Expenditure	4,947.1	2,981.8	(1,965.3)
Transfer to / (from) Earmarked Reserves	162.4	2,083.4	1,921.0
Transfer to Asset Management Reserve	1,901.6	1,250.8	(650.8)
Contribution to Capital Balances	2,364.8	2,364.8	0.0
GENERAL FUND REQUIREMENTS	9,375.9	8,680.8	(695.1)
Revenue Support Grant	0.0	0.0	0.0
Business Rates Retained	(3,079.5)	(3,079.5)	0.0
Parish Precepts	1,847.8	1,847.8	0.0
Surplus on Previous Years' Collection Fund - Ctax	(108.2)	(108.2)	0.0
Deficit on Previous Years' Collection Fund - NDR	2,053.1	2,053.1	0.0
Council Tax Requirement	10,089.1	9,394.0	(695.1)

GENERAL FUND VARIANCE

695.1

ITEM 8 Treasury Management Outturn 2022/23

Report of the Finance and Resources Portfolio Holder

Recommended:

That the Annual Treasury Management Report for 2022/23 and the Prudential Indicators for the year, as shown in the Annex to the report, be noted.

SUMMARY:

- This report reviews the performance of the Treasury Management function in 2022/23 compared with the forecasts and policies set out for the year.
- Investment income for the year was around £114,100 higher than the level of income included in the forecast in February 2023.

1 Introduction

- 1.1 The Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for each financial year. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management, (the Code), and the CIPFA Prudential Code for Capital Finance in Local Authorities, (the Prudential Code).
- 1.2 The regulatory environment places responsibility on Members for the review and scrutiny of treasury management policy and activities. This report is, therefore, important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by members.

2 The Council's Capital Expenditure and Financing

- 2.1 The Council undertakes capital expenditure on long-term assets. These activities may either be:
- Financed immediately through the application of capital or revenue resources (capital receipts, capital grants, revenue contributions etc.), which has no resultant impact on the Council's borrowing need; or
 - If insufficient financing is available, or a decision is taken not to apply resources, the capital expenditure will give rise to a borrowing need.
- 2.2 The actual capital expenditure forms one of the required prudential indicators. The table below shows the actual capital expenditure and how this was financed.

£M	2021/22 Actual	2022/23 Forecast	2022/23 Actual
Capital expenditure	8.7	13.3	7.2
Financed in year	8.7	13.3	7.2
Unfinanced capital expenditure	0	0	0

3 The Council's Overall Borrowing Need

- 3.1 The Council's underlying need to borrow to finance capital expenditure is termed the Capital Financing Requirement (CFR).
- 3.2 **Gross borrowing and the CFR** - in order to ensure that borrowing levels are prudent over the medium term and only for a capital purpose, the Council should ensure that its gross external borrowing does not, except in the short term, exceed the total of the capital financing requirement in the preceding year (2022/23) plus the estimates of any additional capital financing requirement for the current (2023/24) and next two financial years. This essentially means that the Council is not borrowing to support revenue expenditure. The table in the Annex highlights the Council's gross borrowing position against the CFR. The Council has complied with this prudential indicator.

4 Treasury Performance in 2022/23

- 4.1 The Council managed all investments in-house in 2022/23.
- 4.2 Most investments during the year were placed in call-accounts or fixed-term deposits for durations of up to one year. At the year-end, the Council also held investments with five Local Authorities, totalling £25M, for periods of up to five years.
- 4.3 The average return on investments for the year was 1.86% compared to the average benchmark rate of 3.13%, an underperformance of 1.27%. This is largely the result of fixed-rate investments that were placed before interest rates started to rise in late 2021.
- 4.4 The Council's investment position at the end of the year is detailed below.

	Principal at 31/03/23 £M	Principal at 31/03/22 £M	Rate of Return 2022/23 %	Benchmark Return %	Variance %
Internally Managed Investments	90.4	90.4	1.86	3.13	-1.27

- 4.5 Of the principal invested on 31 March 2023, £60M was invested in fixed rate, fixed term deposits. The remainder was invested in call and notice accounts with access ranging from immediate to 95 days' notice.

- 4.6 A comparison of the investment interest earned with the original budget and forecast is shown in the table below.

	Original Budget 2022/23 £000	Forecast 2022/23 £000	Actual 2022/23 £000	Variance to Original £000
Interest on Investments	535.2	1,877.5	1,991.6	1,456.4

- 4.7 Income received on the Council’s cash balances exceeded the income expected within the budget forecast, which was prepared in February 2023, by £114,100. Overall, there was a positive variance of £1,456,400, compared to original budget. These variances are due to rates obtained on investments being higher than forecasted plus multiple increases in Interest Rates from December 2021 onwards.

5 The strategy for 2022/23

- 5.1 Investment returns picked up throughout the course of 2022/23 as central banks, including the Bank of England, realised that inflationary pressures were not transitory, and that tighter monetary policy was called for.
- 5.2 Starting April at 0.75%, Bank Rate moved up in stepped increases of either 0.25% or 0.5%, reaching 4.25% by the end of the financial year, with the potential for a further one or two increases in 2023/24.
- 5.3 The sea-change in investment rates meant the Council was faced with the challenge of pro-active investment of surplus cash for the first time in over a decade, and this emphasised the need for a detailed working knowledge of cashflow projections so that the appropriate balance between maintaining cash for liquidity purposes, and “laddering” deposits on a rolling basis to lock in the increase in investment rates as duration was extended, became an on-going feature of the investment landscape.
- 5.4 Meanwhile, through the autumn, and then in March 2023, the Bank of England maintained various monetary policy easing measures as required to ensure specific markets, the banking system and the economy had appropriate levels of liquidity at times of stress.
- 5.5 While the Council has taken a cautious approach to investing, it is also fully appreciative of changes to regulatory requirements for financial institutions in terms of additional capital and liquidity that came about in the aftermath of the financial crisis. These requirements have provided a far stronger basis for financial institutions, with annual stress tests by regulators evidencing how institutions are now far more able to cope with extreme stressed market and economic conditions.

- 5.6 Investment balances in 2022/23 have been kept to a minimum through the agreed strategy of using reserves and balances to support internal borrowing, rather than borrowing externally from the financial markets. External borrowing would have incurred an additional cost, due to the differential between borrowing and investment rates. Such an approach has also provided benefits in terms of reducing the counterparty risk exposure, by having fewer investments placed in the financial markets.

6 Prudential Indicators and Treasury Limits

Prudential Indicators

- 6.1 The prudential indicators and borrowing limits are shown in the Annex and are relevant for setting an integrated treasury management statement.
- 6.2 The first indicator is the ratio of financing costs to net revenue stream. This compares the Council's net investment income and borrowing expenditure as a ratio of the budget requirement. A negative figure shows that investment income is greater than borrowing costs.
- 6.3 The second indicator is the Capital Financing Requirement (CFR). This is the total amount by which the funding of capital expenditure is reliant on external borrowing.

7 Consultations/ Communications

- 7.1 The Council's treasury advisors, Link Asset Services, have been consulted in the preparation of this report.

8 Equality Issues

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

9 Conclusion and reasons for recommendation

- 9.1 The Council achieved an average investment income rate of 1.86% in the year compared with an average benchmark figure of 3.13%.
- 9.2 Actual income for the year was above the original estimate by £1,456,400 and was also £114,100 above the forecast set in February 2023.
- 9.3 The report summarises performance during 2022/23. It does not propose any changes in respect of Treasury Management in the future and therefore the recommendation is that the report be noted.

Background Papers (Local Government Act 1972 Section 100D)

None

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: Finance and Resources) Councillor M Flood			
Officer:	Simon Skeates	Ext:	8817
Report to:	Cabinet	Date:	7 June 2023

Prudential Indicators

PRUDENTIAL INDICATOR	2021/22	2022/23	2022/23	2023/24	2024/25	2025/26
EXTRACT FROM BUDGET	£'000	£'000	£'000	£'000	£'000	£'000
	Actual	Forecast	Actual	Estimate	Estimate	Estimate
Capital Expenditure	7,795	13,372	7,156	18,579	11,025	3,500
Ratio of financing costs to net revenue stream	-5.0%	-29.5%	-32.9%	-27.8%	-22.0%	-21.4%
Capital Financing Requirement (CFR) b/f	6,394	6,199	6,199	5,999	5,795	5,586
Minimum Revenue Provision	(196)	(200)	(200)	(204)	(209)	(214)
Internal Debt in year						
External Debt in year						
Capital Financing Requirement (CFR) c/f	6,199	5,999	5,999	5,795	5,586	5,372
Gross debt <= CFR actuals + 3 years						
Gross debt		6,543	6,543	6,303	6,058	5,806
CFR + 3 years movement		6,199	6,199	5,999	5,794	5,585
Difference		(344)	(344)	(304)	(264)	(221)

Prudential Indicators

PRUDENTIAL INDICATOR	2021/22	2022/23	2022/23	2023/24	2024/25
TREASURY MANAGEMENT PRUDENTIAL INDICATORS	£'000	£'000	£'000	£'000	£'000
	Actual	Actual	Estimate	Estimate	Estimate
Authorised Limit for external debt	20,000	20,000	20,000	20,000	20,000
Operational Boundary for external debt	20,000	20,000	20,000	20,000	20,000
Upper limit for fixed interest rate exposure					
Net principal re fixed rate borrowing / investments	100 %	100 %	100 %	100 %	100 %
Upper limit for variable rate exposure					
Net principal re variable rate borrowing / investments	50 %	50 %	50 %	50 %	50 %
Upper limit for total principal sums invested for over 364 days (amount shown subject to being not more than 50% of the portfolio size at the time the investment is placed)	£35,000	£35,000	£35,000	£35,000	£35,000
Maturity structure of fixed rate borrowing during 2021/22	Upper limit		Lower limit		
Less than 1 year	100 %		0 %		
1 year to less than 2 years	100 %		0 %		
2 years to less than 5 years	100 %		0 %		
5 years to less than 10 years	100%		0 %		
10 years or longer	100%		0 %		

ITEM 9 Infrastructure and Developer Contributions Supplementary Planning Document

Report of the Planning Portfolio Holder

Recommended:

- 1. That the Infrastructure and Developer Contributions Supplementary Planning Document, attached as at Annex 1 to the report, be adopted and replace the Infrastructure and Developer Contributions Supplementary Planning Document 2009.**
- 2. That the Head of Planning Policy and Economic Development be given delegated authority in consultation with the Planning Portfolio Holder, to make changes of a minor nature prior to publication.**

SUMMARY:

- The Infrastructure and Developer Contributions document is recommended for adoption as a Supplementary Planning Document (SPD). The SPD provides a basis for securing infrastructure and financial contributions through developer obligations. It will primarily be used as a tool by developers and the Development Management Service to secure planning obligations to mitigate the impact of development.
- The SPD has been prepared to replace the existing SPD (adopted in 2009) taking account of relevant legislation and evidence on securing infrastructure and developer contributions.
- The options under consideration are whether or not to adopt the recommended SPD.

1 Introduction

- 1.1 This report is proposing that the appended Infrastructure and Developer Contributions Supplementary Planning Document (SPD) is adopted. When adopted, the SPD will provide an updated framework for securing infrastructure and developer contributions to mitigate the impact of development. The new SPD will replace the adopted Infrastructure and Developer Contributions SPD (2009).

2 Background

- 2.1 The Infrastructure and Developer Contributions Supplementary Planning Document (SPD) sets out detailed requirements for securing infrastructure and developer contributions based on policies and requirements in the Adopted Local Plan 2016 (RLP 2016) in particular Policy COM15: Infrastructure which requires infrastructure to be secured as part of new developments. Other RLP 2016 policies are also relevant as each topic in the SPD correlates with a policy.

- 2.2 An SPD is defined in the NPPF (2021) as *“Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.”* Therefore Supplementary Planning Documents must be in accordance with the Adopted Local Plan which forms part of the development plan.
- 2.3 The SPD sets out the type of infrastructure and developer contributions which are generally secured through legal agreements as part of the planning process. This includes new residential and commercial development. The SPD is split into the topics covering the various types of infrastructure including public open space, education, healthcare, community facilities, biodiversity enhancements and economic skills plans. The Council’s approach to securing these is set out, along with an explanation for the justification and evidence behind that contribution.
- 2.4 The document will be especially relevant to new developments in the borough which are nil-rated for the Community Infrastructure Levy (CIL). Infrastructure and developer contributions will be secured through legal agreements in these cases (such as the strategic allocation of Whitenap in Romsey). The SPD has been updated to reflect the Council’s current requirements and expectations. It takes into account the relevant evidence base, Council processes and legislation.
- 2.5 The nature of infrastructure delivery has evolved since the adoption of the existing SPD in 2009. The Council adopted a CIL Charging Schedule in 2016 which levies CIL for certain developments and the SPD addresses the addition of CIL along with specific requirements for developer contributions (Regulation 122 of the Community Infrastructure Regulations, 2010 which set out the requirements for securing developer contributions). The Council has also been undertaking a review of the New Neighbourhoods which have been provided in the Borough. The findings from this work have informed the content of the document, for example the inclusion of a section detailing the role of Community Development Workers.
- 2.6 Infrastructure is delivered by a range of providers which the Council works in partnership with. For example Hampshire County Council has a responsibility as the Highways Authority for highway infrastructure and the Hampshire and Isle of Wight Integrated Care Board has a responsibility for healthcare facilities. Engagement with these providers is important in ensuring the delivery of infrastructure which is needed in the Borough. The Council supports these providers in the delivery of necessary infrastructure as much as possible, however is reliant on these providers to deliver the appropriate infrastructure, which can be out of the Council’s control. A collaborative approach has been therefore taken with engagement with other services within the Council and organisations to draft the SPD. This has involved reviewing the adopted SPD’s requirements and our existing processes.

- 2.7 The SPD is different to the existing document as new items of infrastructure have been included to reflect additional evidence of need. This has included a new section on healthcare facilities and reference to national requirements related to the protection of sensitive habitats and species (such as nutrient neutrality). We have streamlined the document and ensured there is a clear link to the relevant Local Plan policy. Changes from the adopted SPD include:
- (a) Removal of Archaeology section
 - (b) Addition of requirements related to the protection of habitats and species (such as nutrient neutrality requirements)
 - (c) Requirements related to Community Development Workers
 - (d) Requirements related to commercial and non-commercial facilities
 - (e) Requirements related to healthcare facilities
 - (f) Requirements related to Employment and Skills Plans
- 2.8 The Council is currently in the process of drafting the Local Plan 2040. The production of the new Local Plan (2040) provides an opportunity to review viability and the range of infrastructure/ mitigation required. There is potential for the draft SPD to be updated following the adoption of the Local Plan 2040, to reflect its policies.
- 2.9 It should be noted that Hampshire County Council (HCC) undertook public consultation in February and March of 2023 on a draft Infrastructure and Planning Obligations guidance document. The document includes topics which aren't covered in the TVBC Infrastructure and Developer Contributions SPD such as libraries and archive provision, adult services & supported/extra care housing, waste management, public health, countryside and public rights of way and flood water management/Sustainable Urban Drainage Systems (SUDs). The topics in the HCC documents are at various stages of the development in their evidence base. Through consultation with HCC, the SPD makes reference to public rights of way and SUDs in relevant sections of the SPD, while liaison continues on the most appropriate way to address the other topics (e.g. through the emerging Local Plan 2040).

3 Corporate Objectives and Priorities

- 3.1 The Council's Corporate Plan 2023 - 2027 sets out five strategic priorities, relating to sustainability, connections, inclusion, environment and prosperity. This matter relates to all five priorities as it provides a mechanism for securing developer contributions and infrastructure on a range of topics including environmental enhancements, community facilities and recreational spaces. The SPD can support the overarching intentions of the Corporate Plan in ensuring the provision of Infrastructure to improve the lives of residents, enhance and protect the environment and support communities by meeting their needs.

4 Consultations

- 4.1 In accordance with (The Town and Country Planning (Local Planning) (England) Regulations 2012, Part 5 Regulation 12(b)) and the Council's Statement of Community Involvement consultation on the draft SPD took place for 6 weeks from Friday 4 November to Friday 16 December 2022. There were a total number of 27 responses to the public consultation. A summary of consultation comments and officer responses is appended to this report in Annex 2.
- 4.2 The consultation demonstrated support for clarification on the approach to securing infrastructure and developer contributions, particularly with regard to how on-site infrastructure will be secured. Support for reference and details of the requirements of other infrastructure providers and statutory organisations such as the Integrated Care Board (ICB) and Hampshire County Council were met with a positive response.
- 4.3 The key issues and concerns raised are summarised as follows:
- Public art - Introduction of a methodology to calculate financial contributions towards public art and the fact that there is no policy in the adopted Local Plan or policy reference to the requirement for public art in the adopted Local Plan 2040
 - Healthcare infrastructure – reference to introduction of a formulaic approach to calculating a financial contribution to mitigate the impact of development on local health infrastructure
 - Skills and training – concern that the introduction of a methodology to calculate financial contributions to mitigate the impact of large-scale employment development on the local labour market.
- 4.4 The NHS Health Building Note 11 -01 referred to in the SPD is part of a series of nationally set NHS guidance notes used by the local health authorities include the Hampshire and Isle of Wight Integrated Care Board (ICB). It sets out how impact on existing services is assessed and additional capacity is identified and calculated to come up with a quantity of space. It doesn't set out a threshold for development which would trigger a financial contribution or even ascribe costs to the calculation of space, as such Health Building Note 11-01 is not considered to constitute a formulaic approach. Given there is absence of any other guidance for developers about health infrastructure, other than what is in site specific allocation policies and infrastructure policy COM15, keeping reference to Health Building Note 11 – 01 is helpful for the development industry to understand the ICBs starting point for deriving a financial contribution, provided any request for a financial contribution can meet the tests set out in CIL Regulation 122.
- 4.5 With regard to employment and skills, the principle for a financial contribution is already set out in adopted Local Plan Policy ST1 (Skills and Training). While the National Planning Practice Guidance sets out that it isn't appropriate for SPDs to set out new formulaic approaches to securing contributions, the SPD is an appropriate mechanism to make the scale of contribution clearer, given

the requirement is identified in the adopted policy of the 2016 Revised Local Plan. Provided a financial contribution for skills and training can meet the requirements of CIL Regulation 122, it is considered appropriate to set out the methodology for calculating financial contributions towards employment and skills training.

- 4.6 The contribution set out in the appended SPD of £200 per job created multiplied by the employment density has been evidenced through previous planning applications for large scale employment development and is derived from the cost of a training intervention applied to the employment potential of sites and will be secured where there is evidence of impact on local labour market.
- 4.7 With regard to public art, the principle for securing a financial contribution is not set out in any policies in the adopted Local Plan (RLP 2016). The consultation draft SPD included a formulaic approach to securing contributions for public art and would only be sought on developments of greater than 300 dwellings or employment floor space of over 1,000 square metres. However, the National Planning Practice Guidance (NPPG) sets out that SPDs shouldn't seek to introduce formulaic methodologies for developer contributions.
- 4.8 It was considered that as TVBC had been successful in delivering public art and community led public art projects through historic S106 agreements, that this should continue and be tested through public consultation on the draft SPD, serving also as a means of highlighting the importance that TVBC places on the role of public art in place-making and community connections and inclusion. It also indicates the direction of travel through the emerging Local Plan 2040 where there is an opportunity for either a distinct policy on public art or for public art to be a principal element of other policies, such as Design, of the emerging Local Plan 2040.
- 4.9 Given that there is no adopted planning policy enabling financial contributions towards public art to be secured, this section has been amended since the draft SPD was publicly consulted on. This section of the document now focusses on encouraging opportunities to secure and deliver public art as part of Policy E1 (High Quality Development in the Borough) to reflect the fact that public art plays an important role in place-making and inclusion of communities in establishing both new residential and commercial developments. Policy E1 requires development to be of high quality in terms of design and local distinctiveness and public art can play a role in providing interest and enhancing design which is referenced in the supporting text (paragraph 7.14) of Policy E1.
- 4.10 A number of changes have been made to the SPD since the document was publicly consulted on in addition to the omission of the public art section. Changes in response to the representations from public consultation are captured in the schedule of comments and officer responses (Annex 1). This also includes additional information about where a change has been considered appropriate to the document and the specific amendment. Most of these changes are not considered substantive but have been made to provide clarification and/or additional information.

- 4.11 Other changes to the document focus on Section 11 (Sports, Recreation and Open Space) where amendments provide additional clarity to take into consideration during the design and delivery of sporting and recreational open spaces, including the guidance or requirements of sporting/recreational national governing bodies. This section also makes linkages with overlapping topic areas such as the role of the Public Rights of Way network and Sustainable Urban Drainage systems in the design and operation of public spaces.
- 4.12 Additional changes have been made throughout the document to reflect correct terminology, typographical errors, grammatical/punctuation corrections, updated footnotes and amendments to references where documents, legislation and guidance have been updated or changed.

5 Options

- 5.1 There are three options for consideration. 1. To adopt the SPD. 2. To not adopt the SPD. 3. Develop and adopt an alternative to the SPD.
- 5.2 Options appraisal:
- 5.3 The first option is to adopt the SPD to enable the Council to secure contributions towards infrastructure. The second option is to not adopt the new SPD and retain the existing SPD at the risk of not being able to secure the appropriate types and amounts of infrastructure to mitigate the impact of development.
- 5.4 If the draft Infrastructure and Developer Contributions Supplementary Planning Document was adopted, the Council would use the document in the negotiation of planning applications to secure the necessary infrastructure and/or financial contributions to mitigate the impact of individual developments on the local and strategic infrastructure. The document will provide guidance to developers and the public on how the Council, alongside relevant statutory organisations such as Hampshire County Council and the Integrated Care Board, will expect developers to secure and deliver on and off-site mitigation. For this reason, this option (option 1) is recommended.
- 5.5 To not adopt the SPD would mean the Council would rely on the adopted SPD from 2009 which is not based on the policies in the adopted local plan or take account of new national policies such as the requirement for measures to mitigate pollution in the Solent water from nitrates. The SPD also articulates in detail how the Council expects infrastructure such as public open space and community centres to be planned for and delivered as part of the process of securing facilities and spaces. To not adopt the new SPD could lead to poor quality development and harmful impacts on the social, economic and natural environment through the Council not being able to secure the appropriate type, scale and phasing of infrastructure to support development coming forward within the Borough. For these reasons, this option (option 2) is not recommended.

- 5.6 The third option is to develop and adopt an alternative to the SPD, such as a guidance document. The SPD as appended has been drafted with the input of professional officer and informed by representations on public consultation to the draft document. It is considered that the appended SPD is a robust and effective mechanism to secure planning obligations for the purposes of mitigating the impact of development in line with the adopted policies in the Local Plan 2016. For these reasons, option 3 is not recommended.

6 Resource Implications

- 6.1 Implementation of the adopted SPD will be incorporated into the Council's business and statutory responsibilities and can be met within existing resources.

7 Legal Implications

- 7.1 Once adopted as an SPD, the document will form part of the Council's suite of planning documents and would be a material consideration in the determination of planning applications. In order to achieve the status the relevant Regulations have to be complied with.

8 Equality Issues

- 8.1 An EQIA screening has not identified any potential for unlawful discrimination or adverse impact.

9 Other Issues

- 9.1 Community Safety - none

- 9.2 Environmental Health Issues - none

- 9.3 Sustainability and Addressing a Changing Climate – none. The SPD would contribute towards the negotiation and securing of infrastructure and developer contributions to mitigate the impact of new development. This will contribute towards the provision of sustainable new development in the Borough as the infrastructure and developer contributions improves the sustainability of new development.

- 9.4 Property Issues - The Council is a significant landowner within the town centre regeneration areas of Andover and Romsey where this document will be used to secure appropriate infrastructure. As landowner, the Council is also highly likely to be the recipient of community facilities and public open space. The SPD sets out in detail how the Council expects such facilities to be planned for, secured and delivered.

- 9.5 Wards/Communities Affected: All wards

10 Conclusion

- 10.1 The SPD will be used in the negotiation of planning applications to secure the necessary infrastructure and/or financial contributions to mitigate the impact of individual developments on the local and strategic infrastructure. The document will provide guidance to developers and the public on how the Council expects developers to secure and deliver on and off-site mitigation. It is considered that the SPD (Annex 1) should be adopted.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Revised Local Plan (DPD) Test Valley Borough Council			
Statement of Community Involvement (SCI) Test Valley Borough Council			
<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:	2	File Ref:	N/A
(Portfolio: Planning) Councillor P Bundy			
Officer:	Katie Rasdall Lawes	Ext:	8256
Report to:	Cabinet	Date:	7 June 2023

Test Valley Borough Council

Infrastructure and Developer Contributions Supplementary Planning Document

Cabinet version

7 June 2023

Contents

1.....	Introduction	4
2. Purpose of the Document.....		4
3. Policy Context.....		5
4. Developer Contributions.....		5
5. Section 106 Planning Obligations.....		6
6. Section 278 and Section 38 Agreements		6
7. Community Infrastructure Levy		7
8. Summary of Developer Contributions.....		7
9.....	Planning Obligations for Infrastructure	8
10. Affordable Housing and Community Led Development.....		8
11. Sports, Recreation and Open Space		9
General Public Open Space Requirements		9
Outdoor Sports Facilities.....		10
Parks and Public Gardens		11
Informal Recreation Areas		11
Children and Teenagers Play Space		12
Allotments		12
Maintenance of Public Open Space.....		13
Biodiversity.....		13
International Nature Conservation Designations		14
The Solent Recreation Mitigation Strategy		14
New Forest Recreation Mitigation Strategy		15
Impact of Nutrients on Internationally Designated Water Bodies.....		16
Flood Risk		16
Sustainable Drainage Systems (SuDS).....		17
Green Infrastructure.....		17
12 Facilities within New Communities.....		18
Commercial Facilities.....		18
Community Centres		20
Community Development Workers		21
Other Non-commercial facilities		22
Education		23
Indoor Sports Facilities.....		23

13	Health Infrastructure	24
14	Employment and Skills	26
	Employment Skills Plan (ESP).....	26
15	Highways, Transport and Travel	28
16	Public art	30
	Public Art Process.....	31
17	Other Contributions	32
	Site specific Public Services	32
	Utilities, telecommunications and broadband	32
18	Development Viability	33
	How will contributions be determined and prioritised?	33
	Land value.....	33
	What Should a Viability Assessment Contain?	34
	The Council's approach to negotiating proposals which are not viable.....	34
19	Spending and Monitoring	34
	Fees	34
	Monitoring.....	34
	Indexing	35
	Invoicing	35
	Enforcement.....	36
	Payment of Monies.....	36
20	Glossary	37
	Appendix 1: A Map Showing the Recreation Impact Mitigation Zone for the Solent SPAs	39
	Appendix 2: A map showing the Recreational Impact Mitigation Zone for the New Forest SAC, SPA and Ramsar	40
	Appendix 3: A Sample Community Development Worker Job Description and Person Specification	41

Section 180 (5) (d) Planning Act (2008) removed the compulsory requirement for a Sustainability Appraisal for a Supplementary Planning Document (SPD). It is not considered that this SPD would have a significant social, environmental or economic effect, therefore this document has not been subject to assessment under The Environmental Assessment of Plans and Programmes Regulations 2004 (as amended).

1. Introduction

- 1.1. This Supplementary Planning Document (SPD) has been prepared by Test Valley Borough Council as part of its planning policy framework. It supplements the policies of the Test Valley Revised Local Plan 2011-2029 (referred to as the Local Plan) which was adopted on 26th January 2016.
- 1.2. Infrastructure is key to the delivery of the objectives and strategy of the Local Plan and the priorities of the Council's Corporate Plan. This document supports the delivery of infrastructure and helps to guide the Council's approach to the delivery of infrastructure requirements associated with new development.
- 1.3. Section 216 of the Planning Act 2008 describes the types of infrastructure that can be supported. This description can be used as a basis for the definition of infrastructure generally and includes roads and other transport facilities, flood defences, school and other educational facilities, medical facilities, sporting and recreational facilities and open spaces.
- 1.4. For the ease of reference, the term 'infrastructure' in this SPD is used (unless stated otherwise) to include all matters for which contributions may be sought.
- 1.5. The draft SPD was publicly consulted on between 4 November and 16 December 2022 and has been prepared in accordance with the relevant legislation¹.

2. Purpose of the Document

- 2.1. This document provides detailed guidance on the application of the Adopted Local Plan policies in respect of developer contributions secured through planning applications. It sets out the Council's expectations regarding the approach to negotiation and specifies the standard required for the implementation and delivery of some items of infrastructure such as built facilities and public open space. The Council expects new development to contribute to site related and other infrastructure needs. On adoption, this document will replace the existing Infrastructure and Developer Contributions SPD (2009).
- 2.2. The purpose of this SPD is to:
 - Explain the Council's approach to using planning obligations to local residents, developers and the wider community;
 - Explain the circumstances under which the Council will collect Section 106 contributions to mitigate the impacts of a development on infrastructure;
 - Provide applicants with greater certainty on when planning obligations will be sought.
- 2.3. This guidance does not cover every possible circumstance and/or obligation that may need to be taken into account, but it provides a clear indication of the Council's essential requirements from new development in respect of the provision of infrastructure. It will inform applicants of planning obligations and

¹ <https://www.legislation.gov.uk/ukxi/2004/2204/part/5/made>

costs which are likely to be required at an early stage in the development process and to assist in their costs formulation and undertaking financial appraisals.

3. Policy Context

- 3.1. All development proposals should be determined in accordance with national planning policy and guidance and the Council's development plan unless material planning considerations indicate otherwise.
- 3.2. Test Valley's Development Plan includes the Adopted Revised Test Valley Borough Local Plan 2011- 2029, made (adopted) Neighbourhood Plans and the Hampshire Minerals and Waste Plan (2013)². A five year review of the Adopted Revised Local Plan was undertaken in January 2021 and concluded that the spatial strategy remains sound and plan policies remain up to date and continue to provide a robust basis for decision making in the determination of planning applications. This SPD supports the delivery of the Adopted Revised Local Plan 2011 - 2029 and will be an important material consideration. The main relevant policy is COM15 which sets out specific infrastructure requirements to support the strategic allocations identified within the individual site allocation policies. Infrastructure requirements for all other proposals are assessed on a site-by-site basis in accordance with relevant Local Plan Policies.
- 3.3. The Council is currently in the process of preparing the next Local Plan and is at Stage 1, Regulation 18 stage. Following the Adoption of the next Local Plan, this SPD will be updated.
- 3.4. Alongside the Development Plan there are a number of other relevant documents and strategies which development proposals will need to consider³. This includes the Council's Village Design Statements⁴, Masterplans for Andover and the South of Romsey Town Centre⁵, along with Hampshire County Council's plans and strategies. Hampshire County Council have also consulted on draft Guidance for Planning Obligations and Infrastructure in February and March 2023 setting out its approach to seeking planning contributions and how it will engage with the planning process reflecting the services they provide⁶. Regard should be had to the Hampshire County Council's guidance and policies.

4. Developer Contributions

- 4.1. Developer contributions seek to mitigate the negative impacts of development, address infrastructure needs and meet Local Plan policy requirements. This may either be delivered directly by the developer or through a financial or other

² <https://documents.hants.gov.uk/mineralsandwaste/HampshireMineralsWastePlanADOPTED.pdf>

³ [Planning Policy | Test Valley Borough Council](#)

⁴ [Village Design Statements | Test Valley Borough Council](#)

⁵ <https://www.testvalley.gov.uk/town-centre-redevelopment/redev-andover> and <https://www.testvalley.gov.uk/planning-and-building/planningpolicy/south-of-romsey-town-centre-masterplan>

⁶ [Consultation on new Draft Guidance on Planning Obligations | About the Council | Hampshire County Council \(hants.gov.uk\)](#)

contribution towards their provision or enhancement. The Council encourages early engagement as part of the pre-application advice service offered to discuss infrastructure requirements.

- 4.2. The main mechanisms used to secure infrastructure funding and provision are the Community Infrastructure Levy (CIL), planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended) and under Section 278 of the Highways Act 1980. In some circumstances conditions attached to planning permissions may also be used to secure non-financial mitigation, to define timings or apply standards.

5. Section 106 Planning Obligations

- 5.1. Planning obligations under Section 106 (S106) of the Town and Country Planning Act 1990 are entered into as legal agreements between local planning authorities, landowners, developers and any others with an interest in the land. In certain circumstances an applicant/developer may submit a unilateral undertaking by way of a planning obligation.
- 5.2. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms, in accordance with national policy. Planning obligations may impose financial and/ or non-financial obligations on those with an interest in the land to which they relate.
- 5.3. Planning Obligations will be negotiated on a site-by-site basis in accordance with Regulation 122 of the Community and Infrastructure Regulations 2010⁷. They may:
 - Be unconditional or subject to conditions;
 - Impose any restriction or requirement for an indefinite or specified period; and
 - Provide for payments of money to be made, either of a specific amount or by reference to a formula, and require periodical payments to be paid indefinitely or for a specified period.
- 5.4. Contributions may be sought to fund a single item of infrastructure or to fund part of an infrastructure item or service and for the initial provision and/or ongoing running and maintenance costs of services and facilities.
- 5.5. Local Planning Authorities have the discretion to secure contributions towards the monitoring of obligations secured through s106 agreements. Planning policies seeking planning obligations should be grounded in an understanding of development viability through the plan making process⁸.

6. Section 278 and Section 38 Agreements

- 6.1. Where development requires work to be carried out on the existing adopted highway, an agreement under Section 278 of the Highways Act 1980 will need to be completed between the developer and either the Secretary of State for

⁷ <https://www.legislation.gov.uk/ukdsi/2010/9780111492390/regulation/122>

⁸ <https://www.gov.uk/guidance/viability>

Transport (for the strategic road network) : or Hampshire County Council as the Local Highway Authority (for the local road and Public Rights of Way Network).

- 6.2. Amendments to the CIL Regulations in 2014 restrict the way Section 278 (S278) Agreements can be used. The purpose of the restriction is to ensure that S278 Agreements cannot be required for works that are intended to be funded through the Community Infrastructure Levy.
- 6.3. An agreement under Section 38 of the Highways Act 1980 can be used when a developer proposes to construct a new estate road for residential, industrial or general purpose traffic or a Public Right of Way that may be offered to the Highway Authority for adoption as a public highway.

7. Community Infrastructure Levy

- 7.1. The Community Infrastructure Levy (CIL) is a fixed, non-negotiable and enforceable locally set tariff which is levied upon commencement of development. The Council has an Adopted CIL Charging Schedule⁹ setting out the charges for CIL -liable development.
- 7.2. The Council's Spending Protocol and Infrastructure Funding Statement set out further details of how the Council's CIL is distributed and spent.
- 7.3. Where a development is liable for CIL but site specific mitigation are required to make the development acceptable in planning terms, the Council will seek to secure mitigation measures through the use of a S106 agreement.

8. Summary of Developer Contributions

- 8.1. Table 1 summarises the relationship between the mechanisms for securing developer contributions.

Table 1

Mechanism	Purpose
Community Infrastructure Levy	Can be used for any infrastructure needed to support the development in the Borough
Section 106 Obligations	Planning obligations are frequently secured through Section 106 Agreement but may also be secured through a Section 106 Unilateral Undertaking. They can be used to secure on-site infrastructure and contributions towards off-site infrastructure required to make the development acceptable in planning terms.
Section 278 Agreements	Allows developers to fund alterations and improvements to the public highway in the public interest.
Planning Condition	To mitigate the potential adverse effects of the proposed development and ensure compliance with development plan policy. To enable development proposals to proceed where it would be otherwise necessary to refuse planning permission. To make the development acceptable (where the requirement does not involve the payment of money or the transfer of land ownership).

⁹ <https://www.testvalley.gov.uk/planning-and-building/cil>

9. Planning Obligations for Infrastructure

9.1. Sections 10 to 17 looks in further detail at the different types of planning obligations the Council will seek to secure via a legal agreement on a theme basis.

10. Affordable Housing and Community Led Development

10.1. The Council's policy on affordable housing is contained within Local Plan Policy COM7 and supplemented by the Affordable Housing SPD (2020) which sets out how Policy COM7 will be applied in light of national guidance¹⁰.

10.2. Policy COM7 takes account of the economics of provision in both providing affordable housing on site and a financial contribution for off-site provision in lieu. Where circumstances arise, the Council will take into consideration financial viability in negotiating the tenure and mix of affordable housing, the percentage of affordable housing on site or a financial contribution for off-site provision. For further information on the Council's approach to securing affordable housing, please refer to the Council's Affordable Housing SPD¹¹.

Type of development	Residential development
Contribution Sought	A legal agreement will be used to secure affordable housing in the form of physical provision or a financial contribution towards off-site provision. The precise mix and tenure for provision on site will be specified in the legal agreement. Further details of this are set out in the Affordable Housing SPD (2020).
Relevant Adopted Local Plan Policies	COM7

¹⁰ NPPF 2021.

¹¹ <https://www.testvalley.gov.uk/planning-and-building/planningpolicy/supplementary-planning-documents/affordable-housing-supplementary-planning-document-ah-spd>

11. Sports, Recreation and Open Space

11.1. The Adopted Local Plan Policy LHW1 sets out the public open space requirements for new housing development where there is a net increase in population, along with definitions of public open space for Outdoor Sports Facilities, Parks and Gardens, Informal Recreation Areas, Provision for Children and Teenagers and Allotments.

Type of development	Major residential development
Contribution Sought	<p>Public open space will be required in conjunction with residential development in accordance with Policy LHW1. The scale and nature of the public open space requirements will be considered on a site by site basis. This may be in the form of on-site open space or financial contributions towards existing or new off-site facilities and will be secured through a legal agreement.</p> <p>Provision will be required for the long term maintenance of public open space, either by transferring the land to the Council along with a commuted sum, or by a maintenance schedule implemented by a management company.</p>
Relevant Adopted Local Plan policies	Policies LHW1 and COM15

11.2. The Playing Pitch Strategy (2020), Sports Facilities Strategy (2020) and Green Space Strategy (2021 – 2031) provide a full assessment of facilities in the Borough providing an evidence base for the requirements of these types of facilities which is used to inform the contributions to be secured¹².

General Public Open Space Requirements

11.3. Where public open space is provided on site, a legal agreement will be used to secure the delivery of the open space in line with the phasing of the development. The public open space should be provided as early in the development of a site as possible so that new occupants are able to access the open space when they move in.

¹² <https://www.testvalley.gov.uk/planning-and-building/planningpolicy/evidence-base/evidence-base-leisure>

- 11.4. Areas of public open space should be clean and un-contaminated and storage yards /work compounds should not be located on areas allocated or identified as public open space (due to the risk of contamination) and left in a maintainable state with no building waste or rubble. They should be located to provide maintenance access points in locations which have a minimal impact on local residents. Open Space should be secure, with features to ensure that only maintenance vehicles are able to access the site.
- 11.5. The Council's preferred approach is to adopt public open space or for it to be passed to the relevant town or parish council along with a commuted sum (as explained in paragraph 11.21 – 11.23. Where an area of open space is to be transferred to the Council, inspections of the open space will be required prior to adoption. There are fees associated with this service, further details of which are available online¹³.

Outdoor Sports Facilities

- 11.6. Outdoor sports facilities are areas that are used for formal recreational activities and require pitches, courts or specialised areas. They can include but are not limited to football or cricket pitches, tennis courts, wheeled sports (BMX and skate), artificial grass pitches (AGPs) or bowling greens.
- 11.7. Outdoor sport facilities are expected to meet relevant requirements from Sport England and/ or National Governing Bodies that also enables the efficient management of the site and provides flexibility to respond to changes in recreational demand. This is to be specified, informed by and agreed by the Council and relevant sporting bodies. The Council will apply the Green Flag assessment criteria to all green spaces, specifically those 0.2ha or larger (equivalent to 3x tennis courts)¹⁴. This will be in addition to relevant guidance from organisations such as Fields in Trust, Sport England, UK Active, and National Governing Bodies which may be relevant to an application.
- 11.8. Lighting of sports pitches should be considered at the early stages of planning and in the context of ecology, landscape impact and residential amenity and should inform the appropriate location of pitches. Consideration should be given to the lighting requirements of the relevant sporting National Governing Body and Sport England guidance.
- 11.9. The Council will require external verification of the construction of formal surfaces at agreed milestones throughout construction along with sign off on completion where new facilities are provided as part of a development. A legal agreement will be used to secure financial contributions towards this. Timescales for separate planning permission (if required), tendering, commencement, completion and legal transfer to the Council should be taken into account to ensure the triggers in the S106 Legal Agreement are met.

¹³ <https://www.testvalley.gov.uk/planning-and-building/formsfees/planning-amp-building-general-fees-charges>

¹⁴ <https://www.greenflagaward.org/>

11.10. Where ancillary facilities are required to be provided on site, such as sports pavilions, they will need to be constructed in accordance with relevant standards at time of construction. This will include compliance with Sport England requirements. Details of the following will be required as a minimum:

- Showers
- Toilets
- Changing rooms
- Kitchens
- Layout
- Accessibility
- Environmental sustainability
- Local suitability/justification
- Sporting requirements (facilities required for the sports to be provided at the facility)
- Accessibility and parking

Parks and Public Gardens

11.11. Parks and public gardens are high quality multifunctional spaces which are often used for walking, events, festivals and other forms of community based recreation. They usually serve wide areas and a contribution will be sought where there is a deficit in the local area.

11.12. Parks and public gardens should be highly accessible local spaces with attractive, easily identifiable entrances. These spaces should include a variety of planting and trees suitable for the location and should be designed to Green Flag standards. These spaces may have a number of footpaths and cycle routes through the area to enable a number of different uses. These pathways should be well lit, provide a sealed surface, be accessible and designed to have a minimal number of junctions and crossovers to provide easy access for users. Lighting should take account of ecological corridors and impact on the landscape. On larger areas of parkland, car-parking may be required along with associated features such as bandstands, water features, artwork, café outlets, play or exercise opportunities, benches and formal planting.

11.13. Provision of parks and public gardens will not be sought in rural areas.

Informal Recreation Areas

11.14. Informal recreation areas are landscaped areas of varying landscape characteristics and ecological diversity. They should be at least 0.2 hectares in size, so they can be used for a variety of activities and accommodate recreation and play activities of people of all ages and abilities.

11.15. Areas of informal recreation may include equipment to meet the needs of a range of ages and users such as goal posts and trim trails. They may also incorporate new or existing Public Rights of Way, providing opportunities for informal recreation, health and well-being, and also active travel. The Borough

Council will work with Hampshire County Council, having regard to their requirements, to secure enhancements to the Public Rights of Way network as part of any informal recreation areas. Informal recreation should be integrated into the design of a development and be located adjacent to children's play space. The Council will expect areas of informal recreation to be provided on site but where site constraints prevent this, the Council will seek financial contributions towards improvements to nearby areas of informal recreation.

- 11.16. Pedestrian or cycle paths located within informal recreation areas should not limit the use of these spaces. Where paths are provided they will not be counted in the overall 0.2 hectare requirement.

Children and Teenagers Play Space

- 11.17. Residential development will be required to make provision for children and teenagers play space. These play areas will need to be easily accessible by active modes of transport. The Council's preferred approach is for sites of a suitable scale to make provision on site for children and teenagers' public open space unless they are of a type of development unlikely to generate demand for such facilities. This will be considered on a site by site basis, taking into account the site characteristics.
- 11.18. The layout and design of children and teenagers' public open space should be carefully considered to reduce the risk of conflict between the needs of different age groups or the misuse of provisions. Consideration should be given to the location of equipment such as skate parks and Multi Use Games Areas where there is the potential for noise, in proximity to residential properties. The play space should be provided in locations which is easily accessible by walking or cycling as guided by Fields in Trust. Play areas are expected to meet the current technical and quality standards (including BSEN 1176/1177), be appropriately landscaped, easily accessible by footpath and with good surveillance. Play space should be designed to be inclusive and accessible to all members of society including anyone with limitations to mobility, sight, hearing or any other visible or invisible disability.

Allotments

- 11.19. Allotments are a valuable facility for the local population in terms of health and well-being and providing space to grow food. Where provided on site, these will be transferred to the town or parish council. In some cases, the developer may wish to retain and manage the provision and allocation of allotments. The local town or parish council (or developer) will manage the allotments including their allocation to local residents.
- 11.20. Allotment sites should be located on land which:
- Is free from contamination, debris and building waste
 - Is flat and set aside early in the development
 - Has utilities and services including a water supply and fence
 - Is easily accessible for residents using active modes of transport

- Provides parking spaces (in accordance with the parking standards in the Adopted Local Plan at Annex G) close to the allotments
- Is prepared with appropriate soil conditions ready for planting upon transfer or opening to allotment holders

Maintenance of Public Open Space

- 11.21. The long term maintenance of open space, sport and recreation and play facilities is critical to ensure that they achieve and maintain their maximum potential benefit and value. A legal agreement will be used to secure the ongoing maintenance of the public open space on the site. The developer will have a choice whether to appoint a management company or other appropriate body such as a wildlife trust, to maintain the open space or to transfer the land to the Council along with a commuted sum towards its maintenance. It is the Council's preference that the land is transferred to the Council.
- 11.22. If a developer decides that a management company, or other appropriate body, will maintain the public open space going forward, the Council will require a site-specific detailed management plan and details of the governance and long-term financial arrangements of the management company. This will need to be approved by the Council and the open space will be required to be managed in accordance with this management plan for a minimum of 20 years.
- 11.23. A maintenance schedule may also be required which will need to be produced and implemented in accordance with the relevant standards. The Council will calculate the maintenance costs for on-site public open space based on the landscape plans submitted. These will be secured through a S106 agreement. The commuted sum will be reserved to be used towards the ongoing maintenance and management of the sites covering a twenty year period. The commuted sum will include inspection, ongoing maintenance and reasonable capital replacement which would be expected within this timescale.

Biodiversity

- 11.24. Adopted Local Plan Policy E5 sets out the parameters through which development needs to have regard to biodiversity considerations. Policy E5 also sets out the habitats and species of importance and sites of geological interest considerations.
- 11.25. Many of the potential impacts of development on biodiversity can be addressed through scheme design and by conditions attached to a planning permission. Contributions may be sought towards the avoidance, mitigation against or, as a last resort, compensation for adverse effects which are likely to result from development through a legal agreement.
- 11.26. The Environment Act 2021 introduces a system of mandatory biodiversity net gain in relation to certain planning applications. This is over and above the consideration of potential effects on habitats and species of importance. Details

on the application of the mandatory biodiversity net gain provisions are emerging. It will be essential that biodiversity net gain is considered from a very early stage, including consideration of opportunities to meet this requirement on-site where this is appropriate to do so. The Biodiversity metric provides a calculation of how a development, or a change in land management, will change the biodiversity value of a site. The metric to be used will be set out in forthcoming legislation.

International Nature Conservation Designations

- 11.27. The Conservation of Habitats and Species Regulations 2017 (as amended) includes the requirement for the Council to consider the potential impact of development on certain nature conservation designations, as set out in Policy E5.
- 11.28. Development that is likely to result in a significant effect, on an International or European Nature conservation designation, or a site proposed for such designation, will need to satisfy the requirements of the Habitat Regulations. Any features or management required as a result of this legislation will be secured through planning conditions or a legal agreement.

Solent Recreation Mitigation

- 11.29. It has been identified that certain new developments within 5.6km of the Solent Special Protection Areas (SPAs), including the Solent and Southampton Water SPA, are likely to have a significant effect when considered in combination, as a result of recreational activity.
- 11.30. The Solent Recreation Mitigation Strategy sets out the current approach to providing mitigation in relation to this matter. Unless evidence can be provided to demonstrate that relevant proposals would not lead to a likely significant effect, mitigation would need to be provided on applications for residential development. This could either be through a financial contribution, or a bespoke mitigation package, as set out within the Solent Recreation Mitigation Strategy. Additional information is available on the Bird Aware Solent website¹⁵.

Type of development	Residential development including tourism and overnight accommodation within 5.6km of the Solent SPA ¹⁶
Contribution Sought	A developer contribution needs to be paid for every net additional dwelling. The Solent Recreation Mitigation Strategy introduced a sliding scale of developer contributions based upon bedroom size ¹⁷ . The contributions are updated each year in line with the Retail Price Index.

¹⁵ <https://birdaware.org/solent/>

¹⁶ Please see Appendix 1 for details of the locations to which this relates. For more information on the types of development that this is relevant to, please see the Solent Recreation Mitigation Strategy, which is available on the Test Valley website.

¹⁷ <https://birdaware.org/solent/about-us/our-strategy/developer-contributions/>

	Some housing schemes, particularly those located close to a SPA boundary, may need to provide additional mitigation measures. The Council, with advice from Natural England, will consider the mitigation requirements for such development proposals on a case-by-case basis
Relevant Adopted Local Plan policies	Policy E5

New Forest Recreation Mitigation

11.31. Parts of the New Forest are designated as a Special Area of Conservation (SAC), an SPA, and a Ramsar site. Evidence has identified that recreational activity has the potential to impact on these areas and to address this the Council developed an interim mitigation framework¹⁸.

11.32. Following research by Footprint Ecology¹⁹ on the impact of recreational use on the New Forest international nature conservation designations the Council has produced a draft New Forest International Nature Conservation Designations: Recreational Disturbance Mitigation Framework Supplementary Planning Document (New Forest SPD). The draft New Forest SPD sets out the recreational disturbance mitigation zone and details of requirements for mitigation and will replace the current interim mitigation framework on adoption.

Type of development	Residential accommodation including tourism and overnight accommodation within the recreational disturbance mitigation zone for the New Forest designations ²⁰
Contribution Sought	A financial contribution or bespoke mitigation package will be secured through a legal agreement in accordance with the latest mitigation framework is adopted.
Relevant Adopted	Policy E5

¹⁸ <https://www.testvalley.gov.uk/planning-and-building/guidance/solent-southampton-water-special-protection-area/>

¹⁹ <https://testvalley.gov.uk/planning-and-building/planningpolicy/evidence-base/evidence-base-environment>

²⁰ Please see Appendix 2 for details of the locations to which this relates. Please note the impact zones depicted on the map in Appendix 2 relates to the scale of development that would trigger the requirement for a mitigation scheme.

Local Plan policies	
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Impact of Nutrients on Internationally Designated Water Bodies

11.33. There has been a growing awareness of the impact of excessive nutrients on water bodies in recent years, and the potential detrimental impact of new development on designated sites. Where this is identified, mitigation may be required to address the impact of new development in these locations.

11.34. It has been identified that there are high levels of certain nutrients entering the water environment of the Solent, in particular nitrogen which is having an adverse effect on the status of designated SACs and SPAs. The River Itchen and River Avon (Hampshire) SACs are similarly affected by excessive phosphorus. Due to uncertainty as to whether new development will cause further impact, Natural England advise that certain residential and overnight development will need to achieve nutrient neutrality.

11.35. The Council will comply with the latest Natural England guidance. The latest advice is available on the Council's website²¹. This includes details of the location and type of development that will need to demonstrate nutrient neutrality along with a methodology and budget calculator tool to calculate a development's nutrient budget.

Flood Risk

11.36. Adopted Local Plan Policy E7 requires all development to comply with national policy and guidance in relation to flood risk. This guidance may include a site specific flood risk assessment or drainage strategy in accordance with the Environment Agency's standing advice. Details of when to follow the standing advice is available online²².

11.37. Hampshire County Council is the Lead Local Flood Authority (LLFA) for Test Valley and it has a responsibility to work with other Risk Management Authorities to mitigate flood risk. More detail is provided on Hampshire County Council's website²³.

Type of development	All development
Contribution Sought	Provision and maintenance of flood protection and water management measures (such as Sustainable Drainage Systems [SuDS]) will be secured through S106 agreements and planning conditions.

²¹ <https://testvalley.gov.uk/planning-and-building/guidance/solent-southampton-water-special-protection-area>

²² <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications>

²³ <https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/planning>

Relevant Adopted Local Plan policies	Policy E7
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Sustainable Drainage Systems (SuDS)

11.38. Policy E7 also relates to SuDS. Potential flooding and pollution risks from surface water can be decreased by reducing the volume and rate of water entering the sewerage system and watercourses. SuDS seek to manage surface water as close to its source as possible and mimic surface water flows arising from a site prior to its development.

11.39. SuDS are required to be included in new development where appropriate, and should be carefully designed as a structural feature of the development. SuDS are often integral to a development, including as part of the biodiversity enhancements to a site, and cannot easily be accommodated within a site once a layout has been planned. Developers should liaise with the County Council (as Lead Local Flood Authority) and the Borough Council at an early stage to discuss options for an appropriate and sustainable approach to site drainage.

11.40. Where SuDS are to be provided the Council will seek to ensure ongoing management and maintenance for their whole life through a planning obligation, including financial contributions where the Council will be adopting facilities.

11.41. There is the potential for areas of public open space to be located adjacent to SuDS or for SuDS to be incorporated into the public open space or biodiversity features. Where this is the case, SuDS should be carefully designed to minimise the impact on usable public open space in the vicinity, and demonstrate that the land will be available for use as public open space for the majority of the year. SuDS features will be in addition to the overall quantum of public open space required on a site and will not form part of the overall public open space calculation. The Lead Local Flood Authority will approve SuDS once constructed, which will be at the expense of the developer.

Green Infrastructure

11.42. Green Infrastructure (GI) is defined in national policy as a network of multi-functional green and blue spaces and other natural features. It comprises of parks, playing fields, other areas of open space, woodland, allotments, private gardens, sustainable drainage features, green roofs and walls, street trees, streams, ponds, canals and other water bodies²⁴. The Green Infrastructure network is an important component for enhancing biodiversity, protecting the character of the landscape and providing spaces for recreation such as the network of Public Rights of Way, important for leisure, health and well-being.

²⁴<https://www.gov.uk/guidance/natural-environment#green-infrastructure>

11.43. Test Valley's GI and its importance in the borough is referenced throughout the Local Plan and delivered through several Local Plan policies (such as Policies E6, LHW1, E1 and E2). The GI Strategy (2014) sets out an approach to enhance it supported by the Council's Green Space Strategy 2021 – 2031²⁵ including four key aims (creation, protection, enhancement and management). It provides a framework for supporting the existing GI assets and assisting in co-ordinating the work of partner strategies.

11.44. Early consideration should be given to the existing network of GI assets, including the Public Rights of Way Network and potential opportunities to enhance the network of GI, including through connections to areas beyond the boundary of an application site.

11.45. There are a number of resources available that provide advice and guidance on GI. This includes guidance within the planning practice guidance on the Natural Environment²⁶, Natural England's Green Infrastructure Framework – Principles and Standards for England²⁷ and the National Design Guide²⁸. The Council encourages developers to consider the Building with Nature standards framework²⁹, which provides a basis for ensuring high quality GI is at the heart of place making.

Type of development	All development
Contribution Sought	The provision of Green Infrastructure will be secured through Local Plan requirements such as public open space secured under Policies LHW1 and E6 in accordance with the Green Infrastructure Strategy 2014 (or successor documents). A legal agreement will be used to secure the long term provision and management of the Green Infrastructure.
Relevant Adopted Local Plan policies	Policies E1, E2, E5, E6, LHW1 and COM15

12 Facilities within New Communities

Commercial Facilities

12.1. Some facilities on new developments are commercial entities, such as convenience stores, hot-food takeaways or public houses. These facilities provide

²⁵ <https://testvalley.gov.uk/communityandleisure/parksandgreenspaces/green-space-strategy>

²⁶ <https://www.gov.uk/guidance/natural-environment#green-infrastructure>

²⁷ <https://designatedsites.naturalengland.org.uk/GreenInfrastructure/Home.aspx>

²⁸ <https://www.gov.uk/government/publications/national-design-guide>

²⁹ <https://www.buildingwithnature.org.uk/>

services for the day to day needs of local residents and are important in ensuring the long term sustainability of new communities. Where commercial facilities are to be provided, the Council will work with developers to secure a mix of uses that will meet the needs of the new community.

12.2. The Council expects the land set aside for commercial facilities to be in a sustainable location which is accessible for residents to walk or cycle. Careful consideration should be given to how the uses will integrate with existing development to attract trade from outside of the development and help financially support commercial uses.

12.3. Developers and site promoters should seek to engage the market to assess market conditions and the likelihood of potential commercial uses occupying the proposed site or building. The Council anticipates that local centres will be delivered in a comprehensive way, preferably through the engagement of a specialist local centre developer who will have expertise in how uses will interact with regard to the commercial viability of the local centre.

12.4. To support the delivery process of local centres the Council will require a marketing strategy to be agreed with the Council and this will be monitored throughout the delivery phase. The monitoring framework will be agreed and secured through the legal agreement. This provides flexibility in the delivery of local centre uses to take account of market conditions over time.

Type of development	Residential development
Contribution Sought	Allocated Local Plan sites will provide commercial facilities where identified in the Local Plan. The provision of commercial facilities and a marketing strategy will be secured through a legal agreement.
Relevant Adopted Local Plan policies	Includes policies COM3, COM4, COM5, COM6, COM6A and COM15



Image 1: Commercial facilities within the Local Centre in East Anton, Andover

Community Centres

12.5. Community centres will need to be adaptable and suited to a range of community uses which might include community meetings, play-groups, exercise classes, private functions and drop-in surgeries. They should be designed to be suited to all members of the community, meeting the needs of young children, people with disabilities and older people. Community facilities are for the benefit of the whole community and are not run for commercial gain. They take a variety of forms but are likely to consist of a hall or meeting room and kitchen and bathroom facilities.

12.6. Community centres will need to have amenities such as suitable broadband and telephone connectivity, hard-wearing furnishing, a commercial kitchen, accessible toilet facilities, acoustic panelling, office facilities, refuse storage and general storage as a minimum requirement. The Council will seek a detailed specification of the building and, where appropriate, will seek to engage community groups in its design. This should be factored into the developer's timescales and resources. The Council encourages the inclusion of features relating to reducing the impact of new facilities on carbon emissions, such as opportunities to reduce operational and embodied carbon and provide renewable or low carbon energy technologies.

12.7. Where a new community facility is to be provided, the trigger for its delivery will be negotiated by the Council and will be proportionate to the number of occupations and phasing of the development. Timescales for separate planning permission (if required), tendering, commencement, completion and legal transfer to the Council should be taken into account to ensure the triggers in the S106 are met.

12.8. A temporary community facility will be required to be provided on site during the construction process to enable communities to have a space to start to come together. This should be provided at nil cost to the Council with all relevant planning permissions in place until the permanent facility is ready to be occupied. It should have adequate heating/cooling systems, a broadband connection and accessible toilet facilities and be provided alongside a financial contribution for set up costs (e.g. furniture and carpet).

Type of development	Residential development
Contribution Sought	<p>Allocated Local Plan sites will provide a community centre where identified in the Local Plan. This will be secured through a legal agreement.</p> <p>Where new facilities are required to support new development they will be secured through planning obligations. Where new residential developments do not meet the trigger to provide a community centre on site, financial contributions will be sought towards improvements to existing/ off-site community facilities.</p> <p>These contributions will be calculated based on the size of the development, the average size of community facilities and average build costs and will be confirmed during the planning process.</p> <p>The Council has developed a specification which sets out the standards to which the Council expects buildings to be implemented. This is updated periodically.</p>
Relevant Adopted Local Plan policies	Includes policies COM3, COM4, COM5, COM6, COM6A and COM15

Community Development Workers

12.9. Community development workers (CDW) work with new communities to bring local residents together and to integrate new residents within the wider community. They will provide opportunities for residents to get involved in their community, help to build community cohesion and promote a sustainable neighbourhood by establishing networks, groups and activities enabling connections to develop within the community.

12.10. CDWs are particularly important where community facilities are provided or enhanced as they can build and support the development of a community association whose role is to manage the community building and continue to deliver community activities once the CDW role ends.

12.11. The CDW will remain in post for an agreed number of years aligned to the duration of the build for the site to liaise with and help develop the community as residents move into the new development. The role may be a part-time role with the potential for the CDW’s weekly hours to increase as the occupations on a development grow.

Type of development	Residential development
Contribution Sought	<p>Allocated Local Plan sites that are required to provide a community centre on-site will also be required to provide financial contributions towards the employment of a Community Development Worker.</p> <p>Details of the job description for the CDW will be secured through a legal agreement and an example job description is appended to this document³⁰.</p> <p>CDWs will be employed by the Council and a legal agreement will be used to secure financial contributions towards the cost of their employment. Triggers for the payment of financial contributions will be secured early in the construction of the development so that a CDW may be recruited and in post to support residents as they move onto the development.</p> <p>Where a CDW is proposed to be employed directly by the developer, the Council will work with the developer to ensure the principles as set out in paragraph 12.9 are reflected.</p>
Relevant Adopted Local Plan policies	Includes policies COM3, COM4, COM5, COM6, COM6A and COM15

Other Non-commercial facilities

12.12. Other community facilities provide for the social, health, welfare, learning and cultural needs of residents and help to create and maintain sustainable communities. These include new or extended education facilities, indoor sports facilities or purpose built facilities such as youth centres.

12.13. Policy COM15 seeks to ensure that new development is supported by appropriate community facilities and to protect existing communities from the loss of essential services and community, leisure and cultural facilities.

³⁰ Please see Appendix 3 for an example CDW job description

Education

12.14. Hampshire County Council is the Local Education Authority (LEA) responsible for primary and secondary education provision in the Borough.

12.15. The Council will work closely with the Education Authority and other providers to ensure that the Borough has the appropriate education infrastructure in accordance with Local Plan Policies COM15 and ST1.

Type of development	Residential development
Contribution Sought	<p>Contributions will be secured on behalf of the County Council to be used towards the provision of children's school places through a legal agreement.</p> <p>The County Council's guidance explains the developer contribution requirements, as part of their approach to the School Places Plan³¹.</p> <p>Detailed information regarding the calculations involved and contributions which are likely to be required are available through the HCC Developer Contributions Towards Children's Services ³².</p>
Relevant Adopted Local Plan policies	Policies COM3, COM4, COM5, COM6, COM6A, COM15 and ST1

Indoor Sports Facilities

12.16. Where there is a deficit of indoor sports facilities in a local area (identified in the Sports Facilities' Strategy) contributions may be sought towards enhancing existing facilities or to provide new facilities. Sports facilities often serve a wider area than at ward level. Any contributions which are sought towards indoor sports facilities will go towards projects which have been identified in the Sports Facilities Strategy (or subsequent documents). Contributions from several sites may be pooled towards a specific facility. The Council has standard specifications relating to facilities which will need to be adhered too. The facility will be transferred to the Council's ownership on completion. Any indoor sport facility will be required to comply with Sport England and the relevant sporting National Governing Body guidance at the time of completion. The Council's preference is for facilities to be multiuse to ensure their long-term sustainability.

Type of development	Residential development
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³¹<https://www.hants.gov.uk/educationandlearning/strategic-development/schoolplacesplan>

³² <https://www.hants.gov.uk/educationandlearning/strategic-development>

Contribution Sought	Indoor sports facilities may be required to meet the needs of a new development in accordance with the Sports Facilities' Strategy. In this case a legal agreement will secure either the provision of a new facility on site or financial contributions towards an off-site facility.
Relevant Adopted Local Plan policies	Policy COM15

13 Health Infrastructure

13.1. NHS Hampshire, Southampton and Isle of Wight Integrated Care Board (ICB) are responsible for ensuring the right healthcare services are provided for the benefit of the Borough's residents. The ICB do this by planning and buying healthcare services from local hospitals, GPs and other providers. While the NHS has its own estate portfolio, many aspects of healthcare are provided by private companies or commercial partnerships from GP Practices, clinics, pharmacies and some hospitals, the premises of which can also be privately owned. The ICB also supports these providers to continually improve services to meet the healthcare needs of the demographic, which can vary in different locations. The physical healthcare infrastructure needs to be able to provide a standard level of healthcare while being adaptable to these needs and the way in which health services are delivered.

13.2. The ICB works in collaboration with other providers, including Primary Care Networks³³ to survey the healthcare estate and plan for improvement to ensure that funding from a variety of sources within the relevant NHS funding frameworks can be applied

13.3. New housing development in an area can result in additional pressure on a range of healthcare facilities, such as GP practices, community services and hospital services, all of which make up the network of healthcare provision. This pressure can be mitigated through improvements to existing facilities, such as extensions to GP practices to provide additional consultation rooms.

13.4. As part of a multi-faceted approach to healthcare provision, healthcare is provided in different settings to meet a variety of needs. For example, social prescribing, which is designed to enable people to take control of their health and wellbeing and connect people to community groups and statutory services for practical and emotional support, can take place outside of a clinical GP setting, such

³³ [Primary Care Networks \(hampshiresouthamptonandisleofwightccg.nhs.uk\)](https://www.hampshiresouthamptonandisleofwightccg.nhs.uk)

as in a community centre³⁴. Local Pharmacies also help people manage chronic conditions.

13.5. This has resulted in additional space, both clinically within GP surgeries and local hospitals, and non-clinical space in the community being required to deliver services efficiently as local populations have grown significantly in the last 10 years.

13.6. Contributions towards healthcare provision will be sought on residential development which results in a net increase in population to mitigate the impact of the development. The ICB currently uses Primary and Community Care Health Building Note 11 – 01: Facilities for Primary and Community Care Services (HBN 11 – 01)³⁵ as a starting point to determine the amount and type of additional clinical space required arising from a growth in population which in turn informs the amount of a financial contribution. Where a number of developments creates a cumulative impact, contributions may be pooled to enhance or expand existing facilities serving the development to address the cumulative impact and will be based on evidence of the existing healthcare estate, demographic information and the type of services to meet the needs of future residents. On major development where a financial contribution is requested by the ICB, the Council will work with the ICB on the scale of the contribution.

13.7. The ICB undertakes statistical capacity modelling taking into account future demographic changes and population growth in order to assess the future demand on health facilities. From this the ICB are able to assess the impact of the proposed development on existing facilities and to identify the future infrastructure needs in order to be able to respond to the additional pressure placed on existing services. This includes independent reviews of the Primary Care and Community Health Estate as the Hampshire and Isle of Wight Local Care Strategy develops.

13.8. For further information on design and development of primary care premises, including the calculations for contributions, please refer to HBN 11 – 01 (and successor documents).

Type of development	Residential development
Contribution Sought	<p>Financial contributions will be sought from new residential development to mitigate the impact on existing healthcare facilities.</p> <p>The Council will work with the ICB on the amount to be secured, taking into account relevant guidance along with the impact of a proposed development on healthcare provision.</p> <p>These contributions will be secured through a legal agreement and will be spent on projects identified by the Integrated Care Board.</p>

³⁴ [Social Prescribing Link Workers Handbook \(hampshiresouthamptonandisleofwightccg.nhs.uk\)](https://www.hampshiresouthamptonandisleofwightccg.nhs.uk)

³⁵ <https://www.england.nhs.uk/publication/facilities-for-primary-and-community-care-services-hbn-11-01/>

Relevant Adopted Local Plan policies	Policy COM15
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14 Employment and Skills

14.1. The Adopted Local Plan sets out a clear economic strategy which positively encourages sustainable economic growth and recognises the need to support programmes of skills development to assist the local workforce. The Economic Strategy for Test Valley (2017 – 2019 and beyond) and Interim Economic Development Strategy (January 2021), and strategies such as the Partnership for Urban South Hampshire (PUSH) Skills Strategy provide the evidence to support the implementation of Policy ST1 which encourages the enhancement of skills training and apprenticeship provision within the community.

14.2. The Council's approach to enabling a strong and competitive economy reflects the approach envisaged in national policy which seeks to build on its strengths, counter any weaknesses and address the challenges of the future. As the borough lies across various functional economic areas the Council takes a geographically targeted approach in enabling the right skills in the right places. To take this forward, the Council has adopted a dual approach of seeking employment skills plans in the construction sector and where appropriate securing financial contributions to enable businesses to access workforce development funding support.

14.3. The Council has declared a Climate Emergency and through this work is keen to support the Green Economy through a focus on skills associated with this sector.

Employment Skills Plan (ESP)

14.4. The Council uses the Construction Industry Training Board (CITB) Client Based Approach (CBA) to secure Employment Skills Plans (ESP) along with the triggers. An application to the CITB for the National Skills Academy for Construction was approved in February 2019.

14.5. The ESP lists a number of interventions based on a standard formula as set out by the CITB, relating to the financial scale of the scheme to cover the construction phase of the development.

14.6. An ESP covers the following key performance indicators:

- Work placements
- Jobs created
- Construction careers, information, advice and guidance
- Training weeks on site
- Qualifications gained by workforce

- Industry certificates gained
- Training plans
- Case studies

14.7. These performance indicators are monitored by the Council to ensure the ESP is achieving the agreed outcomes. The ESP will also be required to include a mechanism for reporting the key performance indicators to the Council and ongoing monitoring.

14.8. Where the principle of a financial contribution is agreed, the principal developer is required to work with the Council and its partners to develop a site specific ESP. The Council will require the details of an ESP and how it will be implemented to be submitted and approved by the Council. Funding to deliver the outcomes of the approved ESP is the responsibility of the developer working in consultation with the Council. The Council will also work with relevant skills and employment delivery partners such as Hampshire County Council to assist with evaluation and monitoring of ESP. Where a financial contribution is secured, the appropriate amount will be considered on a case by case basis, taking into account the value of the measures that would generally be sought.

14.9. The contribution required for £200 per job created multiplied by the employment density³⁶, is derived from the cost of a training intervention and applied to the employment potential of large scale employment sites. Financial contributions will be held in a skills training fund and delivered locally to support the local labour market ensuring the availability of the breadth of skills to support local employers.

Type of development	Residential and commercial development
Contribution Sought	<p>An Employment Skills Plan will be secured through a S106 Agreement or a planning condition detailing construction training and construction placements for developments of:</p> <ul style="list-style-type: none"> • 50 dwellings or more for residential development; or • 1000 square metres for commercial development³⁷. <p>The Employment Skills Plan will be required to be provided prior to commencement of development, under the Construction Industry Training Board's Client Based Approach. This will be secured through a planning condition or where appropriate, a legal agreement. In exceptional circumstances, the Council will consider the scope for a financial contribution to the value of the measures</p>

³⁶ **Homes and Communities Agency (HCA)** Employment Density Guide 3rd edition, HCA, 2015 or subsequent editions

³⁷ Test Valley Borough Council Cabinet report - 5 October 2016

	<p>that would be expected in an Employment Skills Plan in lieu of this document.</p> <p>A financial contribution towards training schemes to grow the local workforce and offset the impact on a tight labour market will be secured on major non-residential development which will generate a significant impact on the labour market. This contribution will be calculated based on £200 per job created multiplied by the employment density (calculated by the floorspace in square metres per full time equivalent employee in accordance with the Employment Density Guide³⁸).</p>
Relevant Adopted Local Plan policies	Policy ST1

11 15 Highways, Transport and Travel

15.1. The provision of viable transport infrastructure, necessary to support sustainable development in the Borough, makes an important contribution towards wider sustainability and health objectives.

15.2. The highway network includes cycling, walking and vehicle routes and the Borough and County Councils work together to encourage greater levels of active travel in the borough. One of the main aims of transport-related obligations is to promote sustainable and active travel including walking, cycling and public transport. Hampshire County Council are working on Local Cycling and Walking Investment Plans within the Borough³⁹ and have consulted on a new draft Transport Plan (LTP4)⁴⁰

15.3. Government guidance in recent years encourages ambitious approaches to active travel, including Cycle infrastructure design (LTN 1/20) and Gear Change⁴¹. Towards the end of 2022 a new organisation, Active Travel England, will be the government's executive agency responsible for improving the standards of cycling and walking infrastructure in England⁴².

15.4 New development in the Borough will place additional pressure on local transport and highway networks, including public transport infrastructure, bus services and pedestrian and cycle routes.

³⁸ 3rd edition 2015 published by the Homes and Communities Agency, and successor documents

³⁹ Southern Test Valley LCWIP has been consulted on. There may be other LCWIPS covering other areas of the Borough to follow. TVBC may consider adopting these as SPDs.

⁴⁰ <https://www.hants.gov.uk/transport/localtransportplan>

⁴¹ <https://www.gov.uk/government/collections/cycling-and-walking>

⁴² <https://www.gov.uk/government/organisations/active-travel-england>

15.5. New development proposals will be required to provide for appropriate specific works and improvements, both on-site and off-site, to mitigate the direct impact of the development scheme on the transport network. This will be informed by the Adopted Local Plan, Local Transport Plan 2011-2031 (and successor documents)⁴³, the Romsey Town, Andover Town and Test Valley Access Plans Supplementary Planning Documents, and will also have regard to the County Council's own non-statutory Infrastructure and Planning document. Discussions with Network Rail and bus operators in the area may also be necessary.

15.6. Site related transport works required as direct mitigation will have been identified in a Transport Assessment and may include: works to footways/cycle ways including the Public Rights of Way network ; raised kerbs; new junctions; access roads to and within the site; link roads; Traffic Regulation Orders; traffic lights; pedestrian crossings; signage; public transport on or adjacent to the site; lighting and street furniture.

15.7. The obligations can be secured either through a financial contribution, paid to the County Council to carry out the identified works, or through developer provision of the identified works. A Section 278 Agreement may also be required to be entered into and further guidance on this is available by contacting the County Council's Highways Team.

15.8. In addition to the provision of infrastructure improvements, Travel Plans can form an important part of a planning application proposal with the aim of reducing car usage and increasing the use of public transport, walking and cycling, in support of the Council's transport objective in the Adopted Local Plan. Travel Plans will normally be sought via a planning condition, with contributions towards monitoring of the Travel Plan secured through S106. Travel plans will be monitored by the local highway authority and developers may be required to collect and submit relevant data.

15.9. The County Council offers technical advice and guidance to developers through a pre-application service prior to a planning application being submitted. They provide highways advice on a number of aspects including whether a contribution towards highways or transport improvements is likely to be required.⁴⁴

Type of development	All development
Contribution Sought	Direct mitigation of individual site transport impacts (including roads, cycle ways, footpaths, public rights of way, public transport and the monitoring of travel plans) will be secured through a S106 agreement. Infrastructure may be delivered through the developer entering into a S278 agreement with the County Council.

⁴³ <https://www.hants.gov.uk/transport/strategies/transportstrategies>

⁴⁴ <https://www.hants.gov.uk/transport/developers/preapplication>

	<p>Contributions towards strategic transport infrastructure projects will be secured where necessary to mitigate the impact of new development.</p> <p>Developments which will generate a significant amount of movements will require a Transport Statement or Transport Assessment and a Travel Plan.</p>
Relevant Adopted Local Plan policies	Includes policies COM15, T1, T2

16 Public art

16.1. Public art has an important role in contributing to the visual interest of a site and character of an area, particularly within new developments. The Council has been successful in delivering public art and community led public art projects which is an important part of place-making and community connections and inclusion in establishing new communities.

16.2. Public art will relate to the characteristics of the site, inspired by the historical context, geography or significant features within the site. The artwork will be site specific and contribute towards the public realm and community identity. This links to Adopted Local Plan Policy E1 which requires new development to be of a high quality design and local distinctiveness.

16.3. Public Art can take a variety of forms, permanent or temporary and may be located in a variety of contexts, such as within areas of public open space or on community buildings. The artwork can take the form of a focal point, way marker, gateway feature or a temporary installation. For example, at East Anton in Andover, developer contributions have funded public art including a sculpture which reflects the area's agricultural history.



Image 2: Public Art in East Anton, Andover

16.4. The Council has a Public Art Strategy which sets out the expectations and process involved in providing public art, from commissioning an artist to installing the artwork.

16.5. The Council will seek to secure public art on new residential and commercial developments. This will be secured by planning conditions or planning obligations.

Public Art Process

16.6. Public art projects will involve community engagement and consultation, be used to initiate discussion about a place or commissioned directly from an artist who identifies key themes inspired by a site. It will always include the employment of professional artists or makers and the involvement of the Arts Officer.

16.7. Where it is agreed that the Council will commission the public art, the Arts Officer will undertake site research, establish a stakeholder group, select appropriate sites and locations for artwork and create the artist's brief. They will manage recruitment and selection of artists or arts organisation, agree timescales, oversee the community engagement plans and agree contracts. They will support artists where required with the process of design, fabrication and installation with regards to promotion, securing permissions and licences and will agree maintenance schedules.

16.8. Where public art is to be provided by a developer, an Art and Design statement will be required to be submitted and approved by the Council. The Art and Design Statement should explain their approach to commissioning and details the budget for

artwork, community engagement and maintenance. All public art must be in accordance with the Council's Public Art Strategy and the creation of a stakeholder group that will include the Arts Officer will be required.

17 Other Contributions

Site specific Public Services

17.1. Adopted Local Plan Policy CS1 requires proposals for new development to take into account the need to promote public safety and deter crime and disorder through careful layout, design and the use of Secured by Design principles and standards⁴⁵. These can include measures to improve public safety or crime reduction such as provision of fire hydrants or CCTV. They will be negotiated on a site by site basis.

Type of development	All development
Contribution Sought	Development will be required to promote public safety and deter crime and disorder through its layout and design.
Relevant Adopted Local Plan policies	Includes policy CS1

Utilities, telecommunications and broadband

17.2. Adopted Local Plan Policy COM15 requires appropriate investment is secured in the form of works and/ or financial contributions to mitigate the impact of new development on existing infrastructure. It identifies telecommunication, including broadband, as a form of infrastructure which is often necessary for development.

17.3. The type, scale and location and impact of the development will determine the necessary contribution.

17.4. Developers will be expected to provide information on the infrastructure necessary to make the proposal acceptable. This will include the timing of provision which should be phased to minimise the impact on existing resources.

17.5. Where relevant and necessary, planning conditions or a legal agreement may be used to secure the provision of infrastructure.

Type of development	All development
Contribution Sought	Development will be required to provide appropriate provision of utilities, telecommunications and broadband, in accordance with

⁴⁵ [SBD Design Guides \(securedbydesign.com\)](https://www.securedbydesign.com/)

	relevant government guidance and Building Regulations requirements.
Relevant Adopted Local Plan policies	Includes Policy COM15

18 Development Viability

How will contributions be determined and prioritised?

18.1. During the consideration of a planning application all contributions which are required to make the application acceptable in planning terms will be assessed. There may be instances where due to viability considerations, all contributions sought cannot be provided if plan-compliant development is to go ahead. For certain matters, the Local Plan specifically allows flexibility in its requirements to recognise viability challenges. In such cases, contributions may be prioritised and/or reduced where robustly demonstrated. However where an applicant is unwilling to agree to contributions which are considered entirely necessary to make the scheme acceptable in planning terms, viability will not be relevant and the application will be refused.

18.2. In certain circumstances, it may be considered that the viability of a scheme is jeopardised due to site constraints or other factors and that this would justify a reduction in the planning obligations. It is recommended in such cases that applicants seek pre-application advice from the Council prior to the formal submission of a planning application.

18.3. Viability assessments to be submitted as evidence in negotiations must be capable of independent expert verification carried out by a qualified surveyor/ valuer. This will be at the cost of the developer. Any abnormal or exceptional development costs should be supported with robust and costed specialist reports and technical data. A viability assessment needs to be submitted with the planning application.

Land value

18.4. A proportion of affordable housing on residential development sites should be considered as part of development costs embedded into the land values (as set out at COM7). This will make the viability process more consistent and transparent and ensure deliverability of appropriate levels of affordable housing to meet local needs.

18.5. The Council uses the Residual Land Value methodology (see Annex 1 of the Affordable Housing SPD 2020) to determine the underlying land value. This is important as it forms the basis on which a developer should be able to agree a price for the land once the costs of the development, including the developer's profit, have been deducted from the gross development value.

What should a Viability Assessment contain?

18.6. The Council will expect that the benchmark land value will be established on the basis of the Existing Use Value of the land plus a premium for the landowner as set out in the Planning Practice Guidance and the key principles in understanding viability should be followed. This method can work in two ways; either to determine the level of return on a scheme, where the costs of the site are known, or to establish the estimated value of the land by assuming a predetermined level of profit.

18.7. As set out in the National Planning Policy Framework all viability assessments should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available unless there is clear justification for it to remain confidential.

The Council's approach to negotiating proposals which are not viable

18.8. Where a scheme is demonstrated to be unviable with the policy-compliant level of contributions, the Council will negotiate with applicants to secure the maximum level of contributions.

18.9. Where permission is granted for a scheme that departs from the policies in the Local Plan, a review will be applied to the scheme to ensure that any uplift in values are captured to enable the delivery of the maximum amount of infrastructure in the development process. The review will assess the changes to the gross development value and build costs. If surplus profit is generated over and above the returns necessary for the scheme to be deemed viable, a review will apply.

19 Spending and Monitoring**Fees**

19.1. The Council's legal costs of preparing the Legal Agreement and/or approving a unilateral undertaking are expected to be borne by the developer. These costs will be based on an hourly rate and will depend upon the complexity of the agreement and the length of time taken to settle the draft and proceed to completion.

Developers will be required to provide a cost undertaking to pay for the Council's reasonable fees, prior to it being able to instruct its acting solicitors.

19.2. The Council's legal fees will need to be met even if the planning obligation is not completed.

19.3. Standard unilateral undertakings will be subject to a standard charge covering legal costs and if necessary the transfer of money to third parties.

Monitoring

19.4. The Council monitors planning obligations and will work with developers to ensure that financial contributions and non-financial obligations are delivered on-time. Regulation 10 of the updated CIL Regulations (2019) allows a sum to be paid to the Council for monitoring the delivery of s106 planning obligations. Monitoring fees may be charged by the Council in order to undertake such work in the future.

19.5. The Council will secure measures to ensure that information regarding occupations is regularly provided. This will be secured through a legal agreement and the developer will be required to provide data on a quarterly basis as a minimum.

19.6. Test Valley Borough Council and Hampshire County Council are required to produce their annual Infrastructure Funding Statement which sets out in a prescribed form information on contributions. The Council is able to use Section 106 contributions to monitor and report on the planning obligations contained within those agreements.

Indexing

19.7. Financial contributions are based upon the costs of infrastructure. Financial contributions will therefore be indexed (i.e. index-linked to inflation) to ensure that they retain their original 'real value'. The base date and appropriate index to be applied will be set out in the legal agreement.

19.8. Where a formula has been set for the calculation of contribution levels, any cost figures used will be updated regularly to take account of inflation and are the sums required at the time of negotiation.

19.9. All payment levels will be subject to an inflation factor (often Retail Price Index, Consumer Price Index or other appropriate index) adjusted according to the fluctuations between the date of the obligation and the quarter period in which payment is due to the Borough Council. The County Council will also adjust payments to it but these might be subject to different measures of inflation.

Invoicing

19.10. The Council will calculate the total financial contribution payable including any interest and/or indexation due and will provide a copy of this calculation to the developer. This calculation will be valid for a period of 14 days from the date of issue unless otherwise agreed in writing. If the calculation has not been agreed within 14 days and is shown to be arithmetically correct following the resolution of any dispute, then late payment interest will be charged.

19.11. Once the developer has agreed the calculation, the Council will issue an invoice to the developer for the agreed sum. The invoice issued will be subject to the Council's standard payment terms.

19.12. The Council will raise invoices when the relevant trigger has been reached which will be monitored by the Council. The Council will notify the County Council where necessary who will raise invoices relevant to them separately.

19.13. If payment of an invoice is not raised promptly (within 21 days) the calculations involved in the sums in the invoice will be redone which may result in the payment due increasing.

Enforcement

19.14. The Council will monitor S106 agreements and take appropriate action against breaches to the legal agreement. It will also enforce against breaches to planning conditions in a way which is proportionate to the breach and where it is expedient to do so. There are different approaches to enforcement depending on the mechanism used to secure a contribution or other matter.

19.15. Where there is evidence of non-compliance with a planning obligation (such as the non-payment of financial contributions, failure to comply with an obligation to provide an item of infrastructure), the Council will seek to recover all legal and administration costs incurred. This could include, for example, site visits, the recovery of any unpaid monies and/or correspondence.

Payment of Monies

19.16. Upon receipt, financial contributions will be held by the Council before being transferred to the relevant internal departments or third parties responsible for spending the contribution (such as another public sector body or a parish council).

19.17. Financial contributions payable to Hampshire County Council should be sent directly to the County Council but if contributions are paid to the Borough Council, they will be transferred on to the County Council.

19.18. Parish Councils may spend the money collected by the Borough Council on projects within their area, provided that they are spent in a way which matches the reason for which they were sought. They will be required to apply for funds through an application process, further details of which are available on the Borough Council's website⁴⁶.

19.19. Local planning authorities are expected to use all of the funding received by way of planning obligation within a reasonable time frame. Agreements will normally include clauses stating when and how the funds will be used by and allow for their return, after an agreed period of time, where they are not. This period is usually five years but may be longer if deemed appropriate. If the money is not spent within the agreed period, the developer will be reimbursed with the outstanding amount, together with any interest accrued; unless the agreement is varied or if the amount is secured in perpetuity.

19.20 .As unilateral undertakings generally do not have the Council as a party, there is not the same obligation on the Council to return any unspent monies.

⁴⁶ [Use of Developer Contributions and Indexation | Test Valley Borough Council](#)

20 Glossary

Abnormal Development Cost	Costs that are associated with abnormal site conditions such as contamination, flood risk, substructure, listed buildings, etc ⁴⁷ .
Community Infrastructure Levy	The Community Infrastructure Levy (the 'levy') is a charge which can be levied by local authorities on new development in their area ⁴⁸ .
Green Infrastructure	A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities ⁴⁹ .
Indexing	Financial contributions secured through legal agreements will be index-linked where specified in the agreement. This is where the amount secured is adjusted in line with current values using an appropriate index
Local Plan	A plan for the future development of a local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. A local plan can consist of either strategic or non-strategic policies, or a combination of the two ⁵⁰ .
Major development	Development of more than 10 dwellings, or more than 1000m ² of floor space or on a site larger than 0.5ha
Neighbourhood Development Plan	A plan prepared by a parish council or neighbourhood forum for a designated neighbourhood area. In law this is described as a neighbourhood development plan in the Planning and Compulsory Purchase Act 2004 ⁵¹ .
Open Space	All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity ⁵²
Planning Obligation	A legally enforceable obligation entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal ⁵³ .
Section 106 Agreement	A legal agreement made under Section 106 of the Town and Country Planning Act 1990. It provides that if planning permission is granted and implemented, then payment or provision must be made in the form of a planning contribution.

⁴⁷ [RICS guidance note on the National Planning Policy Framework](#)

⁴⁸ <https://www.gov.uk/guidance/community-infrastructure-levy>

⁴⁹ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

⁵⁰ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

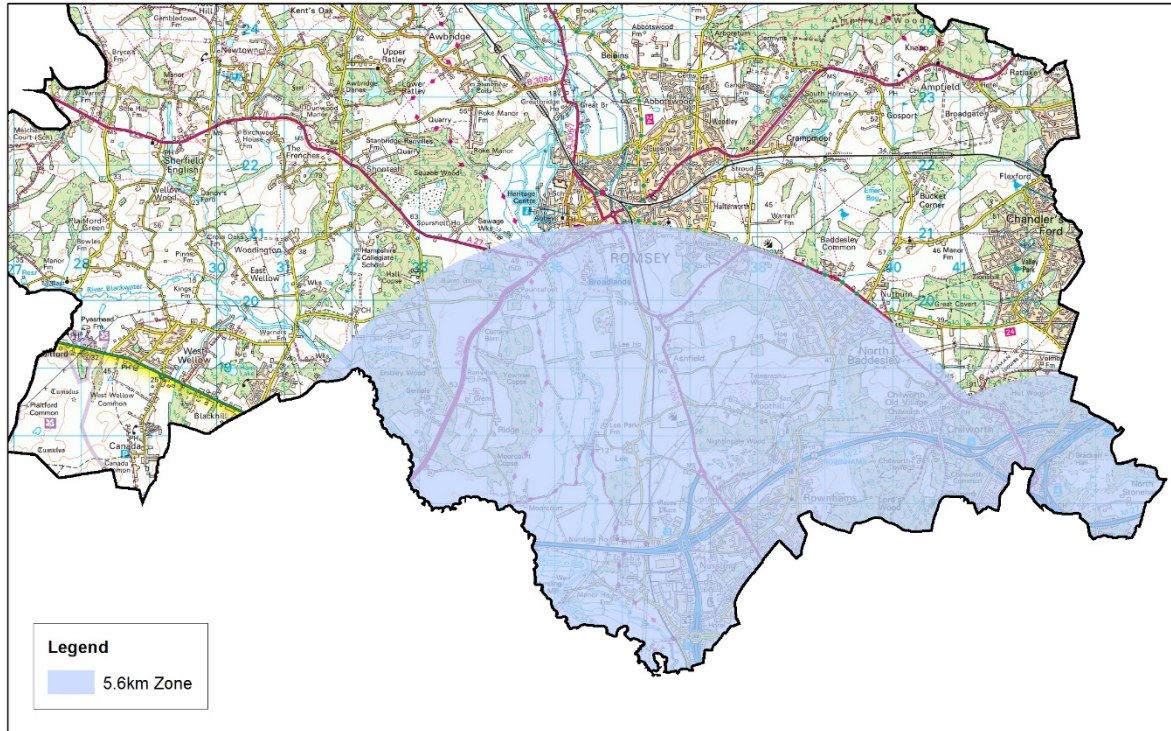
⁵¹ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

⁵² <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

⁵³ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

	This can include the provision of affordable housing on site or a financial contribution in lieu. The legal agreement is entered into by the applicant, the Council and anyone else who has an interest in the land forming the application site. A Section 106 agreement is normally a more complex type of planning agreement than a Unilateral Undertaking.
Section 278 Agreement	A section of the Highways Act 1980 that allows developers to enter into a legal agreement with the Highways Authority to make alterations or improvements to a public highway, as part of planning approval.
Supplementary Planning Document	They provide additional guidance on detailed issues linked to policies in the Local Plan. They do not form part of the Development Plan itself, but where relevant will be used when considering applications and are a material consideration.
Unilateral Undertaking	A simplified version of a S106 agreement which is entered into by the landowner and any other party with a legal interest in the development site, but not the Council.

Appendix 1: Map showing the recreational impact mitigation zone for the Solent SPAs

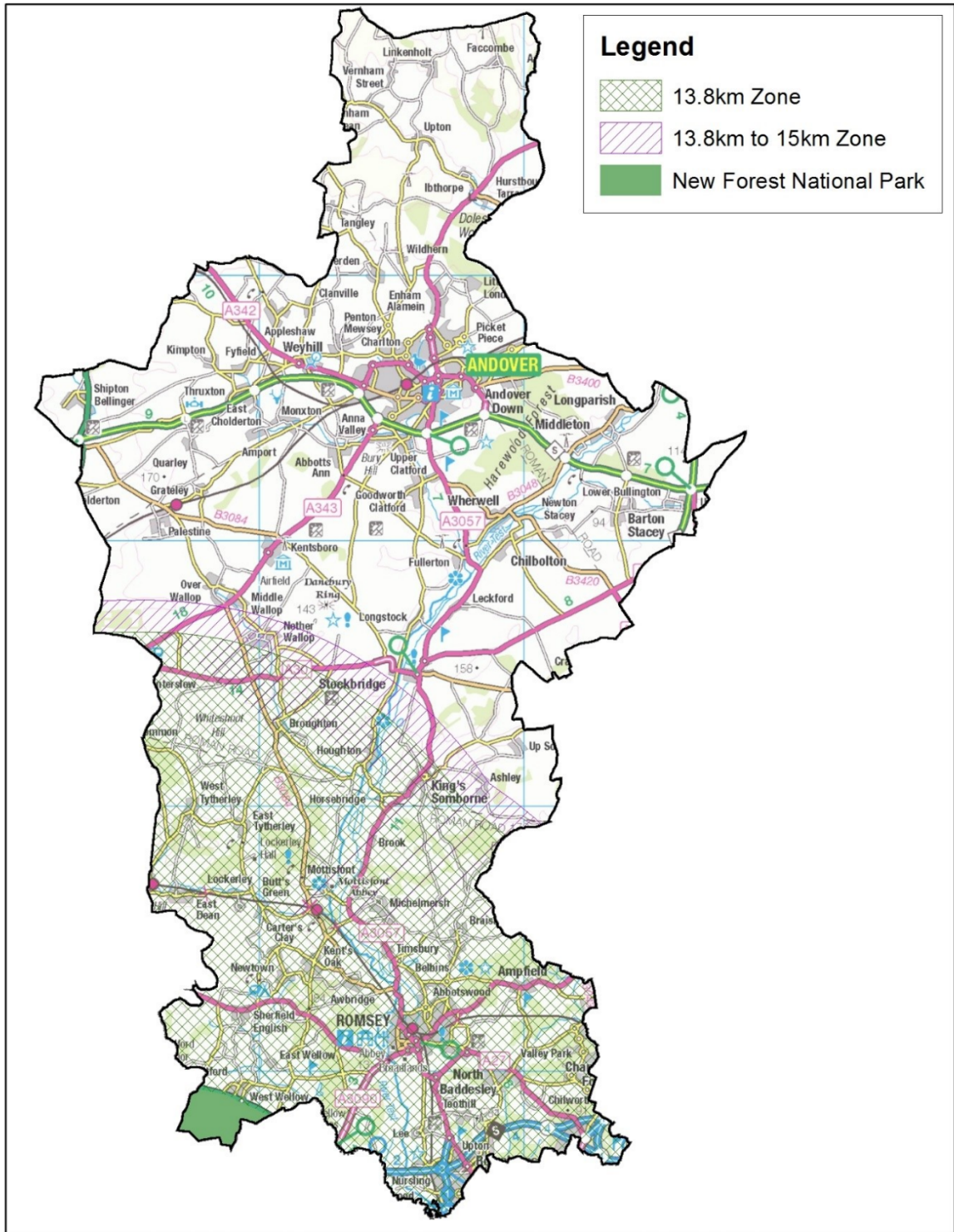


Solent SPAs - Recreation Mitigation Impact Zone

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Appendix 2: Map showing the recreational impact mitigation zones for the New Forest SAC, SPA and Ramsar



New Forest SAC, SPA and Ramsar - Recreational Impact Mitigation Zone

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Appendix 3: A Sample Community Development Worker Job Description and Person Specification

Our Values: We expect all of our employees to live by and demonstrate the Council's five key values of:	
Accountability, Ambition, Empowerment, Integrity, Inclusiveness.	
Main job purpose	
<p>To support the development of sustainable new neighbourhoods and the integration of these into both the existing residents of <i>location</i> and the wider town of <i>location</i>.</p> <p>To assist to deliver against the objectives of the TVBC Corporate Plan and resulting Corporate Action Plan priorities</p>	
Main responsibilities and duties/ Principal Accountabilities	
1. Work in close cooperation with local residents, statutory and voluntary organisations and other TVBC officers to support the local community.	15%
2. Identify the needs of the local community and gaps in service provision using a range of consultation and engagement techniques.	15%
3. Establish local community organisations and residents associations, including a community association (that will ultimately manage the community centre and develop activities), and provide ongoing advice and support	15%
4. Based on the identified needs, support the development and build the capacity of the community, working alongside the relevant organisations to develop a programme of sustainable activities to engage the wider community	15%
5. Provide opportunities for residents to get involved in their community and influence the decisions that affect their lives thereby building community cohesion and promoting a sustainable neighbourhood	15%
6. Support local councillors in developing their role as community leaders and in doing so helping communities to take a greater role in resolving issues that are important to them.	10%

7. Develop effective internal and external methods of communicating information to all stakeholders	5%
8. Participate in existing networks and groups and provide feedback to stakeholders as relevant	5 %
9. Support community organisations to recruit staff and volunteers and assist to provide relevant training and development opportunities.	5%
<p><i>To ensure that service delivery complies with current regulations, accepted professional standards, the Council's policies and procedures and appropriate legislation. This includes legislation on equalities, health and safety and safeguarding children and vulnerable adults.</i></p>	
Supervision and management	
No supervision or management function.	
Resources	
No allocated budget	
Contacts and relationships	
<p>The post holder reports to the Community Engagement Manager and will work closely with Community Engagement Officers in the community team. There is also a requirement to work with Officers from a variety of teams across the Council on issues pertinent to the development.</p> <p>The post holder will support local councillors in developing their role as community leaders and in doing so helping communities to take a greater role in resolving issues that are important to them.</p> <p>The role has a high degree of contact with members of the public, representatives from the developers and other invested stakeholders. Therefore the post holder needs to be able to communicate effectively and respond accordingly to situations that they are presented with.</p>	
Working environment	

The nature of this role will require the post holder to work from Beech Hurst and also on site at *location* delivering a range of community based activities alongside some desk based work.

CRITERIA Everything included in this section needs to be able to be objectively measured in one of the following ways: application form, certificates, testing, interview or references.	ESSENTIAL/ DESIRABLE
Educational and professional qualifications	
Community Development qualification	E
Knowledge	
<ul style="list-style-type: none"> • Good understanding of community engagement techniques and how to deliver them in practice • Understanding of local environment and influencing factors 	E D
Experience	
<ul style="list-style-type: none"> • Working with community and voluntary groups • Experience in setting up and supporting groups and activities • Experience of collaborative working with organisations to deliver outcomes for communities 	E E E
Key skills	
<ul style="list-style-type: none"> • Organisational skills • Ability to communicate using a variety of media (e.g. verbal, written) • Ability to project manage events • Ability to undertake consultations 	E E D E
Personal qualities and behaviours	
<ul style="list-style-type: none"> • Commitment to TVBC values • Good interpersonal skills • Commitment to achieving positive results • Personal integrity • Committed to equality of opportunity 	E E E E E E

<ul style="list-style-type: none"> • Self-motivated and ability to work on own initiative 	
Other Factors	
<p>Politically restricted post Enhanced Disclosure and Baring Service check required Evening and weekend working required Elements of lone working Must be able to travel to Hampshire wide locations and occasionally to further locations some of which may not be easily accessible by public transport</p>	
Corporate Responsibilities	
<p>All employees are required to adhere to corporate policies, procedures and codes of conduct; full details can be found on the intranet or from your line manager. Particular aspects include:</p> <p>Health and Safety - Every employee while at work has a duty to take reasonable care for the health and safety of himself/herself and of other persons who may be affected by his/her acts or omissions at work - Health and Safety at Work Act 1974.</p> <p>All employees are required to adhere to the Council's corporate policy, procedures associated with their duties and to undertake tasks/training in that context, as required.</p> <p>Safeguarding - This Council is committed to safeguarding and promoting the welfare of children and young people and vulnerable adults and expects all employees and volunteers to share this commitment, and to adhere to the Council's Safeguarding Policy.</p> <p>Equalities – This Council is committed to providing equal opportunities for all. We believe that employing people from different backgrounds with a range of perspectives and experiences helps us to deliver high quality services to all our residents. We employ people based on their abilities and potential, regardless of any protected characteristics.</p> <p>Social Media - Employees are required to adhere to social media corporate policies and to undertake tasks/training in that context as required. Employees must not bring the Council into disrepute through their use of social media either personally or on behalf of the Council.</p> <p>Financial – Employees are required to adhere to the Council's financial regulations and to undertake tasks/training in that context, as required.</p> <p>Risk Management - Employees are required to adhere to the Council's risk management strategy and to undertake tasks/training in that context, as required.</p>	

Data Protection and Data Security - We hold and process information about our customers and as such we are legally obliged to protect that information. Data protection is important for the Council, and employees are required to understand and adhere to relevant policies and procedures.

Paragraph or section	Organisation	Summary of comment	Officer response	Nature of change to document	Change to document	Amended paragraph/s
15	Andover Ramblers	Reference to Public Rights of Way needs to be widened to beyond a transport related function as a means of getting from A to B, but also recognise they provide a health and well-being benefits. Reference should be made to mitigation in context of new development e.g. creation of new PROWs in keeping with TVBC adopted LP para. 9.12.	The Local Plan 2040 will consider the wide ranging role of Public Rights of Way in playing a leisure, health & well-being and commuting function. Consideration will be given to referencing the multi-functional roles of PROW in other relevant sections of the draft SPD as well as providing clarity on the delivery and improvement of PROW which are outside of the red line boundary of a site and that the precise details of mitigation are considered on a site by site basis as detailed in HCC draft Planning Obligations and Developer Contributions document.	Minor. Additional wording provided for clarity and context	They may also incorporate new or existing Public Rights of way, providing opportunities for informal recreation, health and well-being, and also active travel. The Borough Council will work with Hampshire County Council, having regard to their requirements, to secure enhancements to the Public Rights of Way network as part of any informal recreation areas.	11.15
	Coal Authority	TVBC lies outside of the defined coalfield, therefore the Coal Authority has no specific comments to raise. Note that the Coal Authority do not need to be informed of future drafts of SPDs or emerging plans.	Noted. No comment			

	Natural England	Note that the SPD refers to emerging requirements of biodiversity net gain, nutrient mitigation and strategic solutions for recreational impacts in addition to how green infrastructure will be funded and secured.	Noted. No comment			
	Natural England	NE recommend that the New Forest SPD should be a priority to support neighbouring authorities and TVBC's ambition in delivering a co-ordinated and comprehensive approach to mitigation for the New Forest designations. NE is committed to working with TVBC to develop a cross boundary strategic approach to addressing recreational impacts.	Noted. TVBC supports working with Natural England.			
	Natural England	NPPF states that local planning authorities should take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure and PPG on Green Infrastructure provides more information on this.	The SPD does provide further guidance on this in Section 16. A strategic approach to maintaining and enhancing biodiversity and ecological networks is enshrined in the adopted Local Plan policies under the Environment chapter. The emerging Local Plan 2040 threads through these principles in strategic policies for Climate	Minor. Additional wording provided for clarity and context	The Green Infrastructure network is an important component for enhancing biodiversity, protecting the character of the landscape and providing spaces for recreation such as the network of Public Rights of Way,	11.42

		Urban green space provides multi-functional benefits contributing to coherent and resilient ecological networks allowing species to move around. Urban GI can help manage environmental and well-being issues such as reduction in flooding, heat island effects and improving public health and quality of life. retrofitting GI through green roofs, green walls and additional planting/alternative land management can provide opportunities.	Change, Delivering Healthy, Well-designed Development, Delivering High Quality Development in Town Centres and Delivering Infrastructure. With the support of evidence base documents such as a Landscape Character Assessment, consideration will be given to the approach to more detailed policies on these matters, notwithstanding national policy and guidance such as the Biodiversity Net Gain metric and emerging national guidance such as the Environmental Outcomes assessment.		important for leisure, health and well-being.	
	Natural England	SPD should consider incorporating features beneficial to wildlife, such as bat roost or bird boxes in line with paragraph 118 of the NPPF. See Exeter Residential Design Guide.	A strategic approach to maintaining and enhancing biodiversity and ecological networks is enshrined in the adopted Local Plan policies under the Environment chapter. The emerging Local Plan 2040 will consider these issues alongside national policies and forthcoming legislative requirements.			

	Natural England	SPD could provide opportunities to enhance local character and distinctiveness of natural and built environment through tools such as townscape and landscape character assessments, to enable development to make a positive contribution to the landscape. e.g. through careful selection, management and succession planning of trees.	A strategic approach to maintaining and enhancing biodiversity and ecological networks is enshrined in the adopted Local Plan policies under the Environment chapter. The emerging Local Plan 2040 will consider these issues alongside national policies and forthcoming legislative requirements.			
	Natural England	Acknowledge SPD unlikely to give rise to significant effects on European sites. Consult NE in line with PPG if SPD requires SEA/HRA	Noted. A screening assessment will be undertaken to determine if a Strategic Environmental Assessment (SEA) is required in accordance with the European Union Directive 2001/42/EC (SEA Directive) and the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations).			
13	NHS Hampshire & IOW Integrated Care Board	Support reference to mitigation for healthcare facilities to include extension to existing facilities rather than a preference towards building new facilities. Support methodology for calculating developer	Noted. No comment			

		contributions for health infrastructure, using the national formulaic method.				
	NHS Hampshire & IOW Integrated Care Board	Level of growth unsustainable to deliver services without significant capital investment and ICB support reference made in SPD to impact of development and population growth.	It is acknowledged that growth in population will require additional investment to deliver health services and associated infrastructure. The approach set out in the draft Developer Contributions SPD which is based on the use of NHS Health Building Note 11-01 which is a tool setting out how impact on existing services is assessed and additional capacity is identified and calculated to come up with a quantity of space. In addition, TVBC works in partnership with the ICB to develop a robust evidence base to support securing planning obligations, in addition to securing funding and estate opportunities to deliver modern and resilient health services as part of transformational plans. Consideration will be given to how health infrastructure requirements could be incorporated into policies in the emerging Local Plan 2040.			

	<p>NHS Hampshire & IOW Integrated Care Board</p>	<p>Limited capital funding available from ICB across whole of Hampshire and IOW which is significantly oversubscribed. Limitations on self-funding and landlord-funded improvements to deliver services safely.</p>	<p>It is acknowledged that growth in population will require additional investment to deliver health services and associated infrastructure. The approach set out in the draft Developer Contributions SPD which is based on the use of NHS Health Building Note 11-01 which is a tool setting out how impact on existing services is assessed and additional capacity is identified and calculated to come up with a quantity of space. In addition, TVBC works in partnership with the ICB to develop a robust evidence base to support securing planning obligations, in addition to securing funding and estate opportunities to deliver modern and resilient health services as part of transformational plans. Consideration will be given to how health infrastructure requirements could be incorporated into policies in the emerging Local Plan 2040.</p>			
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	<p>NHS Hampshire & IOW Integrated Care Board</p>	<p>Acknowledge TVBC has housing need and must deliver appropriate levels of housing. ICB advocates continuation of working collaboratively to ensure health services can grow and remain resilient.</p>	<p>TVBC support the continuation of working in partnership with the ICB. It is acknowledged that growth in population will require additional investment to deliver health services and associated infrastructure. The approach set out in the draft Developer Contributions SPD which is based on the use of NHS Health Building Note 11-01 which is a tool setting out how impact on existing services is assessed and additional capacity is identified and calculated to come up with a quantity of space. In addition, TVBC works in partnership with the ICB to develop a robust evidence base to support securing planning obligations, in addition to securing funding and estate opportunities to deliver modern and resilient health services as part of transformational plans. Consideration will be given to how health infrastructure requirements could be incorporated into policies in the emerging Local Plan 2040.</p>			
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<p>13</p>	<p>NHS Property Services</p>	<p>NHS Property Services support NHS Commissioners to deliver a local health and public estate and includes identifying opportunities to reconfigure the estate, optimise land use and deliver health services from modern facilities. Planning policies should support this and it is important that NHS continues to receive developer contributions to mitigate growth and deliver transformational plans.</p>	<p>It is acknowledged that growth in population will require additional investment to deliver health services and associated infrastructure. The approach set out in the draft Developer Contributions SPD which is based on the use of NHS Health Building Note 11-01 which is a tool setting out how impact on existing services is assessed and additional capacity is identified and calculated to come up with a quantity of space. In addition, TVBC works in partnership with the ICB to develop a robust evidence base to support securing planning obligations, in addition to securing funding and estate opportunities to deliver modern and resilient health services as part of transformational plans. Consideration will be given to how health infrastructure requirements could be incorporated into policies in the emerging Local Plan 2040.</p>			
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<p>13.3</p>	<p>NHS Property Services</p>	<p>NHSPS note that extension to existing facilities is one potential solution to mitigating the impact of development on healthcare. Large residential developments can have significant impacts. NHS should have flexibility to seek the provision of new on-site healthcare infrastructure and/or secure free land and infrastructure/property to meet the relevant healthcare needs arising from developments.</p>	<p>It is acknowledged that growth in population will require additional investment to deliver health services and associated infrastructure. The approach set out in the draft Developer Contributions SPD which is based on the use of NHS Health Building Note 11-01 which is a tool setting out how impact on existing services is assessed and additional capacity is identified and calculated to come up with a quantity of space. In addition, TVBC works in partnership with the ICB to develop a robust evidence base to support securing planning obligations, in addition to securing funding and estate opportunities to deliver modern and resilient health services as part of transformational plans. Consideration will be given to how health infrastructure requirements could be incorporated into policies in the emerging Local Plan 2040.</p>			
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13.6	NHS Property Services	NHSPS supports approach to using national formulaic approach to establishing means of mitigation and working alongside the ICB to establish appropriate contributions.	It is acknowledged that growth in population will require additional investment to deliver health services and associated infrastructure. The approach set out in the draft Developer Contributions SPD which is based on the use of NHS Health Building Note 11-01 which is a tool setting out how impact on existing services is assessed and additional capacity is identified and calculated to come up with a quantity of space. In addition, TVBC works in partnership with the ICB to develop a robust evidence base to support securing planning obligations, in addition to securing funding and estate opportunities to deliver modern and resilient health services as part of transformational plans. Consideration will be given to how health infrastructure requirements could be incorporated into policies in the emerging Local Plan 2040.			
	NHS Property Services	Advocates continued partnership working to deliver appropriate infrastructure through updated Infrastructure Delivery Plans and allocation of capital such as CIL, to support healthcare infrastructure.	Noted. TVBC support the continuation of working together.			

	Individual	The draft paper presents a reasonable and full assessment of the method for contributions for residential development and it would be interesting to see if the method has resulted in a reduction in the amount of housing being built.	Noted. No comment			
4	Individual	Are the schemes/projects that the CIL contributions help fund disclosed to developers or site owners? It would be positive if it was disclosed how the projects funded by CIL payments complement the developers scheme	The Borough Council's CIL Spending Protocol sets out how the Borough Council prioritises expenditure of CIL receipts.			

10.1	Individual	The method for calculating off site financial contributions for schemes between 6 and 9 dwellings needs clarification as its not clear if this is optional or alternative to the method applied for bigger schemes and does not seem to allow for exceptional development costs.	The calculation methodology set out in Annex 1 of the adopted Affordable Housing SPD states it applies to schemes for between 6 - 9 dwellings on the basis that Policy COM7 (Affordable Housing) requires a financial contribution equivalent of up to 20% of dwellings to be affordable. Policy COM7 enables the economics of provision to be taken into consideration, including the requirement for financial contribution for off-site provision in lieu. The Borough Council will comply with Regulation 122 of the CIL Regulations when securing planning obligations. Developers are not encouraged to agree to S106 obligations and financial contributions that they cannot afford.			
	Individual	It would be fairer if developers of schemes between 6-9 dwellings were given a choice as to which method they use to calculate the off site financial contributions, the formula or the method used in bigger schemes, in order to factor in exceptional development costs that may occur.	The calculation methodology set out in Annex 1 of the adopted Affordable Housing SPD states it applies to schemes for between 6 - 9 dwellings on the basis that Policy COM7 (Affordable Housing) requires a financial contribution equivalent of up to 20% of dwellings to be affordable. Policy COM7 enables the economics of provision to be taken into consideration, including the requirement for financial			

			contribution for off-site provision in lieu. The Borough Council will comply with Regulation 122 of the CIL Regulations when securing planning obligations. Developers are not encouraged to agree to S106 obligations and financial contributions that they cannot afford.			
	Individual	If planning consent is given and the S106 contribution is too high there is a risk of the site being incapable of reasonably beneficial use and this might cause the developer to move on to another project forcing the council to purchase the site. In case of appeals the council could face high costs from inspectors.	The calculation methodology set out in Annex 1 of the adopted Affordable Housing SPD states it applies to schemes for between 6 - 9 dwellings on the basis that Policy COM7 (Affordable Housing) requires a financial contribution equivalent of up to 20% of dwellings to be affordable. Policy COM7 enables the economics of provision to be taken into consideration, including the requirement for financial contribution for off-site provision in lieu. The Borough Council will comply with Regulation 122 of the CIL Regulations when securing planning obligations. Developers are not encouraged to agree to S106 obligations and financial contributions that they cannot afford.			
	National Highways	No comments	Noted. No comment			

ANNEX 2

11.37	Southern Water	Southern Water would fully support any requirement for SuDS in new developments of any scale as surface water in the foul and combined network is a known problem that can cause sewer flooding	Noted. No comment			
	Chilworth Parish Council	Chilworth parish council is in support of developers contributions and requests the need for a cycle lane and a pavement along the local gap between Chilworth village and the golf club.	The desire for a new cycle path is noted. TVBC work with Hampshire County Council as Highway Authority to identify opportunities for cycling and walking and would welcome further detail to assess the feasibility and potential delivery mechanisms of this route.			

11.1	Romsey and District Society	All developments must be considered against a strategy that establishes and maintains green connections to protect biodiversity and create pleasant and well connected walking routes.	The Local Plan 2016 contains policies to ensure biodiversity and green infrastructure is taken into account and appropriate mitigation is secured. This is supported by NPPF para. 194 which requires that development minimises the impact on and provides biodiversity net gain. The Borough Council will work with partners and stakeholders to support the delivery of green infrastructure that serves to enhance and protect biodiversity, health & well-being and landscape character alongside the public rights of way network for recreation and active travel. This is set out in sections 11 and 15 of the SPD. Maintenance of public open space is set out in the SPD but each site will require a site specific management plan.			
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<p>11.1</p>	<p>Romsey and District Society</p>	<p>Supplementary Planning guidance could be provided before developers put proposals forward to identify areas for green connections and corridors</p>	<p>The Local Plan 2016 contains policies to ensure biodiversity and green infrastructure is taken into account and appropriate mitigation is secured. This is supported by NPPF para. 194 which requires that development minimises the impact on and provides biodiversity net gain. The Borough Council will work with partners and stakeholders to support the delivery of green infrastructure that serves to enhance and protect biodiversity, health & well-being and landscape character alongside the public rights of way network for recreation and active travel. This is set out in sections 11 and 15 of the SPD. Maintenance of public open space is set out in the SPD but each site will require a site specific management plan.</p>			
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11.4	Romsey and District Society	In designing open spaces, selection of species and any subsequent maintenance regimes, TVBC should consider how they contribute to biodiversity and how opportunities for recreation can be provided. Abbotswood is a good example of how this can be done.	The Local Plan 2016 contains policies to ensure biodiversity and green infrastructure is taken into account and appropriate mitigation is secured. This is supported by NPPF para. 194 which requires that development minimises the impact on and provides biodiversity net gain. The Borough Council will work with partners and stakeholders to support the delivery of green infrastructure that serves to enhance and protect biodiversity, health & well-being and landscape character alongside the public rights of way network for recreation and active travel. This is set out in sections 11 and 15 of the SPD. Maintenance of public open space is set out in the SPD but each site will require a site specific management plan.			
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<p>11.10-11.17</p>	<p>Romsey and District Society</p>	<p>Planning guidance should be provided to ensure that plans take into account sustainability, biodiversity and the goal of carbon zero emissions, proximity of residential development should be encouraged.</p>	<p>The Local Plan 2016 contains policies to ensure biodiversity and green infrastructure is taken into account and appropriate mitigation is secured. This is supported by NPPF para. 194 which requires that development minimises the impact on and provides biodiversity net gain. The Borough Council will work with partners and stakeholders to support the delivery of green infrastructure that serves to enhance and protect biodiversity, health & well-being and landscape character alongside the public rights of way network for recreation and active travel. This is set out in sections 11 and 15 of the SPD. Maintenance of public open space is set out in the SPD but each site will require a site specific management plan.</p>			
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<p>11.20-11.22</p>	<p>Romsey and District Society</p>	<p>TVBC should provide Planning guidance to avoid inheriting large areas of mown grass with no biodiversity value. The use of mown paths through natural grassland should be preferred and management must ensure space for nature and planting of more trees.</p>	<p>The Local Plan 2016 contains policies to ensure biodiversity and green infrastructure is taken into account and appropriate mitigation is secured. This is supported by NPPF para. 194 which requires that development minimises the impact on and provides biodiversity net gain. The Borough Council will work with partners and stakeholders to support the delivery of green infrastructure that serves to enhance and protect biodiversity, health & well-being and landscape character alongside the public rights of way network for recreation and active travel. This is set out in sections 11 and 15 of the SPD. Maintenance of public open space is set out in the SPD but each site will require a site specific management plan.</p>			
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<p>11.23-11.34</p>	<p>Romsey and District Society</p>	<p>It is equally important to maintain good links between sites by protecting areas that can form links to them, protected species will forage in the wider landscape beyond the protected area so a suitable network needs to be established to enable movement for dispersal to other sites and to aid recolonisation.</p>	<p>The Local Plan 2016 contains policies to ensure biodiversity and green infrastructure is taken into account and appropriate mitigation is secured. This is supported by NPPF para. 194 which requires that development minimises the impact on and provides biodiversity net gain. The Borough Council will work with partners and stakeholders to support the delivery of green infrastructure that serves to enhance and protect biodiversity, health & well-being and landscape character alongside the public rights of way network for recreation and active travel. This is set out in sections 11 and 15 of the SPD. Maintenance of public open space is set out in the SPD but each site will require a site specific management plan.</p>			
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11.40-	Romsey and District Society	There is no mention of biodiversity in this section and the opportunities within SuDS schemes for accommodating wetland species of insects and birds such as house martins	The Local Plan 2016 contains policies to ensure biodiversity and green infrastructure is taken into account and appropriate mitigation is secured. This is supported by NPPF para. 194 which requires that development minimises the impact on and provides biodiversity net gain. The Borough Council will work with partners and stakeholders to support the delivery of green infrastructure that serves to enhance and protect biodiversity, health & well-being and landscape character alongside the public rights of way network for recreation and active travel. This is set out in sections 11 and 15 of the SPD. Maintenance of public open space is set out in the SPD but each site will require a site specific management plan.			
11.41-44	Romsey and District Society	We fully support the broad policy statements	Noted. No comment			

11.41-44	Romsey and District Society	The documents referenced do not provide the necessary vision and guidance needed to achieve the policy aims, for example the 2008 Local Biodiversity plan doesn't seem to be in active use and there is no information relating to what progress has been made and the document hasn't referenced Fishlake Meadows in Romsey what has happened there?	The purpose of the SPD is to set out the mechanism to securing infrastructure and financial contributions based on the aims and objectives of policies in the Local Plan 2016. The Biodiversity Action Plan sets out steps for implementation and monitoring which is reported in the Authority's Monitoring Report (AMR) which is on the Council's website.			
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<p>11.41-44</p>	<p>Romsey and District Society</p>	<p>The document has also referenced the Green Infrastructure Strategy 2014 which contained broad policy objectives with no action plans and there's no reference to a review of this strategy</p>	<p>The Green Infrastructure Strategy sets out how other plans such as the Biodiversity Action Plan and Town Access Plans can achieve the aims and objectives of the GI Strategy. These documents and action plans are monitored and reported on in the Authority's Monitoring Report (AMR). The Borough Council works with Hampshire County Council and other organisation such as wildlife trusts to deliver, manage and monitor green infrastructure, nature reserves and green open spaces. New requirements for Biodiversity Net Gain are secured through new development and the Borough Council will work with other organisations to secure and deliver emerging requirements around Local Nature Recovery Networks as part of an integrated strategy for maintaining, protecting and enhancing green infrastructure and biodiversity.</p>			
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<p>11.44</p>	<p>Romsey and District Society</p>	<p>The table states that green infrastructure will be achieved through the planning process by securing open space but the importance of these being part of a strategic plan to create green corridors is not mentioned.</p>	<p>The Green Infrastructure Strategy sets out how other plans such as the Biodiversity Action Plan and Town Access Plans can achieve the aims and objectives of the GI Strategy. These documents and action plans are monitored and reported on in the Authority's Monitoring Report (AMR). The Borough Council works with Hampshire County Council and other organisation such as wildlife trusts to deliver, manage and monitor green infrastructure, nature reserves and green open spaces. New requirements for Biodiversity Net Gain are secured through new development and the Borough Council will work with other organisations to secure and deliver emerging requirements around Local Nature Recovery Networks as part of an integrated strategy for maintaining, protecting and enhancing green infrastructure and biodiversity.</p>			
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11.44	Romsey and District Society	There needs to be a concerted effort to identify, enhance and expand green infrastructure by a working group similar to the group working on the Romsey Waterways Strategy	The Borough Council seeks to support volunteer groups and other organisations that help identify opportunities to manage and improve green infrastructure and enhancing the Borough's unique biodiversity and recreational spaces. This is reflected in the Council's Corporate Plan 2023 - 2027 in particular supporting the ambitions of TVBC communities and investing in and nurturing the natural environment.			
18.3	Kings Somborne Parish Council	TVBC should clarify the measure for determining abnormal or exceptional development costs and how they will be decided.	Section 17 of the SPD sets out the approach the Council will take where viability is an issue. Abnormal development costs are additional or unusual costs faced by a developer when developing a site such as ground conditions that may require additional structural engineering. Details around review mechanisms and trigger for review will be set out in the S106 Legal Agreement. Reasons for development that departs from planning policies will be set out in officer reports. With the exception of some types of infrastructure such as ecological mitigation which are required prior to occupation, triggers set out in S106 Legal Agreements are bespoke to each development. The timeframe for expenditure of each financial			

			contribution secured through a S106 Legal Agreement is set out within each agreement.			
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18.9	Kings Somborne Parish Council	TVBC should clarify who will undertake a review and how in cases where permission is granted for a scheme that departs from the policies in the LP	Section 17 of the SPD sets out the approach the Council will take where viability is an issue. Abnormal development costs are additional or unusual costs faced by a developer when developing a site such as ground conditions that may require additional structural engineering. Details around review mechanisms and trigger for review will be set out in the S106 Legal Agreement. Reasons for development that departs from planning policies will be set out in officer reports. With the exception of some types of infrastructure such as ecological mitigation which are required prior to occupation, triggers set out in S106 Legal Agreements are bespoke to each development. The timeframe for expenditure of each financial contribution secured through a S106 Legal Agreement is set out within each agreement.			
18.21	Kings Somborne Parish Council	TVBC should clarify what the 'relevant trigger' will be to result in the council raising an invoice to be monitored by the council	With the exception of some types of infrastructure such as ecological mitigation which are required prior to occupation, triggers set out in S106 Legal Agreements are bespoke to each development. The timeframe for expenditure of each financial contribution secured through a S106 Legal Agreement is set out within each agreement.			

ANNEX 2

18.28	Kings Somborne Parish Council	TVBC should clarify what a 'reasonable timeframe' is in which LA's are expected to use all of the funding received by way of planning obligation.	With the exception of some types of infrastructure such as ecological mitigation which are required prior to occupation, triggers set out in S106 Legal Agreements are bespoke to each development. The timeframe for expenditure of each financial contribution secured through a S106 Legal Agreement is set out within each agreement.			
11	Sport England	SE supportive of overall approach to deliver sport and recreation. Important that any new or improvements to facilities are designed in accordance with SE and/or national governing body guidance.	The Sports Facility Strategy and Playing Pitch Strategy sets out the need to work with Sport England and the relevant sport's governing body to ensure design of fit for purpose sports facilities. This is also set out in paragraph 11.7 of the draft SPD.			
11	Sport England	PPS is robust evidence base for justifying new provision or improving existing facilities. Should be reviewed annually and updated where necessary.	The Sports Facilities Strategy and Playing Pitch Strategy aims to be reviewed annually and updated where relevant. The most recent update for both strategies was published in February 2022.			
11	Sport England	Welcome provision of infrastructure in line with phasing of development. Important to provide access from the beginning to establish physical activity and a healthy lifestyle	Paragraph 11.3 of the draft SPD sets out the requirement to secure public open space, which includes sports facilities, as early in the development as possible to enable access by residents as soon as they move in.			

11	Sport England	Welcome requirements for effective maintenance and management arrangements. Particularly important in first 12 months where natural turf is in place to ensure it becomes well established.	Noted. The draft SPD sets out maintenance of public open space in paragraphs 11.20 to 11.22.			
	Carney Sweeney (on behalf of the Ashfield Partnership)	Comments made in the context of Whitenap, strategic allocation in Local Plan 2016 (Policies COM3 and LE3). Supports provision of SPD and flexibility to address mitigation through direct provision or financial contributions. Suggest greater cross reference to standards or multipliers such as requirements in LHW1, possibly as an appendix to SPD.	Policy LHW1 is referred to in Section 16 of the SPD.			
11.1	Carney Sweeney	Welcomes site by site basis approach with either on-site provision or off-site financial contribution.	Noted. No comment			

ANNEX 2

11.5	Carney Sweeney	Suggest referring to transfer of public open space to include 'appropriate body' e.g. wildlife organisation.	Noted. The Borough Council's preference is for public open space to be transferred to it, although paragraph 11.21 does give the option to appoint management companies which can include other appropriate bodies.	Minor. Additional wording provided to provide flexibility in types of organisation appropriate to manage public open space.	Or other appropriate body such as a wildlife trust	paragraph 11.21
11.11	Carney Sweeney	Question requirement for pedestrian and cycle paths through parks and gardens to be well-lit as may conflict with ecology corridors or dark sky objectives. Wording should enable greater flexibility to consider other policy requirements	Noted. Document amended to reflect requirements to consider the balance of providing well-lit routes and ecology corridors and dark sky objectives.	Minor. Additional wording provided for clarity	Lighting should take account of ecological corridors and impact on the landscape.	paragraph 11.12
11.18	Carney Sweeney	Concern over wording that infers that it is mandatory that allotments are handed over the parish or town council. Suggests flexibility to enable retention by landowner/developer and made available through, for example, a management company	Noted. The Borough Council's preference is for public open space to be transferred to it, although this does not preclude transfer to other appropriate bodies and organisations such as a local wildlife trust or retained by the developer for long term management.	Minor. Additional wording provided to provide flexibility	In some cases, the developer may wish to retain and manage the provision and allocation of allotments.	Paragraph 11.19

ANNEX 2

12.5	Carney Sweeney	Request wording to make clear community centres are to meet local need, not wider need, as may have implications for other infrastructure such as parking and to ensure these facilities don't compete with others.	The Borough Council will secure infrastructure in line with the CIL Regulations (Regulation 122) as part of the objective of each site mitigating its impact on local infrastructure.			
12.8	Carney Sweeney	If community facility delivered early, should not be a need for a temporary community facility.	The Borough Council will secure infrastructure in line with the CIL Regulations (Regulation 122) as part of the objective of each site mitigating its impact on local infrastructure, informed by evidence and working with relevant infrastructure providers and statutory organisations .			

<p>12.9 - 12.11</p>	<p>Carney Sweeney</p>	<p>A community development worker can help with making things work where there are volume housebuilders who generally seek to exit a development at the earliest opportunity. However, the Ashfield Partnership will be taking a different approach with the creation of an Estate and Community Manager role. The CDW function may sit better with an existing local community group through additional funding. Ashfield Partnership do not agree with the mandatory provision of a CDW and seeks flexibility for an alternative approach.</p>	<p>The Borough Council will secure infrastructure in line with the CIL Regulations (Regulation 122) as part of the objective of each site mitigating its impact on local infrastructure, informed by evidence and working with relevant infrastructure providers and statutory organisations.</p>	<p>Minor. Additional wording to reflect flexibility in how the CDW role is provided.</p>	<p>Where a CDW is proposed to be employed directly by the developer, the Council will work with the developer to ensure the principles as set out in paragraph 12.9 are reflected.</p>	<p>table below paragraph 12.11</p>
<p>12.12 - 12.15</p>	<p>Carney Sweeney</p>	<p>SPD makes no reference to when a school is required on site. This section needs more detail on costs, who is responsible for delivery and future management arrangements.</p>	<p>The SPD does not seek to replicate existing guidance and requirements of other statutory infrastructure providers. Please see Hampshire County Council's guidance on planning for school places and developer contributions for education facilities available on their website.</p>			

ANNEX 2

13	Carney Sweeney	Recognises importance of supporting healthcare infrastructure but provision should be informed on a case by case basis and justified by evidence through engagement with local health providers, with flexibility on how these facilities are delivered.	The Borough Council will secure infrastructure in line with the CIL Regulations (Regulation 122) as part of the objective of each site mitigating its impact on local infrastructure, informed by evidence and working with relevant infrastructure providers and statutory organisations.			
16.1 - 16.7	Carney Sweeney	Recognises role public art can play and flexibility on how it can be delivered. Identified costings raise concerns and should not be at expense of other social infrastructure. A more flexible approach is required for large scale developments.	Where viability considerations arise, contributions may be prioritised or reduced where robustly demonstrated.			
18.1	Carney Sweeney	Accepts requirement to cover Council's costs for S106	Noted. No comments			

		Suggest wording in SPD is amended. 'The disabled' should be changed to 'people with disabilities'. 'The elderly' should be changed to 'older people'. Document should make explicit reference to minority groups, particularly in relation to their needs within context of community facilities. SPD should seek to address provision for those with hidden disabilities such as level access in addition to specifying gender neutral facilities.	Noted. Document amended to reflect reference to 'people with disabilities' and 'older people'. Detailed requirements will be taken into consideration at the design stage of a community facility.	Minor. Additional wording provided for accuracy	people with disabilities and older people	12.5
	Individual	Renewable energy should be used for lighting of sports facilities and signage should be suitable for people with disabilities. Dog litter bins should be referred to deal with dog waste.	Policies around renewable energy will be considered as part of the emerging Local Plan 2040. detailed design requirements, such as signage and litter bins are incorporated into the design of public open space which is set out in the SPD.			
Footnote 5, page 5	Individual	Hyperlink to footnote 5 is missing.	Noted.	Minor. Updated footnote	Footnote updated	

14.3	Individual	Does not recognise there is a climate emergency. Suggests para. 14.3 should be deleted	The Borough Council declared a climate emergency in September 2019 and committed to identify steps to achieve carbon neutrality as soon as possible. Please see the Council's Climate Emergency Action Plan June 2020 and subsequent updates.			
18.28	Individual	Suggest wording is clear to ensure financial contributions only seek to address deficiencies arising directly from the development. The requirement for financial contributions is deducted off the price of the land by the developer. Suggest wording is amended to clarify that unspent contributions would go to the landowner, not the developer.	The Borough Council will secure infrastructure in line with the CIL Regulations (Regulation 122) as part of the objective of each site mitigating its impact on local infrastructure, informed by evidence and working with relevant infrastructure providers and statutory organisations.			
	Individual	SPD refers to RPI or CPI. Suggest including reference to other appropriate indices.	Noted. SPD amended to reference other appropriate indexes.	Minor. Additional wording provided for clarity	or other appropriate index	19.9

ANNEX 2

11.37	Individual	SPD recognises need for mitigating flooding. Suggest provide wording that requires mitigation against drought and reduce harm to the Test and Itchen river levels as a result of development.	Noted. Consideration will be given to addressing the effects of climate change in the emerging Local Plan 2040.			
	Individual	No specific comments on the content of the SPD	Noted. No comments			
	Pegasus Group (on behalf of Peel L&P Investments (North) Limited (Peel))	Site promoter for Bere Hill south east of Andover, a 52.6 Ha site being promoted for 700+ residential units through the Local Plan 2040 (SHELAA site 247). A site of this scale has potential to deliver a range of infrastructure, such as public open space, pedestrian and cycle networks etc, both on an off-site which will also benefit the wider town.	Noted. Sites promoted through the SHELAA will be considered as part of the Local Plan 2040.			
	Pegasus Group	Acknowledge need to update existing Developer Contributions SPD based on adopted Local Plan 2016 but raises questions for emerging Local Plan 2040 which will need to	Noted.			

ANNEX 2

		be addressed as the process evolves.				
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18	Pegasus Group	National policy around viability has changed since Local Plan 2016 was adopted. Reference made to paragraphs 34 and 58 of NPPF that viability should occur at plan-making stage. Concern that references to new formulaic approaches in SPD is not in line with NPPG (specifically paragraph 10-002-20190509 as they have not been subject to examination. Recognise that standard formula is helpful for developer to gauge costs, the SPD must make clear that each application will be determined on a case by case basis. Acknowledge fact that SPD recognises viability challenges and there is scope for flexibility in prioritising requirements. Since the UK has left the EU, labour and material costs have risen considerably, compounded by 12 new taxes, levies and regulations, contributing	The SPD clarifies the approach taken to securing financial contributions for Skills and Training which is set out in the adopted Local Plan Policy ST1. The SPD also sets out the approach taken by the local health authority (Hampshire and Isle of Wight Integrated Care Board) for identifying the impact on local health infrastructure and calculating the local requirement through Health Building Note 1 1 - 01 which assists in considering whether a financial contribution to mitigate the impact of development is required. Health Building Notes was first published in 2013 and is used by the NHS and local health authority are used nationally. TVBC had successfully delivered public art projects and programmes through historic S106 agreements, and highlighting the importance that TVBC places on the role of public art in place-making as set out in the supporting text in Policy E1, High Quality Development in the Borough. It also indicates the direction of travel through the emerging Local Plan 2040. Given that there is no specific adopted planning policy for public art to enable financial contributions to be secured, this section has been	Medium. A number of amendments have been made in the document in response to the issues raised through public consultation. Section 16 for Public Art has been amended to recognise the value of public art in place-making but removed the formula and threshold for financial contributions. Section 13 covering Healthcare includes additional detail on the healthcare estate position and the purpose	Various - see specific paragraph references	Public Art - 16.1, deleted table. Healthcare - 13.1, 13.2, 13.6. Employment and skills - 14.9
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		<p>to an additional £22,000 in costs per home. The level of contributions required by the draft SPD should be carefully considered against backdrop of rising prices and the additional burden this places on developers in the context of housing delivery.</p>	<p>amended from the draft SPD to reflect the adopted Local Plan. However, there is an opportunity for public art to be integrated into the policies of the emerging Local Plan 2040.</p>	<p>of Health Building Note 11 - 01. In section 14 an additional paragraph has been added to justify the financial contribution of £200 per job.</p>		
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<p>18.16</p>	<p>Pegasus Group</p>	<p>In light of recent significant inflation, this could have implications on the viability of recently approved development and urge the Council to be aware of this when considering revised schemes or requests to alter legal agreements. Seek flexibility in respect of long-term maintenance costs for nutrient related mitigation schemes. While viability is acknowledge in section 18 of the SPD, would be helpful for the Council to set out a hierarchy of obligations.</p>	<p>Where viability considerations arise, contributions may be prioritised or reduced where robustly demonstrated.</p>			
	<p>Pegasus Group</p>	<p>If national policy changes further or requirements in SPD potentially restrict the emerging plan from certain preferred sites or spatial options, then SPD may need reviewing or updating soon after the adoption of the emerging Local Plan 2040 and be aligned with emerging strategy and proposed allocations.</p>	<p>The SPD will be updated when required subject to adoption of the emerging Local Plan 2040.</p>			

ANNEX 2

	Pegasus Group	Suggest updating CIL Charging Schedule to confirm which types of infrastructure will be captured by CIL and S106 and avoid any double counting.	The Borough Council has an adopted CIL Charging Schedule and CIL Spending Protocol which sets out how the Borough Council prioritises expenditure of CIL receipts.			
10	Pegasus Group	Welcome flexibility that site specific economics will be considered	Noted. No comments.			
11.20 - 11.22	Pegasus Group	Recognise preference for public open space to be transferred to the Council but seek reassurance that the Council can demonstrate they had experience, resource and track record to manage it, in light of mix of requirements, such as Biodiversity Net Gain, Sustainable Drainage Systems and nutrient neutrality schemes, on large sites like Bere Hill which may require a specialist approach.	Noted. The Borough Council's preference is for public open space to be transferred to it, although this does not preclude transfer to other appropriate bodies and organisations such as a local wildlife trust or retained by the developer for long term management.			
11.25	Pegasus Group	Reserve right to make further comment subject to further details in Environment Act 2021. DEFRA Biodiversity metric referred to in SPD is version 3.1 which has been since updated	Noted. The draft SPD has been updated to refer to the Biodiversity Metric including a weblink rather than the metric version.	Minor. Footnote removed and additional wording provided for clarity	The metric to be used will be set out in forthcoming legislation.	11.26

ANNEX 2

		twice. The SPD should address this.				
11.32 - 11.34	Pegasus Group	Aware of scale of issue in context of Bere Hill but given evolving requirements for nutrient neutrality, seek flexibility with the SPD to recognise this.	The approach to mitigating the eutrophication impacts of development are set out on Test Valley Borough Council's website and will be updated in line with government guidance.			
16	Pegasus Group	Preferred approach is to have a defined and costed public art strategy for sites around Andover rather than a pro-rata figure applied to each development. Potential for sites to deliver own pieces of public art to integrate with local surroundings and history.	The Borough Council will secure infrastructure in line with the CIL Regulations (Regulation 122) as part of the objective of each site mitigating its impact on local infrastructure, informed by evidence and working with relevant infrastructure providers and statutory organisations.			

<p>18</p>	<p>Turley (On behalf of St. Modwen Logistics)</p>	<p>No evidence that an updated viability study has been undertaken to support either the new or existing local plan. Query the validity of the SPD as the contributions have not been identified through an up to date IDP or included in a recent viability study.</p>	<p>The SPD clarifies the approach taken to securing financial contributions for Skills and Training which is set out in the adopted Local Plan Policy ST1. The SPD also sets out the approach taken by the local health authority (Hampshire and Isle of Wight Integrated Care Board) for identifying the impact on local health infrastructure and calculating the local requirement through Health Building Note 1 1 - 01 which assists in considering whether a financial contribution to mitigate the impact of development is required. Health Building Notes was first published in 2013 and is used by the NHS and local health authority are used nationally. TVBC had successfully delivered public art projects and programmes through historic S106 agreements, and highlighting the importance that TVBC places on the role of public art in place-making as set out in the supporting text in Policy E1, High Quality Development in the Borough. It also indicates the direction of travel through the emerging Local Plan 2040. Given that there is no specific adopted planning policy for public art to enable financial contributions to be secured, this section has been</p>	<p>Medium. A number of amendments have been made in the document in response to the issues raised through public consultation. Section 16 for Public Art has been amended to recognise the value of public art in place-making but removed the formula and threshold for financial contributions. Section 13 covering Healthcare includes additional detail on the healthcare estate position and the purpose</p>	<p>Various - see specific paragraph references</p>	<p>Public Art - 16.1, deleted table. Healthcare - 13.1, 13.2, 13.6. Employment and skills - 14.9</p>
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			<p>amended from the draft SPD to reflect the adopted Local Plan. However, there is an opportunity for public art to be integrated into the policies of the emerging Local Plan 2040.</p>	<p>of Health Building Note 11 - 01. In section 14 an additional paragraph has been added to justify the financial contribution of £200 per job.</p>		
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<p>18</p>	<p>Turley (On behalf of St. Modwen Logistics)</p>	<p>Formulaic approaches for public art and employment and skills plans. Reference made to Planning Practice Guidance that sets out that new formulaic approaches to planning obligations are not appropriate for SPDs. These new formulaic approaches don't allow testing at examination or for obligations to be reflected in the price of the land.</p>	<p>The SPD clarifies the approach taken to securing financial contributions for Skills and Training which is set out in the adopted Local Plan Policy ST1. The SPD also sets out the approach taken by the local health authority (Hampshire and Isle of Wight Integrated Care Board) for identifying the impact on local health infrastructure and calculating the local requirement through Health Building Note 1 1 - 01 which assists in considering whether a financial contribution to mitigate the impact of development is required. Health Building Notes was first published in 2013 and is used by the NHS and local health authority are used nationally. TVBC had successfully delivered public art projects and programmes through historic S106 agreements, and highlighting the importance that TVBC places on the role of public art in place-making as set out in the supporting text in Policy E1, High Quality Development in the Borough. It also indicates the direction of travel through the emerging Local Plan 2040. Given that there is no specific adopted planning policy for public art to enable financial contributions to be secured, this section has been</p>	<p>Medium. A number of amendments have been made in the document in response to the issues raised through public consultation. Section 16 for Public Art has been amended to recognise the value of public art in place-making but removed the formula and threshold for financial contributions. Section 13 covering Healthcare includes additional detail on the healthcare estate position and the purpose</p>	<p>Various - see specific paragraph references</p>	<p>Public Art - 16.1, deleted table. Healthcare - 13.1, 13.2, 13.6. Employment and skills - 14.9</p>
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			<p>amended from the draft SPD to reflect the adopted Local Plan. However, there is an opportunity for public art to be integrated into the policies of the emerging Local Plan 2040.</p>	<p>of Health Building Note 11 - 01. In section 14 an additional paragraph has been added to justify the financial contribution of £200 per job.</p>		
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	<p>Turley (On behalf of St. Modwen Logistics)</p>	<p>Cost of £3.07 per square metre not justified</p>	<p>The SPD clarifies the approach taken to securing financial contributions for Skills and Training which is set out in the adopted Local Plan Policy ST1. The SPD also sets out the approach taken by the local health authority (Hampshire and Isle of Wight Integrated Care Board) for identifying the impact on local health infrastructure and calculating the local requirement through Health Building Note 1 1 - 01 which assists in considering whether a financial contribution to mitigate the impact of development is required. Health Building Notes was first published in 2013 and is used by the NHS and local health authority are used nationally. TVBC had successfully delivered public art projects and programmes through historic S106 agreements, and highlighting the importance that TVBC places on the role of public art in place-making as set out in the supporting text in Policy E1, High Quality Development in the Borough. It also indicates the direction of travel through the emerging Local Plan 2040. Given that there is no specific adopted planning policy for public art to enable financial contributions to be secured, this section has been</p>	<p>Medium. A number of amendments have been made in the document in response to the issues raised through public consultation. Section 16 for Public Art has been amended to recognise the value of public art in place-making but removed the formula and threshold for financial contributions. Section 13 covering Healthcare includes additional detail on the healthcare estate position and the purpose</p>	<p>Various - see specific paragraph references</p>	<p>Public Art - 16.1, deleted table. Healthcare - 13.1, 13.2, 13.6. Employment and skills - 14.9</p>
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			<p>amended from the draft SPD to reflect the adopted Local Plan. However, there is an opportunity for public art to be integrated into the policies of the emerging Local Plan 2040.</p>	<p>of Health Building Note 11 - 01. In section 14 an additional paragraph has been added to justify the financial contribution of £200 per job.</p>		
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	<p>Turley (On behalf of St. Modwen Logistics)</p>	<p>Considered that there no policy in the adopted Local Plan 2016 that requires public art to be delivered through developer contributions. The wording that seeks to encourage opportunities for public art are not part of any policy.</p>	<p>TVBC had successfully delivered public art projects and programmes through historic S106 agreements, and highlighting the importance that TVBC places on the role of public art in place-making as set out in the supporting text in Policy E1, High Quality Development in the Borough. It also indicates the direction of travel through the emerging Local Plan 2040. Given that there is no specific adopted planning policy for public art to enable financial contributions to be secured, this section has been amended from the draft SPD to reflect the adopted Local Plan. However, there is an opportunity for public art to be integrated into the policies of the emerging Local Plan 2040.</p>	<p>Medium. A number of amendments have been made in the document in response to the issues raised through public consultation. Section 16 for Public Art has been amended to recognise the value of public art in place-making but removed the formula and threshold for financial contributions.</p>	<p>The Council has been successful in delivering public art and community led public art projects which is an important part of place-making and community connections and inclusion in establishing new communities.</p>	<p>Public Art - 16.1, deleted table.</p>
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<p>16</p>	<p>Turley (On behalf of St. Modwen Logistics)</p>	<p>The strategy for how public art contributions will be spent are not clear and therefore not directly related to development. Suggest that Public Art contributions are removed from the SPD as it does not meet tests in Regulation 122.</p>	<p>TVBC had successfully delivered public art projects and programmes through historic S106 agreements, and highlighting the importance that TVBC places on the role of public art in place-making as set out in the supporting text in Policy E1, High Quality Development in the Borough. It also indicates the direction of travel through the emerging Local Plan 2040. Given that there is no specific adopted planning policy for public art to enable financial contributions to be secured, this section has been amended from the draft SPD to reflect the adopted Local Plan. However, there is an opportunity for public art to be integrated into the policies of the emerging Local Plan 2040.</p>	<p>Medium. A number of amendments have been made in the document in response to the issues raised through public consultation. Section 16 for Public Art has been amended to recognise the value of public art in place-making but removed the formula and threshold for financial contributions.</p>	<p>The Council has been successful in delivering public art and community led public art projects which is an important part of place-making and community connections and inclusion in establishing new communities.</p>	<p>Public Art - 16.1, deleted table.</p>
	<p>Turley (On behalf of St. Modwen Logistics)</p>	<p>Supports provision of employment and skills plan. Concern over financial contribution as it implies duplication of obligations. Suggest removal from SPD.</p>	<p>The SPD clarifies the approach taken to securing financial contributions for Skills and Training which is set out in the adopted Local Plan Policy ST1.</p>	<p>In section 14 for Employment and Skills, an additional paragraph has been added to justify the financial</p>	<p>The contribution required for £200 per job created multiplied by the employment density, is derived from the cost of a training intervention and applied to the employment potential of large scale</p>	<p>Employment and skills - 14.9</p>

				contribution of £200 per job.	employment sites. Financial contributions will be held in a skills training fund and delivered locally to support the local labour market ensuring the availability of the breadth of skills to support local employers.	
14	Turley (On behalf of St. Modwen Logistics)	Seeks clarity on Council's definition of a tight labour market, the source used to determine this and whether labour market is only in relation to the type being delivered through proposed development. In addition, further clarity is sought on the scale of development that would have an impact on local labour markets.	A 'tight' labour market is commonly used to refer to periods of relatively high demand where unemployment will be low and there will be many unfilled job vacancies. The impact on local labour markets will not only depend on scale but nature and location of development as set out in Policy ST1.			
14	Turley (On behalf of St. Modwen Logistics)	Query how £200 per job has been derived and evidenced. Suggest methodology is set out in SPD. Needs to be explicit about whether contribution is applied to	The contribution set out in the appended SPD of £200 per job created multiplied by the employment density has been evidenced through previous planning applications for large scale employment development and is derived from the cost of a	In section 14 for Employment and Skills, an additional paragraph has been added to	The contribution required for £200 per job created multiplied by the employment density, is derived from the cost of a training intervention and applied	Employment and skills - 14.9

ANNEX 2

		total direct jobs or net additional.	training intervention applied to the employment potential of sites.	justify the financial contribution of £200 per job.	to the employment potential of large scale employment sites. Financial contributions will be held in a skills training fund and delivered locally to support the local labour market ensuring the availability of the breadth of skills to support local employers.	
14	Turley (On behalf of St. Modwen Logistics)	To meet CIL Regulation 122 tests, it needs to be set out specific projects should be identified to which contributions will be spent. View expressed that financial contribution from non-residential development ignores contribution these types of development make to labour market and the potential for these costs to be prohibitive.	The Borough Council will secure infrastructure in line with the CIL Regulations (Regulation 122) as part of the objective of each site mitigating its impact on local infrastructure, informed by evidence and working with relevant infrastructure providers and statutory organisations.			

14	Turley (On behalf of St. Modwen Logistics)	Using Employment Density Guide is a reasonable approach. However, flexible approach advocated. Where end user or use class is unknown, employment densities should be agreed.	Noted. No comments.			
	Individual	I agree with the overall requirements of the SPD.	Noted. No response required			
10.2 Table	Individual	The wording in the table makes reference to a financial contribution to off-site provision of affordable housing, an assumption is made that land is available to build such housing and no timescale is given for when the off-site housing should be built.	Financial contributions are held in the Affordable Housing Capital Grant Programme. The monitoring and delivery of the financial contributions for off-site affordable housing is set out in the Affordable Housing SPD			
10.2 Table	Individual	A minimum of 50% of the affordable housing requirement should be built as part of the proposed development and only the remaining proportion eligible for financial contribution offset.	Policy COM7 (Affordable Housing) sets out the target amount of affordable housing to be delivered based on site thresholds. The policy enables the economics of provision to be taken into consideration.			

12.16 Table	Individual	The allowance for contributions towards an off-site indoor sports facility is pointless if it is not located reasonably close to the residential development as will require additional travel and increased car usage.	The Borough Council will secure infrastructure in line with the CIL Regulations (Regulation 122) as part of the objective of each site mitigating its impact on local infrastructure, informed by evidence and working with relevant infrastructure providers and statutory organisations.			
	Individual	There should be a time limit within which a sports facility must be built or be available from the proposed development and financial contributions should only be sought if expansion of a nearby sports facility is necessary	The Borough Council will secure infrastructure in line with the CIL Regulations (Regulation 122) as part of the objective of each site mitigating its impact on local infrastructure, informed by evidence and working with relevant infrastructure providers and statutory organisations .			
15.8	Individual	The use of travel plans will need to be linked to employment opportunities in the area as limited local employment would lead to increased car use.	Travel to and from key facilities, services and places of employment are taken into consideration when assessing development proposals. The Borough Council works closely with Hampshire County Council as Highway Authority to address the travel requirements of individual developments and secure a Travel Plan through a S106 Legal Agreement.			

	Historic England	H.E agrees that the SPD is unlikely to have significant environmental effects and supports the council's decision not to assess the SPD under the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended)	Noted. No comments			
	Historic England	H.E asserts that given the importance of cultural infrastructure as identified in the NPPF, it would be reasonable to expect TVBC approach to aim at maintaining existing levels of cultural assets and making improvements to those assets secured as 'at risk' to secure their long term future.	Noted. The Borough Council will consider this as part of a culture strategy and the emerging Local Plan 2040. The Borough Council supports parish and town councils in the development of Village Design Statements and Neighbourhood Development Plans where there is the opportunity to identify and protect local historical assets.			
	Historic England	H.E strongly advises that conservation staff at TVBC are involved in discussions on infrastructure so they can advise on local historic environment issues and heritage dimensions of other themes such as flood risk or green infrastructure.	Noted. The emerging Local Plan 2040 includes comprehensive engagement with a range of statutory organisations and specialist disciplines in line with the planning legislation governing the development of local plans.			

	Network Rail	Plans and policies should reflect aspirations of Network Rail and support future growth of both passenger and freight services. Railway is vital to deliver Governments sustainability agenda. New development should not put the railway at risk. Guidance from Network Rail's Asset Protection team has been provided.	The Infrastructure Delivery Plan which sets out the scale and location of infrastructure to support the emerging Local Plan 2040 will identify all relevant infrastructure, both at a strategic level and for site allocations.			
	Network Rail	Network Rail expect financial contributions towards new or enhanced railway infrastructure to mitigate impact of growth, such as enhancing user facilities and attractiveness of railway stations such as enhance cycle facilities to new footbridges to enable level crossings to be closed.	The Borough Council will secure infrastructure in line with the CIL Regulations (Regulation 122) as part of the objective of each site mitigating its impact on local infrastructure, informed by evidence and working with relevant infrastructure providers and statutory organisations .			

11.7	TOR/Bellway Homes	The wording at paragraph 11.7 should be amended to state that <i>'The Council will have regard to the Green Flag assessment criteria to all green spaces...'</i> because the strict application of the Green Flag assessment criteria to all green spaces is not necessary to make all developments acceptable in planning terms.	It is not considered necessary to amend the document. Application of the Green Flag criteria for the design and implementation of green spaces is the Council's preferred approach but other standards will be considered.			
12.8	TOR/Bellway Homes	The provision of a temporary community facility during the construction process is not considered as necessary or reasonable in line with CIL regulation tests as could lead to practical difficulties e.g. developers trying to achieve health & safety requirements and would add new financial burdens of provision of temporary facilities and/or use of existing facilities further afield.	The Borough Council will secure infrastructure in line with the CIL Regulations (Regulation 122) as part of the objective of each site mitigating its impact on local infrastructure, informed by evidence and working with relevant infrastructure providers and statutory organisations.			

12.8	TOR/Bellway Homes	A phased approach to delivering community facilities when required on a larger development would be suitable where there is a critical mass of new people in occupation, and subject to phased construction management that enables a safe space for construction and public access.	Phased delivery of on-site infrastructure will be considered on a site by site basis at the planning application stage.			
12.8	TOR/Bellway Homes	The obligation for a community facility should be agreed on a case-by-case basis and this is covered in paragraph 12.7, therefore for reasons suggested earlier and to ensure the obligation meets the CIL tests requirements, paragraph 12.8 should be removed.	The Borough Council will secure infrastructure in line with the CIL Regulations (Regulation 122) as part of the objective of each site mitigating its impact on local infrastructure, informed by evidence and working with relevant infrastructure providers and statutory organisations.			

<p>14.4-14.8 & 16.4</p>	<p>TOR/Bellway Homes</p>	<p>Bellway would not object in principle to the obligations set out in the Employment Skills Plan and the public Art contributions but the new formulaic approach has not been tested at examinations as is required by the NPPG. The testing is important in case there are any potential viability implications including the cumulative cost of all relevant policies.</p>	<p>The SPD clarifies the approach taken to securing financial contributions for Skills and Training which is set out in the adopted Local Plan Policy ST1. The SPD also sets out the approach taken by the local health authority (Hampshire and Isle of Wight Integrated Care Board) for identifying the impact on local health infrastructure and calculating the local requirement through Health Building Note 11 - 01 which assists in considering whether a financial contribution to mitigate the impact of development is required. Health Building Notes was first published in 2013 and is used by the NHS and local health authority are used nationally. The section covering public art in the draft SPD will be amended to reflect the requirements in the adopted Local Plan 2016.</p>	<p>Medium. A number of amendments have been made in the document in response to the issues raised through public consultation. Section 16 for Public Art has been amended to recognise the value of public art in place-making but removed the formula and threshold for financial contributions. Section 13 covering Healthcare includes additional detail on the healthcare estate position and the purpose</p>	<p>Various - see specific paragraph references</p>	<p>Public Art - 16.1, deleted table. Healthcare - 13.1, 13.2, 13.6. Employment and skills - 14.9</p>
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				of Health Building Note 11 - 01. In section 14 an additional paragraph has been added to justify the financial contribution of £200 per job.		
	Taylor Wimpey	Strategic sites within Test Valley are nil rated for CIL so the provisions of any infrastructure/developer contributions SPD will be highly pertinent to such sites.	Noted. No comment			

	<p>Taylor Wimpey</p>	<p>The changes between the draft SPD and the existing adopted 2009 SPD highlighted in the 26/10/22 cabinet report should continue to accord with policies set out in the development plan and not introduce additional burdens through the introduction of additional layers of policy within the SPD. the imposition of additional standards should continue to be based on an understanding of the viability implications for development sites.</p>	<p>The SPD clarifies the approach taken to securing financial contributions for Skills and Training which is set out in the adopted Local Plan Policy ST1. The SPD also sets out the approach taken by the local health authority (Hampshire and Isle of Wight Integrated Care Board) for identifying the impact on local health infrastructure and calculating the local requirement through Health Building Note 1 1 - 01 which assists in considering whether a financial contribution to mitigate the impact of development is required. Health Building Notes was first published in 2013 and is used by the NHS and local health authority are used nationally. The section covering public art in the draft SPD will be amended to reflect the requirements in the adopted Local Plan 2016.</p>	<p>Medium. A number of amendments have been made in the document in response to the issues raised through public consultation. Section 16 for Public Art has been amended to recognise the value of public art in place-making but removed the formula and threshold for financial contributions. Section 13 covering Healthcare includes additional detail on the healthcare estate position and the purpose</p>	<p>Various - see specific paragraph references</p>	<p>Public Art - 16.1, deleted table. Healthcare - 13.1, 13.2, 13.6. Employment and skills - 14.9</p>
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				of Health Building Note 11 - 01. In section 14 an additional paragraph has been added to justify the financial contribution of £200 per job.		
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	<p>Taylor Wimpey</p>	<p>The changes although clearly sign posted in the Cabinet report of October 2022 are not referenced or identified within the draft SPD as new or updated requirements.</p>	<p>The SPD clarifies the approach taken to securing financial contributions for Skills and Training which is set out in the adopted Local Plan Policy ST1. The SPD also sets out the approach taken by the local health authority (Hampshire and Isle of Wight Integrated Care Board) for identifying the impact on local health infrastructure and calculating the local requirement through Health Building Note 11 - 01 which assists in considering whether a financial contribution to mitigate the impact of development is required. Health Building Notes was first published in 2013 and is used by the NHS and local health authority are used nationally. The section covering public art in the draft SPD will be amended to reflect the requirements in the adopted Local Plan 2016.</p>	<p>Medium. A number of amendments have been made in the document in response to the issues raised through public consultation. Section 16 for Public Art has been amended to recognise the value of public art in place-making but removed the formula and threshold for financial contributions. Section 13 covering Healthcare includes additional detail on the healthcare estate position and the purpose</p>	<p>Various - see specific paragraph references</p>	<p>Public Art - 16.1, deleted table. Healthcare - 13.1, 13.2, 13.6. Employment and skills - 14.9</p>
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ANNEX 2

				of Health Building Note 11 - 01. In section 14 an additional paragraph has been added to justify the financial contribution of £200 per job.		
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	<p>Taylor Wimpey</p>	<p>The draft SPD will be of particular relevance where development is nil rated. In cases where in addition to CIL, site specific mitigations are required and secured through S106 agreements, it is essential that the evidence base and justification for site specific contributions are separate and distinct from improvements/mitigation requirements established through CIL to avoid situations where the same infrastructure contribution is duplicated through CIL and S106.</p>	<p>The Borough Council will secure infrastructure in line with the CIL Regulations (Regulation 122) as part of the objective of each site mitigating its impact on local infrastructure, informed by evidence and working with relevant infrastructure providers and statutory organisations.</p>			
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	<p>Taylor Wimpey</p>	<p>Through the LP 2040 review, strategic policy making authorities should have a clear understanding of the land available in their area and planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability.</p>	<p>Noted. Through the development of the emerging Local Plan 2040, the Borough Council will undertake a thorough assessment of available land to support the identified housing and employment requirements in tandem with local plan viability considerations. The Borough Council will work with statutory infrastructure providers and partners to identify strategic and site specific infrastructure requirements including phasing which will be supported by an appropriate evidence base such as the Infrastructure Delivery Plan. The suite of existing Supplementary Planning documents will be reviewed upon adoption of the emerging Local Plan 2040.</p>			
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	<p>Taylor Wimpey</p>	<p>The evidence base of the merging LP should provide a transparent and comprehensive assessment of the viability implications associated with specific policies and/or infrastructure requirements contained within site specific policies.</p>	<p>Noted. Through the development of the emerging Local Plan 2040, the Borough Council will undertake a thorough assessment of available land to support the identified housing and employment requirements in tandem with local plan viability considerations. The Borough Council will work with statutory infrastructure providers and partners to identify strategic and site specific infrastructure requirements including phasing which will be supported by an appropriate evidence base such as the Infrastructure Delivery Plan. The suite of existing Supplementary Planning documents will be reviewed upon adoption of the emerging Local Plan 2040.</p>			
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	<p>Taylor Wimpey</p>	<p>The evidence base of the emerging local plan should include the timing and phasing of infrastructure delivery so that it aligns with the build out of future developments, ensuring that any front loading of infrastructure is proportionate and necessary.</p>	<p>Noted. Through the development of the emerging Local Plan 2040, the Borough Council has undertaken a thorough assessment of available land to support the identified housing and employment requirements in tandem with local plan viability considerations. The Borough Council will work with statutory infrastructure providers and partners to identify strategic and site specific infrastructure requirements including phasing which will be supported by an appropriate evidence base such as the Infrastructure Delivery Plan. The suite of existing Supplementary Planning documents will be reviewed upon adoption of the emerging Local Plan 2040.</p>			
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	<p>Taylor Wimpey</p>	<p>As part of the LP 2040 process, the potential implications and changes to be confirmed through the Levelling Up and Regeneration Bill related to the proposed new infrastructure Levy will need to be reflected in any future iteration of the SPD and the next local plan.</p>	<p>Noted. Through the development of the emerging Local Plan 2040, the Borough Council has undertaken a thorough assessment of available land to support the identified housing and employment requirements in tandem with local plan viability considerations. The Borough Council will work with statutory infrastructure providers and partners to identify strategic and site specific infrastructure requirements including phasing which will be supported by an appropriate evidence base such as the Infrastructure Delivery Plan. The suite of existing Supplementary Planning documents will be reviewed upon adoption of the emerging Local Plan 2040.</p>			
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	<p>Taylor Wimpey</p>	<p>The proposed retention of S106 obligations to enable in-kind delivery on larger and more complex sites will also need to be addressed through the local plan and supporting SPD.</p>	<p>Noted. Through the development of the emerging Local Plan 2040, the Borough Council will undertake a thorough assessment of available land to support the identified housing and employment requirements in tandem with local plan viability considerations. The Borough Council will work with statutory infrastructure providers and partners to identify strategic and site specific infrastructure requirements including phasing which will be supported by an appropriate evidence base such as the Infrastructure Delivery Plan. The suite of existing Supplementary Planning documents will be reviewed upon adoption of the emerging Local Plan 2040.</p>			
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18	Taylor Wimpey	In instances where due to viability considerations, all contributions sought cannot be provided if plan compliant development is to go ahead, the approach in the LP and the draft SPD allows for flexibility and ensures that contributions can be prioritised and/or reduced where robustly demonstrated. this approach is entirely appropriate and will provide a clear framework within which applicants can engage constructively with the planning authority where viability concerns occur.	Noted. No comment			
	Hampshire County Council	HCC supports TVBCs acknowledgement of HCCs emerging planning obligations guidance on securing planning obligations for HCC services and infrastructure where the impact on service or infrastructure created by new development is demonstrable.	Noted. No comment			

ANNEX 2

	Hampshire County Council	HCC supports TVBC Infrastructure and Developers Contributions SPD as it is aligned with the principles set out in HCCs emerging guidance.	Noted. No comment			
	Hampshire County Council	Adults Extra Care is not directly cited in the draft SPD, it is referenced in a footnote to the TVBC affordable housing SPD (2020) which does not cover TVBCs approach to 'Types of Affordable Housing for Specialist Groups' including Older Persons, Specialist Housing, and Extra Care Housing.	Noted. Through the development of the emerging Local Plan 2040 and evidence base such as the Strategic Housing Market Assessment, the Borough Council will work with statutory infrastructure providers and partners to identify the strategic requirements for specialist housing for specific groups such as supported housing and extra care.			

ANNEX 2

	<p>Hampshire County Council</p>	<p>There needs to be some consideration of waste management in the SPD which is currently absent suggesting that TVBC will not consider the issue when negotiating section 106 agreements. Including the topic of waste management will reflect HCCs position as a waste Disposal Authority enabling HCC to negotiate for contributions towards existing sub-standard Household Waste recycling Centres, case by case if evidence justifies that position.</p>	<p>Noted. Through the development of the emerging Local Plan 2040, the Borough Council will undertake a thorough assessment of available land to support the identified housing and employment requirements in tandem with local plan viability considerations. The Borough Council will work with statutory infrastructure providers and partners to identify strategic and site specific infrastructure requirements including phasing which will be supported by an appropriate evidence base such as the Infrastructure Delivery Plan. The suite of existing Supplementary Planning documents will be reviewed upon adoption of the emerging Local Plan 2040.</p>	<p>Minor. Additional wording to refer to HCC consultation on draft Guidance for Planning Obligations and Infrastructure</p>	<p>Hampshire County Council also have an Infrastructure and Planning Policy have also consulted on draft Guidance for Planning Obligations and Infrastructure in February and March 2023 document setting out its approach to seeking planning contributions and how it will engage with the planning process reflecting the services they provide. Regard should be had to the Hampshire County Council's guidance and policies.</p>	<p>Paragraph 3.4</p>
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	Hampshire County Council	Libraries & archive provision is not referenced directly in the SPD suggesting that TVBC will not consider this when negotiating section 106 agreements. HCC recommends in its emerging planning obligations guidance, that this is referenced because residential development will increase pressure on local libraries and HCC will seek contributions towards increasing & improving the stock and services on offer at local library facilities, discovery centres & local archives services if evidence is in place to justify that position.	Noted. Through the development of the emerging Local Plan 2040, the Borough Council has undertaken a thorough assessment of available land to support the identified housing and employment requirements in tandem with local plan viability considerations. The Borough Council will work with statutory infrastructure providers and partners to identify strategic and site specific infrastructure requirements including phasing which will be supported by an appropriate evidence base such as the Infrastructure Delivery Plan. The suite of existing Supplementary Planning documents will be reviewed upon adoption of the emerging Local Plan 2040.	Minor. Additional wording to refer to HCC consultation on draft Guidance for Planning Obligations and Infrastructure	Hampshire County Council have also consulted on draft Guidance for Planning Obligations and Infrastructure in February and March 2023 setting out its approach to seeking planning contributions and how it will engage with the planning process reflecting the services they provide. Regard should be had to the Hampshire County Council's guidance and policies.	Paragraph 3.4
6.1	Hampshire County Council	HCC recommends that p.6.1 should be amended to:"...or Hampshire County Council as the Local Highway Authority (for the local road and Public Rights of Way Network)" to reflect the HCC Countryside Service manages the PROW	Noted. The draft document will be updated to reflect HCC's arrangements for securing Public Rights of Way.	Minor. Additional wording added for clarity	or Hampshire County Council as the Local Highway Authority (for the local road and Public Rights of Way Network).	Paragraph 6.1

		network and will occasionally use section 278 agreements to secure works.				
	Hampshire County Council	HCC recommends that p.6.3 should be amended to: "...An agreement under Section 38 of the Highways Act 1980 can be used when a developer proposes to construct a new estate road for residential, industrial or general purpose traffic, or a Public Right of Way, that may be offered to the Highway Authority for adoption as a public highway." to reflect that HCC may use section 38 to secure new public access rights.	Noted. The document has been amended to reflect reference to the Public Rights of Way network.	Minor. Additional wording added for clarity	or a Public Right of Way	Paragraph 6.3

Section 16	Hampshire County Council	The PROW network is only referenced in section 15 but should be considered as a key component of Green Infrastructure in Section 16 of the SPD.	The Local Plan 2040 will consider the wide ranging role of Public Rights of Way in playing a leisure, health & well-being and commuting function. Consideration will be given to referencing the multi-functional roles of PROW in other relevant sections of the draft SPD as well as providing clarity on the delivery and improvement of PROW which are outside of the red line boundary of a site and that the precise details of mitigation are considered on a site by site basis as detailed in HCC draft Planning Obligations and Developer Contributions document.	Minor. Additional wording provided for clarity and context	The Green Infrastructure network is an important component for enhancing biodiversity, protecting the character of the landscape and providing spaces for recreation such as the network of Public Rights of Way, important for leisure, health and well-being.	paragraph 11.42
Section 16	Hampshire County Council	The PROW network could also be referenced in other parts of the document where there are clear linkages to the PROW network such as Section 16	The Local Plan 2040 will consider the wide ranging role of Public Rights of Way in playing a leisure, health & well-being and commuting function. Consideration will be given to referencing the multi-functional roles of PROW in other relevant sections of the draft SPD as well as providing clarity on the delivery and improvement of PROW which are outside of the red line boundary of a site and that the precise details of mitigation are considered on a site by site basis as detailed in HCC draft Planning Obligations and Developer Contributions document.	Minor. Additional wording provided for clarity and context	Informal recreation areas may also incorporate new or existing Public Rights of way, providing opportunities for informal recreation, health and well-being, and also active travel. The Borough Council will work with Hampshire County Council, having regard to their requirements, to secure enhancements to the Public Rights of Way network as part of any informal recreation areas.	paragraph 11.15

	Hampshire County Council	It is important to recognise that works to the PROW network outside of development 'red line' boundaries, including the creation of new public rights access rights, will be necessary in the event that most developments are given planning permission.	The Local Plan 2040 will consider the wide ranging role of Public Rights of Way in playing a leisure, health & well-being and commuting function. Consideration will be given to referencing the multi-functional roles of PROW in other relevant sections of the draft SPD as well as providing clarity on the delivery and improvement of PROW which are outside of the red line boundary of a site and that the precise details of mitigation are considered on a site by site basis as detailed in HCC draft Planning Obligations and Developer Contributions document.			
11.43	Hampshire County Council	HCC is pleased that p.11.43 recognises that in the context of Green Infrastructure, PROW users destinations will generally be outside a specific 'red line' boundary associated with a planning permission. The paragraph could be enhanced with a direct reference to the PROW network.	The Local Plan 2040 will consider the wide ranging role of Public Rights of Way in playing a leisure, health & well-being and commuting function. Consideration will be given to referencing the multi-functional roles of PROW in other relevant sections of the draft SPD as well as providing clarity on the delivery and improvement of PROW which are outside of the red line boundary of a site and that the precise details of mitigation are considered on a site by site basis as detailed in HCC draft Planning Obligations and Developer Contributions document.	Minor. Additional wording provided for clarity and context	Early consideration should be given to the existing network of GI assets, including the Public Rights of Way Network and potential opportunities to enhance the network of GI, including through connections to areas beyond the boundary of an application site.	paragraph 11.44

11.3	Hampshire County Council	HCC supports the approach set out in p11.3 of the SPD to ensuring open green space is accessible to new occupants (should include accessibility to all residents) when they move in as this helps embed healthy behaviours from the outset of a new development.	Noted. No comment			
11.1	Hampshire County Council	How will a deficit be calculated in respect of Parks and Public gardens and informal recreation areas within Test Valleys geographic areas as there are different definitions available on how best to calculate this metric.	The deficit in each different type of public open space is calculated against the population at ward level using the metric set out in the adopted Local Plan policy LHW1 which is referred to in the SPD. the requirement, or financial contribution towards, are not sought in rural areas.			

12.1	Hampshire County Council	TVBC to consider food retail outlets that use locally-produced, freshly prepared ingredients within the definition of the 'Facilities within New Communities Commercial Facilities' and consider measures that could potentially limit proliferation of hot food takeaways. This along with empowering communities to make health promoting choices around food and alcohol should be an issue of consideration by TVBC	This issue is beyond the purpose of the SPD. However, consideration will be given to this issues as part of the evidence base to support the emerging Local Plan 2040.			
12.1	Hampshire County Council	HCC supports the statement that community centres should be designed to be suited to all members of the community, which should include residents with dementia, learning disabilities and autism as well as young children and elderly users.	Noted. No comment.			

	Gladman Developments	Gladman supports the preparation of the SPD as it provides additional clarity beyond the policy wording in the adopted Local Plan, some elements of the document require further refinement.	Noted. No comment			
	Gladman Developments	Requests for contributions should be done as early as practicable during the planning application process to make the determination process efficient and allow time for negotiation within the statutory requirements and supported by clear evidence in accordance with p 56 and 57 of the NPPF.	Noted. Early engagement with the Local Planning Authority is encouraged as set out in section 4 of the SPD document.			
	Gladman Developments	Planning obligations should be applied flexibly to prevent planned development from being stalled and TVBC should take into account changes in marketing conditions and any cost requirements for development should provide competitive returns to landowners	Where viability considerations arise, contributions may be prioritised or reduced where robustly demonstrated as referred to in Section 17 of the SPD.			

		and developers so development proposals are viable and deliverable.				
16	Gladman Developments	Gladman finds the approach to Public Art and developer contributions in Section 16 of the SPD concerning	Noted. The Council has taken into consideration the issues raised about the inclusion of the requirement for public art and a formulaic approach to financial contributions. TVBC had successfully delivered public art projects and programmes through historic S106 agreements, and highlighting the importance that TVBC places on the role of public art in place-making as set out in the supporting text in Policy E1, High Quality Development in the Borough. It also indicates the direction of travel through the emerging Local Plan 2040. Given that there is no specific adopted planning policy for public art to enable financial contributions to be secured, this section has been amended from the draft SPD to reflect the adopted Local Plan.	Medium. A number of amendments have been made in the document in response to the issues raised through public consultation. Section 16 for Public Art has been amended to recognise the value of public art in place-making but removed the formula and threshold	The Council has been successful in delivering public art and community led public art projects which is an important part of place-making and community connections and inclusion in establishing new communities.	Public Art - 16.1, deleted table.

			However, there is an opportunity for public art to be integrated into the policies of the emerging Local Plan 2040.			
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<p>16</p>	<p>Gladman Developments</p>	<p>There is no reference to public art within the policy or in the supporting text, additionally in the adopted CIL the reference to public art and developer contributions or planning obligations is missing.</p>	<p>Noted. The Council has taken into consideration the issues raised about the inclusion of the requirement for public art and a formulaic approach to financial contributions. TVBC had successfully delivered public art projects and programmes through historic S106 agreements, and highlighting the importance that TVBC places on the role of public art in place-making as set out in the supporting text in Policy E1, High Quality Development in the Borough. It also indicates the direction of travel through the emerging Local Plan 2040. Given that there is no specific adopted planning policy for public art to enable financial contributions to be secured, this section has been amended from the draft SPD to reflect the adopted Local Plan. However, there is an opportunity for public art to be integrated into the policies of the emerging Local Plan 2040.</p>	<p>Medium. A number of amendments have been made in the document in response to the issues raised through public consultation. Section 16 for Public Art has been amended to recognise the value of public art in place-making but removed the formula and threshold</p>	<p>The Council has been successful in delivering public art and community led public art projects which is an important part of place-making and community connections and inclusion in establishing new communities.</p>	<p>Public Art - 16.1, deleted table.</p>
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	<p>Gladman Developments</p>	<p>The proposed public art contribution does not seem to have been tested within the viability assessment of the SPD, adopted LP or the adopted CIL and therefore it is not possible to understand the implications on development viability.</p>	<p>Noted. The Council has taken into consideration the issues raised about the inclusion of the requirement for public art and a formulaic approach to financial contributions. TVBC had successfully delivered public art projects and programmes through historic S106 agreements, and highlighting the importance that TVBC places on the role of public art in place-making as set out in the supporting text in Policy E1, High Quality Development in the Borough. It also indicates the direction of travel through the emerging Local Plan 2040. Given that there is no specific adopted planning policy for public art to enable financial contributions to be secured, this section has been amended from the draft SPD to reflect the adopted Local Plan. However, there is an opportunity for public art to be integrated into the policies of the emerging Local Plan 2040.</p>	<p>Medium. A number of amendments have been made in the document in response to the issues raised through public consultation. Section 16 for Public Art has been amended to recognise the value of public art in place-making but removed the formula and threshold</p>	<p>The Council has been successful in delivering public art and community led public art projects which is an important part of place-making and community connections and inclusion in establishing new communities.</p>	<p>Public Art - 16.1, deleted table.</p>
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	<p>Gladman Developments</p>	<p>TVBC has not justified or evidenced the rationale behind setting the financial contribution levels for developments above 1000sqm or residential developments of 300 dwellings or more for public art.</p>	<p>Noted. The Council has taken into consideration the issues raised about the inclusion of the requirement for public art and a formulaic approach to financial contributions. TVBC had successfully delivered public art projects and programmes through historic S106 agreements, and highlighting the importance that TVBC places on the role of public art in place-making as set out in the supporting text in Policy E1, High Quality Development in the Borough. It also indicates the direction of travel through the emerging Local Plan 2040. Given that there is no specific adopted planning policy for public art to enable financial contributions to be secured, this section has been amended from the draft SPD to reflect the adopted Local Plan. However, there is an opportunity for public art to be integrated into the policies of the emerging Local Plan 2040.</p>	<p>Medium. A number of amendments have been made in the document in response to the issues raised through public consultation. Section 16 for Public Art has been amended to recognise the value of public art in place-making but removed the formula and threshold</p>	<p>The Council has been successful in delivering public art and community led public art projects which is an important part of place-making and community connections and inclusion in establishing new communities.</p>	<p>Public Art - 16.1, deleted table.</p>
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	<p>Gladman Developments</p>	<p>TVBC should not be using the SPD as a means to rewrite LP policies but to provide further guidance to existing policies and should not introduce planning obligations without understanding the implications on development viability.</p>	<p>The SPD clarifies the approach taken to securing financial contributions for Skills and Training which is set out in the adopted Local Plan Policy ST1. The SPD also sets out the approach taken by the local health authority (Hampshire and Isle of Wight Integrated Care Board) for identifying the impact on local health infrastructure and calculating the local requirement through Health Building Note 11 - 01 which assists in considering whether a financial contribution to mitigate the impact of development is required. Health Building Notes was first published in 2013 and is used by the NHS and local health authority are used nationally. The section covering public art in the draft SPD will be amended to reflect the requirements in the adopted Local Plan 2016.</p>	<p>Medium. A number of amendments have been made in the document in response to the issues raised through public consultation. Section 16 for Public Art has been amended to recognise the value of public art in place-making but removed the formula and threshold for financial contributions. Section 13 covering Healthcare includes additional detail on the healthcare estate position and the purpose</p>	<p>Various - see specific paragraph references</p>	<p>Public Art - 16.1, deleted table. Healthcare - 13.1, 13.2, 13.6. Employment and skills - 14.9</p>
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				of Health Building Note 11 - 01. In section 14 an additional paragraph has been added to justify the financial contribution of £200 per job.		
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	<p>Gladman Developments</p>	<p>It would be appropriate for TVBC to delete the part of the SPD that references the minimum contributions sought and include a policy through the emerging LP and corresponding SPDs, justified with evidence.</p>	<p>The SPD clarifies the approach taken to securing financial contributions for Skills and Training which is set out in the adopted Local Plan Policy ST1. The SPD also sets out the approach taken by the local health authority (Hampshire and Isle of Wight Integrated Care Board) for identifying the impact on local health infrastructure and calculating the local requirement through Health Building Note 11 - 01 which assists in considering whether a financial contribution to mitigate the impact of development is required. Health Building Notes was first published in 2013 and is used by the NHS and local health authority are used nationally. The section covering public art in the draft SPD will be amended to reflect the requirements in the adopted Local Plan 2016.</p>	<p>Medium. A number of amendments have been made in the document in response to the issues raised through public consultation. Section 16 for Public Art has been amended to recognise the value of public art in place-making but removed the formula and threshold for financial contributions. Section 13 covering Healthcare includes additional detail on the healthcare estate position and the purpose</p>	<p>Various - see specific paragraph references</p>	<p>Public Art - 16.1, deleted table. Healthcare - 13.1, 13.2, 13.6. Employment and skills - 14.9</p>
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				of Health Building Note 11 - 01. In section 14 an additional paragraph has been added to justify the financial contribution of £200 per job.		
18.10 to 18.15	Gladman Developments	Gladman supports that the fees will be based on the actual costs of monitoring and preparing legal agreements in line with the guidance in the PPG. TVBC should consider setting a cap to the fees to ensure costs are not excessive.	Noted			

ITEM 10

Capital Outturn 2022/23

Report of the Finance and Resources Portfolio Holder

Recommended:

That the updated Capital Programme, as shown in the Annex to the report, be approved.

SUMMARY:

- This report summarises expenditure on the Capital Programme in 2022/23 and explains the reasons for variances from the forecast, including a summary of the total budget slippage within the Capital Programme.
- The report makes recommendations for the carry forward of certain unspent capital budgets into 2023/24 as detailed throughout the report and provides an updated capital programme for 2022/23 to 2024/25.

1 Introduction

- 1.1 The progress of the Capital Programme is reported to Cabinet regularly throughout the year. The most recent update was presented on 22 February 2023.
- 1.2 The purpose of this report is to present the final 2022/23 expenditure for the Capital Programme and explain significant variances compared to the estimated expenditure for the year. The report also updates the expected budget for 2023/24 and 2024/25.
- 1.3 Any slippage from 2022/23 and other changes in the programme have been considered in updating the cost and phasing of schemes within the updated programme presented for approval.

2 Background

- 2.1 In updating the Capital Programme, the main issues relate to changes in the cost or phasing of existing schemes and changes to the level of capital resources that will influence the way in which the programme is financed.
- 2.2 Additional capital requirements for new projects are included in the report. Where additional resources are necessary, the report addresses the reasons why they are requested and the method of funding them.

3 Capital outturn 2022/23

- 3.1 The Annex provides details of the revised estimate for individual schemes in 2022/23 and the actual amount that was spent in the year. It also shows an updated estimate of the remaining costs and timescale of all projects in the Capital Programme.

- 3.2 Overall, the Capital Programme has spent £7.2M against an estimate of £10.4M during the 2022/23 financial year.
- 3.3 The following table shows how the overall variance (with removal of unidentified projects budget for 2022/23) of £3.2M in 2022/23 is broken down between Services:-

Service	Estimate £'000	Actual £'000	Variance £'000
Asset Management Projects	2,634.3	1,702.3	(932.0)
Community & Leisure	1,296.7	878.1	(418.6)
Community Infrastructure Levy Projects	589.1	78.3	(510.8)
Property & Asset Management	830.4	409.7	(420.7)
Project Enterprise	3,676.9	2,850.4	(826.5)
Planning, Policy & Economic Development	45.0	4.3	(40.7)
Housing & Environmental Health	1,300.0	1,232.4	(67.6)
Total	10,372.4	7,155.5	(3,216.9)

- 3.4 The main reasons for the variance in the year are explained in the following paragraphs.
- 3.5 Asset Management Projects
- 3.5.1 The Asset Management Plan was last reported to Cabinet on 7th December 2022. This identified the Council's requirement for maintaining its asset base over three categories; land & property; vehicles & plant and IT equipment.
- 3.5.2 The budgets approved cover both revenue and capital items, with the capital element introduced to the Capital Programme. All costs are to be met from the Asset Management reserve.
- 3.5.3 Overall, capital expenditure in the year was £932,000 less than budgeted. Detailed explanations of variances within the Asset Management Plan for 2022/23 are included in the Asset Management Plan Outturn report elsewhere on this agenda.
- 3.6 Community & Leisure
- 3.6.1 The Community and Leisure capital programme has a variance of £418,600 against the forecast of £1,296,700.

The main reasons for this are:

3.6.2 The Community Asset Fund (CAF) is showing a variance for 2022/23 due to the timing of grant applications - applicants have a total of two years in which to claim approved grants. A small number of grants have been written off during the year and a total of £341,300 has been carried forward into 2023/24.

3.6.3 Leisure Contract - this project is now complete with a small saving of £44,900.

3.6.4 Fishlake Meadows – there has been additional slippage of £15,200 due to contractor availability.

3.6.5 Public Art Projects

- Picket Twenty Public Art – installation was rescheduled with the artist as a result of additional information being required during the planning process.
- Andover Town Centre Public Art – securing permissions and agreements with third parties has caused a delay.

3.7 Community Infrastructure Levy (CIL) Projects

- The majority of CIL funded projects are controlled by the local Parish Councils, so TVBC have no control over timings etc. There is a large amount of slippage amounting to £513,100 and these projects should be completed in financial year (23/24).
- Valley Park Community Centre project is now complete and has achieved a small saving of £3,900 which will be returned to the CIL reserve.

3.8 Property and Asset Management

3.8.1 Footpath Link, Smannell to Augusta – the contract has been completed by Hampshire County Council and therefore the project has been removed from the capital programme with allocated Section 106 funds being retained in the reserve.

3.8.2 Land at Bury Hill – works are still ongoing at this site therefore the remaining budget has been slipped into 2023/24.

3.9 Project Enterprise

3.9.1 A creditor of £7,500 was entered last year in anticipation of potential consultants' fees, which have not materialised, therefore this sum is being added back into the Capital reserve.

3.9.2 Information on other projects relating to Project Enterprise is included in the Project Enterprise Outturn report elsewhere on this agenda.

3.10 Planning Policy and Economic Development

3.10.1 A budget of £45,000 was budgeted in 2022/23 for potential projects relevant to the Shared Prosperity Fund. No costs have been received so this amount has slipped into 2023/24.

3.10.2 The Rural England Prosperity Fund project was agreed by Council on the 5th April 2023 and has been added to the capital programme. This is funded by a government grant.

3.11 Housing & Environmental Health

3.11.1 The annual budgets for Renovation & Minor Works Grants and Disabled Facilities Grants are an agreed budget on the amount that the Service can commit to individual grants plus any outstanding grant commitments from previous years. The former of these grants are discretionary and are funded from the Capital Receipts Reserve with an annual budget of £100,000, which was reduced to £50,000 in February, of which £13,900 has been awarded this year, leaving an underspend of £36,100.

3.11.2 Disabled Facilities Grants are a statutory requirement and require a referral from an Occupational Therapist, therefore, it is difficult to predict the amount of referrals in one year. Some works require planning permission for other major works to be completed before the adaptations can be completed. For 2022/23 there is a total spend of £1,020,000 against a budget of £850,000. As these grants are funded by the Better Care Fund there has been no impact on the Capital Receipts Reserve.

4 **Capital Programme Update**

4.1 A comparison of the latest phasing of the capital programme compared with the budget approved in February (less 2022/23 unidentified projects) is shown in the following table:-

	2022/23 £'000	2023/24 £'000	2024/25 £'000	Total £'000
February Programme	10,372.4	8,110.1	1,539.5	20,022.0
Current Programme	7,155.5	15,578.6	8,025.1	30,759.2
Increase / (Decrease)	(3,216.9)	7,468.5	6,485.6	10,737.2

4.2 The increase of £10,737,200 is broken down in the table below.

	February Programme £'000	Current Programme £'000	Increase / (Decrease) £'000
Asset Management Projects	4,119.4	4,055.8	(63.6)
Community & Leisure	4,991.5	4,942.4	(49.1)
CIL funded projects	2,323.5	2,319.6	(3.9)

	February Programme £'000	Current Programme £'000	Increase / (Decrease) £'000
Property & Asset Management	1,051.0	989.8	(61.2)
Project Enterprise	3,836.9	5,760.4	1,923.5
Planning Policy & Economic Development	1,149.7	9,663.8	8,514.1
Housing & Env. Health	2,550.0	3,027.4	477.4
Total	20,022.0	30,759.2	10,737.2

- 4.3 The overall AMP budget requirement has decreased by £63,600 and is discussed in a separate report on this agenda.
- 4.4 The total budget for Community and Leisure has decreased by £49,100 mainly due to the saving relating to the Leisure Centre project.
- 4.5 Property and Asset Management service savings have been detailed in paragraphs 3.8.
- 4.6 Project Enterprise – an additional project has been added for Walworth Business Park as agreed by Council 23 February 2023 (minute 493).
- 4.7 Planning Policy and Economic Development – three projects have been added to the programme since the February update, Western Avenue and Nitrate credits as agreed by Council on 23 February 2023 (minute 487 & 488), together with Rural England Prosperity Fund agreed by Council on 5 April 2023.
- 4.8 Disabled Facilities Grants/Loans (DFG) – we have received more applications than expected in 2022/23 and as they are funded by the Better Care Fund, there is no impact to the Capital Receipts Reserve.

5 Resource Implications

- 5.1 The level of capital spending is entirely dependent on the resources that are available to finance the programme. The ability to add new schemes to the programme is influenced by forecasts of future resources. However, once a scheme is in the programme it is assumed that it will be completed and financed irrespective of whether resource forecasts are entirely accurate.
- 5.2 This means that any shortfalls in resources are either made good initially through use of balances or by considering future capital receipts that would otherwise have been used for new capital expenditure. As a result, the financing of the programme will always be equal to the estimated costs.

- 5.3 The level of capital resources per the February programme is compared to those for the current programme in the following table:-

	February 2023	Outturn 2022/23
Capital Programme	£'000	£'000
Balance Capital Receipts Reserve (CRR) as at 1 April 2022	7,936.4	7,936.4
Total Capital Expenditure 2022/23 – 2024/25	(26,022.0)	(35,259.2)
Total Capital Financing 2022/23 – 2024/25	21,383.6	30,077.2
Forecast CRR as at 31 March 2025	3,298.0	2,754.4

- 5.4 The table above does not include the £1.5M Planning Policy and Economic Development project for Nitrate Credits as this will initially be financed through internal borrowing rather than the Capital Receipts Reserve.

6 Conclusion and reasons for recommendation

- 6.1 The variance between budgeted and actual expenditure was £3.2M in 2022/23. Reasons for this variance are explained in paragraph 3 of the report.
- 6.2 The ongoing budget requirements for all outstanding projects have been reviewed in the preparation of this report and the updated Capital Programme as shown in the Annex is recommended for approval.

<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: Finance and Resources) Councillor M Flood			
Officer:	Laura Berntsen	Ext:	8204
Report to:	Cabinet	Date:	7 June 2023

CAPITAL PROGRAMME AND FINANCING**Approved Projects**

	February 2023				Outturn 2023			
	2022/23 £'000	2023/24 £'000	2024/25 £'000	Total £'000	2022/23 £'000	2023/24 £'000	2024/25 £'000	Total £'000
CAPITAL EXPENDITURE								
Asset Management Projects	2,634.3	1,485.1	0.0	4,119.4	1,702.3	2,353.5	0.0	4,055.8
Community & Leisure	1,296.7	2,754.3	940.5	4,991.5	878.1	3,123.8	940.5	4,942.4
Community Infrastructure Levy funded projects	589.1	1,734.4	0.0	2,323.5	78.3	2,241.3	0.0	2,319.6
Property & Asset Management	830.4	220.6	0.0	1,051.0	409.7	580.1	0.0	989.8
Project Enterprise	3,676.9	160.0	0.0	3,836.9	2,850.4	2,910.0	0.0	5,760.4
Planning Policy & Economic Development	45.0	505.7	599.0	1,149.7	4.3	2,574.9	7,084.6	9,663.8
Housing & Environmental Health	1,300.0	1,250.0	0.0	2,550.0	1,232.4	1,795.0	0.0	3,027.4
Total	10,372.4	8,110.1	1,539.5	20,022.0	7,155.5	15,578.6	8,025.1	30,759.2
CAPITAL FINANCING								
Capital Grants	1,295.0	1,582.9	599.0	3,476.9	1,222.8	2,297.1	984.6	4,504.5
Capital Receipts	578.1	87.4	50.0	715.5	1,016.7	510.0	500.0	2,026.7
Internal Borrowing	0.0	0.0	0.0	0.0	0.0	900.0	600.0	1,500.0
Capital Contributions	7,191.3	7,082.2	2,917.7	17,191.2	4,918.8	11,459.5	7,167.7	23,546.0
Total	9,064.4	8,752.5	3,566.7	21,383.6	7,158.3	15,166.6	9,252.3	31,577.2
Contribution (to) / from balances	1,308.0	(642.4)	(2,027.2)	(1,361.6)	(2.8)	412.0	(1,227.2)	(818.0)
Total Financing	10,372.4	8,110.1	1,539.5	20,022.0	7,155.5	15,578.6	8,025.1	30,759.2

CAPITAL PROGRAMME AND FINANCING**Schemes yet to be identified**

	February 2023				Outturn 2023			
	2022/23 £'000	2023/24 £'000	2024/25 £'000	Total £'000	2022/23 £'000	2023/24 £'000	2024/25 £'000	Total £'000
CAPITAL EXPENDITURE								
Project Enterprise	3,000.0	3,000.0		6,000.0		3,000.0	3,000.0	6,000.0
Total	3,000.0	3,000.0	0.0	6,000.0	0.0	3,000.0	3,000.0	6,000.0
CAPITAL FINANCING								
Contribution from balances	3,000.0	3,000.0		6,000.0		3,000.0	3,000.0	6,000.0
Total Financing	3,000.0	3,000.0	0.0	6,000.0	0.0	3,000.0	3,000.0	6,000.0

ASSET MANAGEMENT PROJECTS
CAPITAL PROGRAMME

Ref	Scheme	February 2023				Outturn 2023			
		2022/23 £'000	2023/24 £'000	2024/25 £'000	Total £'000	2022/23 £'000	2023/24 £'000	2024/25 £'000	Total £000
1	Land and Property Projects	742.0	675.0		1,417.0	342.6	1,054.9		1,397.5
2	Vehicle and Plant Projects	1,585.6	680.1		2,265.7	1,310.1	985.2		2,295.3
3	IT Equipment Projects	306.7	130.0		436.7	49.6	313.4		363.0
Total AMP Capital Programme		2,634.3	1,485.1	0.0	4,119.4	1,702.3	2,353.5	0.0	4,055.8

COMMUNITY & LEISURE
CAPITAL PROGRAMME

Ref	Scheme	February 2023				Outturn 2023			
		2022/23	2023/24	2024/25	Total	2022/23	2023/24	2024/25	Total
		£'000	£'000	£'000	£'000	£'000	£'000	£'000	£000
1	Community Asset Fund - New projects	250.0	250.0	250.0	750.0	57.6	250.0	250.0	557.6
1A	Community Asset Fund - O/s projects	210.3			210.3	63.6	341.3		404.9
2	Andover War Memorial	29.7			29.7	25.7	4.0		29.7
3	East Anton Public Art		2.5		2.5		2.5		2.5
4	Leisure Contract	400.0			400.0	355.1			355.1
5	Fishlake Meadows	36.3	40.0		76.3	21.1	55.2		76.3
6	Ganger Farm - Sports & Recreation	212.0			212.0	211.6			211.6
7	Boundary fencing & hedging - land purchase	2.5			2.5	(2.5)			(2.5)
8	Picket Twenty - Pavilion/pitch changes	9.1	1,389.8		1,398.9	16.5	1,382.4		1,398.9
9	Picket Twenty - Phase 4 &5 play areas		297.3		297.3	15.0	282.3		297.3
10	SANG - Sherfield English	12.0			12.0	10.5			10.5
11	Charlton Leisure Centre Car Park upgrade	1.0	187.3		188.3	0.8	169.5		170.3
12	Abbotswood Public Art	26.0			26.0	26.0			26.0
13	Picket Piece Public Art	22.0			22.0	22.5			22.5
14	Picket Twenty Public Art	29.0			29.0		29.0		29.0
15	Public Art Andover Town Centre	44.0			44.0	11.4	32.6		44.0
16	Queen's Platinum Jubilee Public Art		200.0		200.0	3.0	197.0		200.0
17	Andover BMX floodlights	12.8	37.4		50.2	40.2	28.0		68.2
18	Vigo Road play area		350.0		350.0		350.0		350.0
19	East Anton 4 Court Sports Hall			690.5	690.5			690.5	690.5
Total Community & Leisure Capital Programme		1,296.7	2,754.3	940.5	4,991.5	878.1	3,123.8	940.5	4,942.4

COMMUNITY INFRASTRUCTURE LEVY - COMMUNITY PROJECTS
CAPITAL PROGRAMME

Ref	Scheme	February 2023				Outturn 2023			
		2022/23 £'000	2023/24 £'000	2024/25 £'000	Total £000	2022/23 £'000	2023/24 £'000	2024/25 £'000	Total £000
1	Plaza Theatre Stage House Rebuild		300.0		300.0		300.0		300.0
2	Valley Park Community Centre	3.9			3.9				0.0
3	Stockbridge Travel to School		95.0		95.0	9.8	85.2		95.0
4	King John's House and Signage	36.5			36.5	7.6	28.9		36.5
5	Trojan Sports Club		350.0		350.0		350.0		350.0
6	Monxton Village Hall		345.0		345.0		345.0		345.0
7	Broughton Sports Pavilion	200.0			200.0		200.0		200.0
8	Abbots Ann Clubhouse	250.0			250.0		250.0		250.0
9	N. Baddesley Fitness Equipment	40.0			40.0	37.7	2.3		40.0
10	Kings Somborne Traffic Calming	15.7			15.7	13.6	2.1		15.7
11	Valley Park Orchard Trail	29.5			29.5	9.6	19.9		29.5
12	Nether Wallop Playing Fields		101.0		101.0		101.0		101.0
13	Over Wallop Sports Pavilion		269.8		269.8		269.8		269.8
14	Bury Dene Playing Fields		33.1		33.1		33.1		33.1
15	Viney Ave to Cupernham School Pedestrian Works	13.5			13.5		13.5		13.5
16	St Mary's GP Surgery extension		240.5		240.5		240.5		240.5
Total Property & Asset Management Capital Programme		589.1	1,734.4	0.0	2,323.5	78.3	2,241.3	0.0	2,319.6

PROPERTY AND ASSET MANAGEMENT SERVICE
CAPITAL PROGRAMME

Ref	Scheme	February 2023				Outturn 2023			
		2022/23 £'000	2023/24 £'000	2024/25 £'000	Total £000	2022/23 £'000	2023/24 £'000	2024/25 £'000	Total £000
1	Hampshire Community Bank	125.0			125.0		125.0		125.0
2	Romsey Flood Alleviation Scheme	235.0			235.0	235.0			235.0
3	Footpath link - Smannell to Augusta	58.0			58.0				0.0
4	Multi Storey Car Park Lighting Refurbishment		20.6		20.6	14.9	5.7		20.6
5	Chantry House Works 4/5 floors	24.0			24.0	20.8			20.8
6	Land at Bury Hill	373.4			373.4	139.0	234.4		373.4
7	Town Mills - phase 2	15.0			15.0		15.0		15.0
8	Changing Places Toilet Facilities		200.0		200.0		200.0		200.0
Total Property & Asset Management Capital Programme		830.4	220.6	0.0	1,051.0	409.7	580.1	0.0	989.8

**PROJECT ENTERPRISE
CAPITAL PROGRAMME**

Ref	Scheme	February 2023				Outturn 2023			
		2022/23 £'000	2023/24 £'000	2024/25 £'000	Total £000	2022/23 £'000	2023/24 £'000	2024/25 £'000	Total £000
1	Walworth Business Park Investment	3,676.9			3,676.9	2,857.9	150.0		3,007.9
2	New Street Properties refurbishment		135.0		135.0		135.0		135.0
3	Fleming Avenue Property refurbishment		25.0		25.0		25.0		25.0
4	Retail Unit - Picket 20					(7.5)			(7.5)
5	Walworth Business Park Investment 2						2,600.0		2,600.0
Total Approved Projects		3,676.9	160.0	0.0	3,836.9	2,850.4	2,910.0	0.0	5,760.4
	Purchase of Investment properties - yet to be identified	3,000.0	3,000.0		6,000.0		3,000.0	3,000.0	6,000.0
Total Project Enterprise Capital Programme		6,676.9	3,160.0	0.0	9,836.9	2,850.4	5,910.0	3,000.0	11,760.4

PLANNING POLICY AND ECONOMIC DEVELOPMENT
CAPITAL PROGRAMME

Ref	Scheme	February 2023				Outturn 2023			
		2022/23 £'000	2023/24 £'000	2024/25 £'000	Total £000	2022/23 £'000	2023/24 £'000	2024/25 £'000	Total £000
1	Public Sector Decarbonisation Scheme - Bourne House		439.7		439.7	4.3	435.4		439.7
2	UK Shared Prosperity Fund Projects	45.0	66.0	599.0	710.0		111.0	599.0	710.0
3	Nitrate Credits						900.0	600.0	1,500.0
4	Western Avenue Riverside Park						1,000.0	5,500.0	6,500.0
5	Rural England Prosperity Fund						128.5	385.6	514.1
Total Planning, Policy & Economic Development Capital Programme		45.0	505.7	599.0	1,149.7	4.3	2,574.9	7,084.6	9,663.8

HOUSING & ENVIRONMENTAL HEALTH SERVICE
CAPITAL PROGRAMME

Ref	Scheme	February 2023				Outturn 2023			
		2022/23 £'000	2023/24 £'000	2024/25 £'000	Total £000	2022/23 £'000	2023/24 £'000	2024/25 £'000	Total £000
1	Renovations and Minor Works Grants	50.0	100.0		150.0	13.9	100.0		113.9
2	Disabled Facilities Grants/Loans	850.0	750.0		1,600.0	1,020.0	750.0		1,770.0
3	Discretionary Grants/Loans	400.0	400.0		800.0	198.5	400.0		598.5
4	Local Authority Housing Fund						545.0		545.0
Total Housing & Environmental Health Capital Programme		1,300.0	1,250.0	0.0	2,550.0	1,232.4	1,795.0	0.0	3,027.4

ITEM 11 Heat Network Feasibility Study – Andover Town Centre

Report of the Strategic Regeneration and Partnerships (North) Portfolio Holder

Recommended:

That the Heat Network Feasibility Study (Andover town centre) project be incorporated within the Planning Policy & Economic Development Service budget for 2023/24.

SUMMARY:

- The Council has been successful in securing government funding to contribute towards the cost of exploring the feasibility of a heat network in Andover town centre as part of the regeneration proposals.
- The report recommends that the Heat Network Feasibility Study project be incorporated within the Council's budget.

1 Introduction

- 1.1 The purpose of this report is to recommend the incorporation of the funds to undertake a heat network feasibility study for Andover town centre into the revenue budget for 2023/24.
- 1.2 The report is needed because the value of the total expenditure is above the maximum amount delegated to officers with the Council's Financial Procedure Rules.

2 Background

- 2.1 Heat networks distribute heating or cooling from a central source(s) to a variety of buildings, so as to avoid the need for heat sources for each premises. They can present an opportunity to use local sources of low carbon heat, including those that may otherwise go to waste. They are normally dependent on relatively dense clusters of energy users that incorporate an anchor load – this is a building with a consistently high energy use such as a swimming pool or hospital.
- 2.2 As part of the evidence for the forthcoming local plan a study was commissioned to investigate renewable and low carbon energy in the borough. This study indicated there may be an opportunity for a heat network within Andover town centre.

- 2.3 In light of an opportunity to secure external funding, an application was submitted to the Heat Network Delivery Unit (HNDU) in December 2022 for budget to undertake a technical and economic feasibility assessment for a heating network in Andover town centre. In March 2023, HNDU confirmed the Council had been successful with the application for funding and had secured £97,220.
- 2.4 Given the scale of the funding received and in order to make progress with the feasibility assessment it is recommended that this fund is incorporated within the Council's revenue budget 2023/24.

3 Corporate Objectives and Priorities

- 3.1 Securing the funding allows the Council to explore opportunities to develop a decarbonised heat network through a local energy source for existing and future developments of Andover Town Centre. This allows progress to be made with both the regeneration of Andover Town Centre and delivery of the masterplan as well as being in line with the Council's ambition in achieving carbon neutrality. This links to the Corporate Plan 2023-27 strategic priorities for sustainability, prosperity and environment.

4 Consultations/Communications

- 4.1 The Council's success in securing the funding has already been announced. As work progresses and the outcomes known this could be shared with key partners and the wider community at the appropriate time.

5 Options

- 5.1 The option is to consider whether to incorporate the heat network feasibility study within the Planning Policy & Economic Development service budget, or not.

6 Option Appraisal

- 6.1 The heat network feasibility study is a scheme that would enable the potential of such a network to be explored. The government funding is to be spent within the 2023/24 financial year. Incorporating the funds to undertake this work within the budget will enable the project to progress in a timely manner. This is the preferred approach.
- 6.2 Not approving the expenditure for the heat network feasibility study would mean that expenditure on this project could not be committed.

7 Risk Management

- 7.1 An evaluation of the risks indicates that the existing controls in place mean that no significant risk have been identified at this time.

8 Resource Implications

- 8.1 The Council has secured funding of £97,220 towards the cost of undertaking the feasibility assessment and project management support (approximately £10,300 of the total figure).
- 8.2 The Council will provide part funding of £18,100 towards the cost of the feasibility assessment. This budget can be sourced from existing Regeneration Reserve balances and was committed via the delegated powers of the Head of Planning Policy & Economic Development, in consultation with the Head of Finance & Revenues when the original bid was submitted.
- 8.3 Despite the high value, feasibility projects are inherently revenue in nature, so this will be a revenue project within the Planning Policy & Economic Development service.
- 8.4 The additional income and expenditure are unbudgeted and therefore need to be included in the Council's budget to enable the project to proceed. The maximum virement value that can be approved by officers is £50,000 and therefore the report recommends that Cabinet approve the expenditure on the project, to be funded by the government grant and Council contribution, as discussed above.

9 Legal Implications

- 9.1 The recommended option will enable the project to proceed in accordance with the requirements of the funding agreement from the government.

10 Equality Issues

- 10.1 No equality issues arise as a result of the subject matter of this report.

11 Other Issues

- 11.1 Community Safety – no specific impacts.
- 11.2 Environmental Health Issues – no specific impacts.
- 11.3 Sustainability and Addressing a Changing Climate – the feasibility study will explore the potential for a heat network, using low carbon energy sources, for Andover town centre. This work aligns with the Council's Climate Emergency Action Plan.
- 11.4 Property Issues – the area being considered through the feasibility study will incorporate assets owned by the Council, including the Chantry Centre and Andover Leisure Centre. At present, the study is considering the feasibility of a heat network only.
- 11.5 Wards/Communities Affected – Andover St Mary's Ward.

12 Conclusion

- 12.1 The Council has been successful in securing government funding to contribute towards the cost of exploring the feasibility of a heat network in Andover town centre. This report recommends the inclusion of this funding within the revenue budget in 2023/24 to enable the assessment to progress in a timely manner.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Climate Emergency Action Plan (2020)			
Test Valley Renewable and Low Carbon Energy Study (2020)			
<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:	None	File Ref:	N/A
(Portfolio: Strategic Regeneration and Partnerships (North) Councillor P North			
Officer:	Graham Smith	Ext:	8141
Report to:	Cabinet	Date:	7 June 2023

ITEM 12

Asset Management Outturn 2022/23

Report of the Finance and Resources Portfolio Holder

Recommended:

1. That the expenditure for the year on Asset Management projects, as shown in Annex 1 to the report, be noted.
2. That the updated budget for Asset Management projects in 2023/24, as shown in Annex 2 to the report, be approved.

SUMMARY:

- This report compares the actual expenditure on Asset Management Plan (AMP) projects with the approved budget for 2022/23.
- The total revised AMP budget in 2022/23 was £3.941M. Actual expenditure in the year was £2.508M, leaving an overall positive variance of £1.433M. The main reasons for the budget variance are explained below in section 5.
- After reviewing the outturn position for 2022/23, the AMP requirement for 2023/24 has been updated and is presented for approval.

1 Introduction

- 1.1 The Council's Asset Management Strategy details the Council's approach to identifying the assets it is responsible for maintaining and the methods used in prioritising necessary works to ensure assets remain operationally effective.
- 1.2 An update on the progress of the Asset Management Plan (AMP) for 2022/23 was presented to Cabinet in December 2022. As part of that report the AMP budget for the year was revised.
- 1.3 This report compares the actual expenditure in 2022/23 with the budget approved in December and explains the reasons for any significant variances.

2 Background

- 2.1 The Council has divided asset management into three separate areas which all form part of the AMP. These are; Property; Vehicles & Plant; and IT equipment.
- 2.2 The Property & Asset Management Service (PAM) carried out a condition survey on all land and buildings in the development of the Asset Management Strategy. The results of the survey were used to allocate each building into a priority category for works to be undertaken. This, combined with a review of how long the Council expects to retain individual properties, has informed the development of the land and buildings' element of the AMP.

- 2.3 This survey continues to be maintained by PAM and is updated on an ongoing basis.
- 2.4 All vehicles and plant are regularly serviced by the Council's internal vehicle workshop. The effectiveness of all vehicles is monitored as part of the servicing programme. Among other things, this includes identifying where vehicles' workloads are different to that expected which may alter the timing of their replacement and identifying vehicles with higher / lower than expected servicing costs. Service users also keep the number of vehicles / items of plant required to deliver services under regular review.
- 2.5 The IT Service has a register of all hardware and major software systems used by the Council with profiles of their expected useful lives. From this it is possible to plan when IT infrastructure will need to be replaced. For hardware this tends to be between once every three to five years whereas software packages tend to last longer.
- 2.6 The Council has entered into a shared IT infrastructure partnership with Winchester City Council, which includes the sharing of IT infrastructure assets. This means that all IT infrastructure costs are shared between both councils reducing the net impact on the AMP.

3 Corporate Objectives and Priorities

- 3.1 In order to deliver the key priorities identified in the Corporate Plan it is essential that the Council's underlying asset base is sufficiently maintained to be fit for purpose.
- 3.2 The Council has a significant land and property holding generating income that is a key part of the Council's revenue budget. Maintaining and improving this income stream will be a significant factor in the Council's financial strategy in the future and this has a clear link to the maintenance of the land and property assets themselves.

4 Consultations/Communications

- 4.1 Relevant Heads of Service have been consulted with regard to the investment required to maintain those assets for which they are responsible.

5 2022/23 AMP review

Land and Buildings

- 5.1 The revised budget for land and buildings' projects was £1.557M. A total of £785,000 was spent in the year. A summary of the expenditure, by property, can be found in Annex 1a.
- 5.2 The variance of £772,000 is made up of budget carry forwards of 698,000 and net savings on completed projects of £74,000.
- 5.3 The main reasons for the budget carry forwards are:

- External redecoration works at Beech Hurst have been started but are not yet complete, therefore a carry forward of £15,000 is required.
 - Works to repair the concrete in the multi storey car park have not yet been started, so a carry forward of £100,000 is required. This is due in part to vacancies within the Property & Asset team which has reduced available resources to deliver the project.
 - The work at the Former Magistrates Court to replace the single glazed windows to improve energy performance has been completed with a saving of £27,900. This saving is requested to be carried forward to carry out further energy efficiency works.
 - A report into the full requirements for the rewiring works at Portway Depot is expected soon, therefore the budget of £100,000 is required to be carried forward.
 - Vacancies within the Property & Asset team and the team being directed to projects with timelines linked to government funding have resulted in a carry forward of £95,700 being required for EPC outcome works.
 - Works to the boat slipways at Charlton Lakes at a cost of £20,000 have been delayed due to high water levels.
 - Target hardening works (£23,100) are landscape features which are installed dependent on suitable weather conditions and are, therefore, reliant on being identified and constructed at the optimum time of year.
 - Tree works with a budget of £8,000 have been delayed due to permission issues with network Rail as the works are next to the mainline track.
 - The budget for repairs to the decking at the Lights is required to be carried forward as it is drawn upon for localised repairs as and when required, rather than the replacement of the whole of the decking in one go.
 - The budgets for the playgrounds at Taw Tweed and Anton Lakes at a total of £221,000 are required to be carried forward due to design updates and project re-tendering.
 - A delay in receiving planning permission for the floodlighting scheme at the BMX track has resulted in delays to the track refurbishment. A carry forward of £30,800 is required to complete the works.
- 5.4 There are also a number of projects that are either no longer required or where savings totalling £74,000 have been made. This includes savings within the green spaces budgets of £38,400, mainly on tree works.

Vehicles and Plant

- 5.5 The revised budget approved in December 2022 for replacement vehicles and plant was £1.657M.

- 5.6 Total expenditure on replacement vehicles and plant amounted to £1.363M. The details of this are shown in Annex 1b.
- 5.7 The variance is made up of £305,100 to be carried forward for which all orders have been placed but not yet delivered, and an increase in costs of £11,700.
- 5.8 The part exchange and sale of vehicles and plant through the year has generated income of £87,000. This will be used in part to offset the additional £11,700 of costs in 2022/23 with the remainder to be transferred into the Asset Management Plan reserve to use against future purchases.
- 5.9 Throughout the year some operational requirements and estimated costs have changed and there has been some movement and reallocation within the approved budget. Flexibility within the programme to react to these changes is essential in order to meet operational requirements and is permitted using existing officer delegations. Examples of this are two vans which were not required to be replaced yet, so the budgets were used to part cover additional costs on sweepers and a number of other vans.
- 5.10 IT Infrastructure
- 5.11 The approved budget for IT AMP projects was £727,200. Actual costs were £359,400 which is £367,800 less than the budget. The variance is made up of carry forward requests of £365,000 and savings of £2,800. The details are shown in Annex 1c.
- 5.12 Issues within the supply chain have resulted in the delayed delivery of the hardware for the Network refresh project and the UPS upgrade with a combined carry forward of £129,000 required.
- 5.13 The Arc Serve back up / replacement project, the Citrix upgrade project, cloud adoption, the village network project and mobile device refresh have all been pushed back to 2023/24.
- 5.14 The project for Meeting Rooms hybrid set up is ongoing.
- 5.15 The finance management system project and the replacement of the server for the system have been delayed due to supplier issues around testing. This is expected to be completed in July 2023.

6 Updated 2023/24 AMP requirement

Land and Buildings

- 6.1 The recommended budget for land and buildings in 2023/24 is £2.233M and includes £698,000 of projects carried forward from 2022/23.
- 6.2 A summary of the items included in the AMP for 2023/24 is shown in Annex 2a.

Vehicles and Plant

- 6.3 The recommended budget for replacement of vehicles and plant in 2023/24 is £1.114M.
- 6.4 A summary of the items included in the AMP for 2023/24 is shown in Annex 2b and includes the items carried forward from 2022/23. One new item, a tipper, has been added.

IT Infrastructure

- 6.5 The recommended budget for IT infrastructure in 2023/24 is £723,100.
- 6.6 A summary of the items included in the AMP for 2023/24 is shown in Annex 2c and includes the items carried forward from 2022/23.

7 Options

- 7.1 There are many possible ways of prioritising the individual assets that require maintenance and the extent to which work is carried out.
- 7.2 The amounts included in the annexes and recommended for inclusion in the AMP are based on the professional advice of officers from the Services concerned in the operation and management of the Council's assets.
- 7.3 The AMP is updated by Services on an ongoing basis. Given the wide portfolio of assets the Council manages, it is inevitable that there will need to be changes made to the plan before a further report is presented to Cabinet.

8 Risk Management

- 8.1 A risk assessment has been completed in accordance with the Council's Risk management process and has identified the following significant (Red or Amber) residual risks that cannot be fully minimised by existing or planned controls or additional procedures. These are shown summarised below.
- 8.2 There is a risk that the projects included in the AMP will not be delivered as scheduled leading to assets falling into disrepair. This will be monitored by regular progress reviews of the AMP by responsible officers and update reports to Cabinet.
- 8.3 There is a risk that there will be insufficient funds available to meet AMP requirements. The current level of the AMP reserve is sufficient to fund the programme included in this report; however, there continues to be the need to seek sustainable funding for the AMP.
- 8.4 There is a risk of claims resulting from loss or injury caused by / contributed to as a result of poorly maintained Council owned property. This will be monitored by regular progress reviews of the AMP by responsible officers and update reports to Cabinet.

9 Resource Implications

9.1 The costs of the AMP in 2022/23 and 2023/24 are shown in paragraphs 5 and 6 above and in annexes 1 and 2. All these costs will be met from a specific reserve created to fund asset management costs.

Financing the AMP

9.2 The AMP is mainly funded in three ways:

- Firstly, there is a contribution from the revenue budget. This is currently £1.956M for 2022/23 and £2.0M for 2023/24.
- Secondly, where the Council has a revenue surplus at the end of the year an element of this can be used to top-up the reserve.
- Finally, there may be earmarked reserves or sources of income to finance specific projects. For example, the playgrounds in 2022/23 and 2023/24 are to be funded by New Homes' Bonus receipts in the year.

9.3 At 31 March 2022 the Council's AMP reserve balances stood at £3.070M. It is expected that the reserve balance at 31 March 2024 will be £1.059M. The movement in the reserve balance is shown in the table below.

	£'000
Asset Management Reserves at 31 March 2022	3,070
Budgeted transfer – 2022/23	1,956
New Homes Bonus contribution to AMP	97
Sale of vehicles and plug in grants	87
Additional contribution to reserve from revenue budget in respect of the financial management system upgrade	26
Land and Property Requirement 2022/23	(785)
Vehicle and Plant Requirement 2022/23	(1,363)
IT Infrastructure Requirement 2022/23	(360)
Actual balance at 31 March 2023	2,728
Transfers in to reserve 2023/24	2,000
New Homes Bonus contribution to AMP	422
Transfer from IT Capacity Building reserve	20
Land and Property Requirement 2023/24	(2,233)
Vehicle and Plant Requirement 2023/24	(1,114)
IT Infrastructure Requirement 2023/24	(723)
Public Sector Decarbonisation Scheme	(41)
Forecast Asset Management Reserves at 31 March 2024	1,059

The proposed AMP items comprise both revenue and capital expenditure. Expenditure is classified as capital when the total cost is over £10,000 and it is for the purchase of a new asset, materially lengthens the useful life of an existing asset, or adds value to the asset being modified. All other expenditure on the routine maintenance and repair of assets will be treated as revenue expenditure.

10 Legal Implications

- 10.1 Those tenants occupying Council owned properties for which the Council is responsible for maintenance could, in the event of their property falling into disrepair, take action against the Council as their landlord. This is covered in the risk assessment (paragraph 8.4).

11 Climate Change Implications

- 11.1 The Council declared a 'Climate Emergency' in September 2019 and committed to identifying steps that can be taken to become a carbon neutral organisation. The Climate Emergency Action Plan was approved by Council in June 2020 and concentrates on what the Council can do to make a difference.

The Action Plan is split into themes, three of which are relevant to the Asset Management Plan:

- a) Property and Energy – to review the management of the Council's premises and assets to identify areas where we can reduce energy demand, improve energy efficiency and convert to renewable, low or zero carbon technologies for energy and heat needs;
 - b) Transport, Travel and Plant – to bring forward measures to improve the fuel efficiency and move towards lower emission fuel sources;
 - c) Smarter working and use of technology – to investigate how the Council can make best use of available technology and how this could help change the way the Council does business.
- 11.2 The Property & Asset Management Service do and will continue to explore all options when upgrading or replacing property assets. Part of this exploration will always include a review of alternative technologies and solutions.
- 11.3 A regular assessment of alternative technologies is always undertaken in relation to the procurement of replacement vehicles and plant. The Environmental Service has deployed a number of electric vans in recent years and will continue to do so where appropriate. Other technologies are emerging, particularly around grounds maintenance functions, where electrically powered plant and hand held equipment is gradually coming onto the market. For larger vehicles the alternative technology available is a mixed and evolving picture. For waste collection vehicles there is now the option to consider the deployment of electrically powered alternatives onto the fleet but

the cost of doing so is currently prohibitive with the electric version costing more than twice that of a traditionally diesel powered version. As a 'stepping stone' approach the whole fleet that had previously run on diesel has been switched over to a new low carbon fuel called Hydrotreated Vegetable Oil (HVO). This new fuel reduces the carbon impact of the fleet by up to 95%.

12 Equality Issues

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

13 Conclusion and reasons for recommendation

- 13.1 All AMP activities in the year have been reviewed and performance against budget noted throughout the report. In light of this review, all items covered by the Council's AMP have been considered and those most in need of repair or replacement included in the AMP for 2023/24.
- 13.2 For this reason it is recommended that the updated AMP items in Annex 2 are included in the AMP for 2023/24.
- 13.3 Asset management needs to have flexibility due to the difficulty of knowing exactly when an item will need repair or replacement. In order to ensure that operational efficiency is not impaired, the Head of Finance & Revenues has delegated authority to ensure that unforeseen works can be undertaken without undue delay.

<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:	2	File Ref:	N/A
(Portfolio: Finance and Resources) Councillor M Flood			
Officer:	Jenni Carter	Ext:	8236
Report to:	Cabinet	Date:	7 June 2023

LAND & BUILDINGS
ASSET MANAGEMENT REQUIREMENT 2022/23

<u>Property Name</u>	<u>2022/23</u> <u>Revised</u> <u>Budget</u> £	<u>Budget</u> <u>changes</u> £	<u>Actual spend</u> <u>to date</u> £	<u>Carry forward</u> <u>to 2023/24</u> £	<u>Budget</u> <u>remaining</u> £
<u>Property & Asset Management</u>					
18 Market Place	11,259		3,500	(7,759)	0
Abbottswold Sports Pavilion	5,000				5,000
Andover Bus Station	8,167		3,245		4,922
Beech Hurst	35,000		16,050	(15,000)	3,950
Bus Shelters	10,000		6,416	(3,584)	0
Chantry MSCP	100,000			(100,000)	0
Charlton Cemetery Mess Room	175				175
Churchill Bungalow	2,270		2,270		0
Former Magistrates Court, Romsey	100,000		72,079	(27,921)	0
Guildhall	10,880		7,780	(3,000)	100
London Road Sports Pavilion	6,045		1,864	(100)	4,081
Portway Depot	172,590		71,987	(100,100)	503
Romsey Rapids	10,000		1,230	(8,770)	0
Stockbridge Public Conveniences	130				130
Various car parks	5,000			(5,000)	0
Various - site surveys	0	2,660	2,660		0
Various sites - EPC outcome works	100,000	(2,660)	1,600	(95,740)	0
Walworth Enterprise Centre	13,846		12,493		1,353
Total Property & Asset Management	590,362	0	203,174	(366,974)	20,214
<u>Community & Leisure</u>					
Cemeteries / Memorials	8,606			(2,980)	5,626
Green Spaces	534,859	(1,511)	443,302	(51,675)	38,371
The Lights	30,000	1,511	7,079	(24,432)	0
Playgrounds	320,951	4,973	97,472	(220,977)	7,475
Sports Facilities	72,266	(4,973)	34,438	(30,855)	2,000
Total Community & Leisure	966,682	0	582,291	(330,919)	53,472
Total Land & Buildings Requirement for 2022/23	1,557,044	0	785,465	(697,893)	73,686

VEHICLES & PLANT - ASSET MANAGEMENT REQUIREMENT 2022/23

<u>Unit</u>	<u>Type of Asset</u>	<u>2022/23 Budget</u>	<u>Budget changes</u>	<u>Actual spend to date</u>	<u>On order but not yet received</u>	<u>Carry forward to 2023/24</u>	<u>Budget remaining</u>
		£	£	£	£	£	£
Grounds Maintenance	Cylinder mower	7,663		7,663			-
Grounds Maintenance	Rotary mower	7,663		7,663			-
Grounds Maintenance	Rotary mower	7,270		7,270			-
Vehicle Workshop	Depot equipment	5,003	(120)	4,883			-
Street Cleansing	Washers / cleaners	5,800	(5,800)				-
Grounds Maintenance	Flail mower	7,268		7,268			-
Street Cleansing	Gritter	10,000				(10,300) -	300
Street Cleansing	Gritter	10,000				(10,300) -	300
Building maintenance	Van	25,000	(25,000)				-
Street Cleansing	Sweeper	15,000	7,881	22,881			-
Street Cleansing	Sweeper	15,000	7,881	22,881			-
Street Cleansing	Sweeper	15,000	7,881	22,881			-
Waste Collection	Van	22,000	4,910			(26,910)	-
Street Cleansing	Van	22,000	4,910			(26,910)	-
Vehicle Workshop	Van	22,000	4,910			(26,910)	-
Grounds Maintenance	Washers / cleaners	25,000	(5,205)	19,795			-
Car Parks	Van	22,000	4,910			(26,910)	-
Car Parks	Van	22,000	4,910			(26,910)	-
Street Cleansing	Van	20,225				(20,225)	-
Street Cleansing	Van	20,225				(20,225)	-
Street Cleansing	Van	20,225				(20,225)	-
Street Cleansing	Van	20,225				(20,225)	-
Grounds Maintenance	Van	19,000	6,932			(28,440) -	2,508
Grounds Maintenance	Van	19,000	1,065			(28,440) -	8,375
Parks & Open Spaces	Van	19,000	(19,000)				-
Waste Collection	Refuse vehicle	195,729		195,729			-
Waste Collection	Refuse vehicle	195,729		195,729			-
Grounds Maintenance	Van	22,757		22,757			-
Grounds Maintenance	Trailer	2,988		2,988			-
Grounds Maintenance	Tractor	78,369		78,369			-
Grounds Maintenance	Cylinder mower	15,100		15,100			-
Waste Collection	Refuse vehicle	187,994	(355)	187,639			-
Waste Collection	Refuse vehicle	187,994	(355)	187,639			-
Waste Collection	Refuse vehicle	187,994	(355)	187,639			-
Vehicle Workshop	Charging stations x 2	15,504		15,504			-
Vehicle Workshop	Depot Equipment	28,438		28,438			-
Vehicle Workshop	Depot Equipment	12,000				(12,185) -	185
Grounds Maintenance	Rotary mower	23,045		23,045			-
Grounds Maintenance	Rotary mower	23,045		23,045			-
Grounds Maintenance	Flail mower	26,320		26,320			-
Waste Collection	Tipper	50,176		50,176			-
Total Vehicles & Plant Requirement 2022/23		1,656,749	0	1,363,302	0	(305,115)	(11,668)
Income from part exchanges during the year		-		(87,119)			87,119
Net Total Vehicles & Plant Requirement 2022/23		1,656,749	0	1,276,183	0	(305,115)	75,451

IT INFRASTRUCTURE - ASSET MANAGEMENT REQUIREMENT 2022/23

<u>Description</u>	<u>2022/23 Budget</u>	<u>Budget changes</u>	<u>Actual spend to date</u>	<u>Carry forward to 2023/24</u>	<u>Remaining budget</u>
	£	£	£	£	£
Desktop Refresh	151,400		141,680	(9,720)	0
Network (WiFi, LAN) refresh	107,188		(1,872)	(109,060)	0
UPS Upgrade/replacement	20,000			(20,000)	0
ArcServe Backup/replacement	48,000			(48,000)	0
Richmond service desk exploration	2,500		999	(1,501)	0
Meeting Rooms Hybrid set up	26,909		550	(26,359)	0
EFIN server upgrade/replacement	10,000			(10,000)	0
Exchange / 2012 upgrade	5,000	(5,000)			0
Citrix / 2012 upgrade	15,000			(15,000)	0
Website upgrade - Redesign/accessibility	0				0
Northgate upgrade - Revs & Bens	10,000	(10,000)			0
Iken upgrade - Legal	6,000	(4,290)			1,710
Public Access upgrade	4,000			(4,000)	0
Info@work upgrade	16,600		16,600		0
Room booking upgrade	2,000	(2,000)			0
Mod.gov upgrade	7,000			(7,000)	0
CCTV	0				0
Door system	0				0
Idox upgrade	10,000		1,500	(8,500)	0
SharePointOnline exploration	5,000			(5,000)	0
Apps - other migrations	15,000	550	15,550		0
Capita system updates/change requests	3,000	(1,864)			1,136
Financial Management System upgrade	51,000		44,136	(6,864)	0
Servers - 3 VM Hosts	49,624		49,624		0
Network Refresh	0				0
ArcServe Backup	0	825	825		0
Richmond upgrade	2,025			(2,025)	0
Microsoft 365	25,000		25,000		0
Village network project	20,000			(20,000)	0
Mobile phones - smartphone devices	35,000	17,433	52,433		0
Microsoft 365 - phase 2	0				0
Cloud adoption	30,000			(30,000)	0
Planning & Building tablet replacements	8,000	(1,426)	6,574		0
Mobile device refresh	42,000			(42,000)	0
Business Objects	0	4,060	4,060		0
Vmware DMZ Hard drives	0	1,712	1,712		0
Total IT Infrastructure requirement 2022/23	727,246	0	359,371	(365,029)	2,846

LAND & BUILDINGS
ASSET MANAGEMENT REQUIREMENT 2023/24

<u>Property Name</u>	<u>2023/24</u> <u>Budget</u> £	<u>Brought</u> <u>forward from</u> <u>2022/23</u> £	<u>2023/24</u> <u>Updated</u> <u>Budget</u> £
<u>Property & Asset Management</u>			
18 Market Place	15,000	7,759	22,759
Beech Hurst	40,000	15,000	55,000
Bourne House	15,000		15,000
Broadwater Road Toilets	5,000		5,000
Bus Shelters	0	3,584	3,584
Chantry MSCP	100,000	100,000	200,000
Charlton Sports Centre	100,000		100,000
East Anton Sports Pavilion	10,000		10,000
Former Magistrates Court, Romsey	0	27,921	27,921
Guildhall	0	3,000	3,000
Hunts Farm Sports Pavilion	15,000		15,000
Italianate Chapel, Romsey	50,000		50,000
London Road Sports Pavilion	10,000	100	10,100
North Baddesley Community Centre	50,000		50,000
Picket Twenty Sports Pavilion	10,000		10,000
Portway Depot	130,000	100,100	230,100
Romsey Rapids	0	8,770	8,770
Town Mills House	15,000		15,000
Valley Park Community Centre	50,000		50,000
Various car parks	0	5,000	5,000
Various - site surveys	25,000		25,000
Various sites - EPC outcome works	0	95,740	95,740
Walworth Enterprise Centre	175,000		175,000
Walworth Sports Pavilion	20,000		20,000
Total Property & Asset Management	835,000	366,974	1,201,974
<u>Community & Leisure</u>			
Cemeteries / Memorials	0	2,980	2,980
Green Spaces	479,500	51,675	531,175
The Lights		24,432	24,432
Playgrounds	201,000	220,977	421,977
Sports Facilities	20,000	30,855	50,855
Total Community & Leisure	700,500	330,919	1,031,419
Total Land & Buildings Requirement for 2023/24	1,535,500	697,893	2,233,393

VEHICLES & PLANT - ASSET MANAGEMENT REQUIREMENT 2023/24

<u>Unit</u>	<u>Type of Asset</u>	<u>2023/24 Budget</u>	<u>Changes to Budget</u>	<u>Brought forward from 2022/23</u>	<u>2023/24 Updated Budget</u>
		£	£	£	£
Grounds Maintenance	Rotary Mower	7,800			7,800
Grounds Maintenance	Chipper	15,000			15,000
Grounds Maintenance	Cultivator	7,500			7,500
Grounds Maintenance	Cylinder Mower	4,000			4,000
Grounds Maintenance	Scarifier	3,250			3,250
Grounds Maintenance	Cylinder Mower	8,000			8,000
Grounds Maintenance	Muck Truck	1,900			1,900
Grounds Maintenance	Rotary Mower	3,000			3,000
Street Cleansing	Tipper	50,000			50,000
Building maintenance	Washers	30,000			30,000
Grounds Maintenance	Waterpump	2,000			2,000
Waste Collection	Refuse vehicle	200,000			200,000
Waste Collection	Refuse vehicle	200,000			200,000
Street Cleansing	Sweeper	170,000			170,000
Grounds Maintenance	Rotary Mower	6,700			6,700
Grounds Maintenance	Cylinder Mower	15,100			15,100
Waste Collection	Tipper		85,000		85,000
Street Cleansing	Gritter			10,300	10,300
Street Cleansing	Gritter			10,300	10,300
Waste Collection	Van			26,910	26,910
Street Cleansing	Van			26,910	26,910
Vehicle Workshop	Van			26,910	26,910
Car Parks	Van			26,910	26,910
Car Parks	Van			26,910	26,910
Street Cleansing	Van			20,225	20,225
Street Cleansing	Van			20,225	20,225
Street Cleansing	Van			20,225	20,225
Street Cleansing	Van			20,225	20,225
Grounds Maintenance	Van			28,440	28,440
Grounds Maintenance	Van			28,440	28,440
Vehicle Workshop	Depot Equipment			12,185	12,185
Total Vehicles & Plant Requirement 2023/24		724,250		305,115	1,114,365

IT INFRASTRUCTURE - ASSET MANAGEMENT REQUIREMENT 2023/24

<u>Description</u>	<u>2023/24</u> <u>Budget</u>	<u>Brought</u> <u>forward</u> <u>from</u> <u>2022/23</u>	<u>2023/24</u> <u>Updated</u> <u>Budget</u>
	£	£	£
Desktop Refresh	173,079	9,720	182,799
Network Refresh (not remote sites)	15,000	109,060	124,060
Server Upgrade/replacement	10,000		10,000
Richmond Service Desk Exploration	5,000	1,501	6,501
Room Booking System	10,000		10,000
Door System Replacement - FMC & PWay	35,000		35,000
Telephone System Upgrade	10,000		10,000
Capita System Migration	25,000		25,000
IDOX System Upgrade	15,000	8,500	23,500
DR Review/Green Initiative	10,000		10,000
Microsoft 365 - phase 2	50,000		50,000
UPS Upgrade/replacement		20,000	20,000
ArcServe Backup/replacement		48,000	48,000
Meeting Rooms Hybrid set up		26,359	26,359
EFIN server upgrade/replacement		10,000	10,000
Citrix / 2012 upgrade		15,000	15,000
Public Access upgrade		4,000	4,000
Mod.gov upgrade		7,000	7,000
SharePointOnline exploration		5,000	5,000
Financial Management System upgrade		6,864	6,864
Richmond upgrade		2,025	2,025
Village network project		20,000	20,000
Cloud adoption		30,000	30,000
Mobile device refresh		42,000	42,000
Total IT Infrastructure requirement 2023/24	358,079	365,029	723,108

Known projects without budget allocation

Telephony system
Financial Management System (Efin)
Electoral Management System
Lights e-ticketing system
Performance Management System (Pentana)

ITEM 13 Cabinet Appointments to Outside Bodies

Report of the Democracy and Governance Portfolio Holder

Recommended:

- 1. That Councillors Bundy, A Dowden, Swain and Yalden be appointed to the Eastleigh Borough Council/Test Valley Borough Council Liaison Group.**
- 2. That Councillor Adams-King be appointed to Parking and Traffic Regulations Outside London (PATROL).**
- 3. That the Deputy Leader be appointed to the Partnership for South Hampshire Committee (PFSH).**
- 4. That Councillor Adams-King be appointed to South East Councils.**

SUMMARY:

This report seeks to appoint Councillors to a number of outside bodies that the Council works with in order to share information and knowledge on matters of mutual interest in order to better fulfil its obligations.

1 Introduction

- 1.1 The Council has a number of agreements in place with other local authorities in order to fulfil its duties and share information and knowledge about a range of issues with partner organisations.

2 Background

Eastleigh Borough Council/Test Valley Borough Council Liaison Group

- 2.1 The Borough Council has had a joint arrangement with Eastleigh Borough Council for many years to consider matters of mutual interest. It is necessary to appoint Councillors to this Liaison Group.
- 2.2 Councillors Bundy, A Dowden, Hatley and Swain were appointed to serve on this Liaison Group in 2022/23.
- 2.3 Cabinet is asked to appoint Councillors to serve on the Eastleigh Borough Council/Test Valley Borough Council Liaison Group for 2023/24.

PATROL

- 2.4 The Council has powers in respect of decriminalised parking enforcement. The PATROL Adjudication Joint Committee was established to enable councils in England undertaking civil parking enforcement to exercise their functions under Section 81 of the Traffic Management Act 2004 (TMA)

and Regulations 16 and 17 of The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022.

- 2.5 There is a statutory obligation for civil enforcement authorities to make provision for independent adjudication for appeals against civil traffic penalties. This requirement is fulfilled by joining the PATROL Joint Committee, which provides resources for the Traffic Penalty Tribunal. The PATROL Adjudication Joint Committee Agreement (to which Test Valley Borough Council is party) requires nomination of a Councillor to the Joint Committee.
- 2.6 Cabinet is asked to appoint a Councillor to PATROL.

Partnership for South Hampshire

- 2.7 The Council has had a joint voluntary agreement with ten other local authorities across South Hampshire to deliver regeneration of the core areas in the south Hampshire sub-region. It is necessary to appoint a Councillor to the Joint Committee on an annual basis.
- 2.8 The joint arrangements provide for the discharge of a Council function which contributes to the Council's Corporate Objectives.
- 2.9 Cabinet is asked to appoint a Councillor to the Partnership for South Hampshire.

South East Councils

- 2.10 South East Councils is an organisation established to represent the views of local authorities on the South East region which aims to promote and maintain the South East's position as a leading global economy, seek fair funding for the region and monitor and highlight the economic pulse of the South East.
- 2.11 Test Valley Borough Council has been a member of South East Councils since 2021. Cabinet is asked to appoint a Councillor to South East Councils.

3 Corporate Objectives and Priorities

- 3.1 The arrangements provide for the discharge of Council functions which contribute to the Council's Corporate Objectives.

4 Options and Option Appraisal

Option 1

- 4.1 To not appoint to the outside bodies as set out in the report.
- 4.2 Appointing to the outside bodies ensures that the Council is able to continue to work with partners to consider areas of mutual interest, maintain good working relationship and share knowledge and ideas. To not appoint to these position would mean the Council will no longer actively engaged with its partners in key areas.

- 4.3 The Council is required to make an appointment to both PATROL and PfSH in order to fulfil its agreements and legal obligations. By not appointing to these appointments the Council would be failing to meet with its partnership agreement and to fulfil its legal obligation.

Option 2

- 4.4 To appoint Councillors to the outside bodies as set out in the report. This is the recommended option.
- 4.5 This will allow the Council to consider matters of mutual interest and continue good working relationships with its partners, ensuring effective development of ideas and knowledge sharing.
- 4.6 The Council is required to make an appointment to both PATROL and PfSH in order to fulfil its partnership agreement and legal obligations.

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 The Council is required to appoint a Councillor to PfSH in order to provide for the discharge of a Council function and fulfil its partnership agreement.
- 7.2 The Council is required to make an appointment to PATROL in order to fulfil its legal obligations.

8 Equality Issues – 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 That the Councillors identified in the report be appointed to the Outside Bodies in order for the Council to continue to fulfil its obligations and strengthen partnerships.

<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:	None	File Ref:	N/A
(Portfolio: Democracy and Governance) Councillor N Lodge			
Officer:	Emma Silverton	Ext:	8001
Report to:	Cabinet	Date:	7 June 2023

ITEM 14 **Scheme of Delegations to Officers**

Report of the Head of Legal and Democratic Services

Recommended:

That the Scheme of Officer Delegations, as set out in the Annex to this report, in so far as it applies to the powers and duties of the Cabinet, be approved.

SUMMARY:

The purpose of the report is to seek approval of the Council's Scheme of Officer Delegations in so far as it relates to Cabinet functions.

1 Background

- 1.1 The Scheme of Delegations is approved each year in accordance with the Constitution by Annual Council. Regular updated approval of the Scheme of Delegations ensures the Council's decision-making is as robust as possible and operates as effectively as possible in accordance with legal requirements. Council Procedure Rules require that the annual meeting will approve the Scheme of Officer delegations at Part 3 of the Constitution.

2 Corporate Objectives and Priorities

- 2.1 As set out in Article 14 of the Constitution the Monitoring Officer has a duty to monitor and review the operation of the Constitution and ensure that the aims and principles of the Constitution are effective.
- 2.2 Maintaining and updating the Constitution to reflect current legislation and practice is essential in order to deliver effective and lawful decisions in the day-to-day operation of the Council and implementation of the Corporate Plan.

3 Resource Implications

- 3.1 No resource implications arise as a result of this report.

4 Issues

- 4.1 During the course of the year since Annual Council 2022 changes have been made to the Scheme of Officer Delegations as the need arose over time. These changes have all been approved by Full Council. There were no further amendments to present to Annual Council 2023for consideration.

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 resource implications arise as a result of this report.

7 Legal Implications

7.1 Section 37 of the Local Government Act 2000 requires the Council to keep its Constitution under review. The Constitution at paragraph 1.1(h) of Part 4 requires that the Scheme of Officer Delegations is approved by Council at its Annual Meeting. Certain officer delegations relate to Executive functions and therefore Cabinet approval of the Scheme is also sought.

8 Equality Issues

8.1 No equality issues arise as a result of this report. Equality issues are considered and reported as appropriate when changes to the Scheme of Delegation are proposed to Council for consideration.

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 and reasons for recommendation

10.1 In order to ensure the Council's Scheme of Officer Delegations reflects current legislation and practice and remains up to date it is recommended that Scheme of Delegations as set out in the Annex to the report be approved.

<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: Democracy and Governance) Councillor N Lodge			
Officer:	Karen Dunn	Ext:	8401
Report to:	Cabinet	Date:	7 June 2023

Delegations to Officers: Delegations to Chief Executive, Deputy Chief Executive and Heads of Services

- (1) To deal with matters relating to recruitment, selection and termination of employment, pay, employment benefits, training and development and other provisions relating to employees of the Council contained from time to time in the Council's Staffing Policies and Procedures documentation.
- (2) To enter into and sign contracts with public utilities, authorities or other bodies where such contracts are regarded as routine commercial matters authenticated by the signature of an officer of the utility, authority or body provided that the contract is within the sum allowed in the Council's estimates and/or Financial Regulations.
- (3) To authorise staff to attend meetings, seminars and conferences, including those arranged by the relevant professional associations.
- (4) To authorise officers to appear in the Courts.
- (5) To terminate employment in case of ill health/capability, in consultation with the Human Resources Manager.
- (6) To dismiss staff in accordance with the Council's disciplinary procedure.
- (7) In the absence of the Chief Executive, The Deputy Chief Executive, be authorised to exercise the powers and duties of the Chief Executive.
- (8) That the appropriate Heads of Service be delegated the authority to amend charges to reflect changes in VAT rates.
- (9) That the appropriate Head of Service be delegated authority to agree the introduction of a charge for a new Council activity, in consultation with the Head of Finance and Revenues.
- (10) That in the absence of any Head of Service, those matters delegated to that Head of Service be delegated to the Chief Executive or Deputy Chief Executive.
- (11) That Heads of Service may make arrangements for any functions delegated to them to be carried out by other officers in their name.
- (12) That the Chief Executive, Deputy Chief Executive and Heads of Service be authorised, in consultation with the Head of Finance and Revenues, the Monitoring Officer and the Leader, to settle complaints against the Council up to the amount of £1000 per complaint.
- (13) In consultation with the Human Resources Manager and the Head of Finance and Revenues, to make minor changes to the establishment within the approved budget. In the event that either the Human Resources Manager or the Head of Finance and Revenues is proposing the changes within his/her Service, consultation shall be with the Chief Executive and the Human Resources Manager or the Head of Finance and Revenues, whichever is not proposing the change.

- (14) That the holders of the following posts be authorised to act as the nominated consultee and to give consent on behalf of the Council to the Police under Part 3 and Chapter 3 of the Anti-Social Behaviour, Crime and Policing Act 2014:
- | | |
|-----------------|---|
| 50359085 | Chief Executive |
| 50360579 | Deputy Chief Executive |
| 50360846 | Head of Housing and Environmental Health |
- (15) To respond to routine operational consultations.
- (16) In consultation with the relevant Portfolio Holder, to respond to Government consultations.
- (17) To respond to partner consultations where service provision within the Borough may be affected.
- (18) To take decisions and determine requests for review pursuant to nominations in respect of Assets of Community Value under the Localism Act 2011.

Delegation to Authorised Signatories, Contracting Officers and Contract Managers

- (1) Where it is a part of the duties of an officer to exercise the function of an Authorised Signatory, a Contracting Officer or a Contract Manager then that officer be authorised to sign contracts.

Such signatures shall be countersigned by the Head of Service or an officer to whom the functions of a Head of Service are delegated under delegation (11) of Delegations to Chief Executive, Deputy Chief Executive, and Heads of Services; and

The names of such officers authorised under the provisions of this delegation shall be notified by the Head of Service to the Head of Finance and Revenues, acting as the Council's Chief Financial Officer, together with details of the maximum value up to which individual officers are authorised to sign and a description of the type of contracts so authorised.

Delegations to Monitoring Officer

- (1) To make amendments and consequential amendments to the Council's Constitution to give effect to any Council resolution and or any statutory requirement.
- (2) To make amendments to the Constitution in accordance with the provisions of Article 14.
- (3) In the absence of the Monitoring Officer, the Legal Services Manager (Corporate) or the Legal Services Manager (Planning) be authorised to exercise the powers and duties of the Monitoring Officer as Deputy Monitoring Officer.

Delegations to Chief Executive

- (1) To inform the Council's Bank of the identity of the Council's S151 Local Government Act 1972 Proper Officer.
- (2) To do anything, in consultation with the Leader, which is calculated to facilitate, or is conducive or incidental to, the discharge of the Council's functions subject to:
 - (i) the matter being regarded as an emergency or urgent situation; and
 - (ii) a report back to the Council, Cabinet or Committee concerned.
- (3) In the event of a major incident, being an event or situation with a range of serious consequences which requires special arrangements to be implemented, to take such action as he considers appropriate to deal with the incident. In the event that the Chief Executive cannot be contacted, the Deputy Chief Executive, be authorised to take such action as they consider appropriate to deal with the incident. In the event that the Deputy Chief Executive cannot be contacted, any Head of Service be authorised to take such action as he/she considers appropriate to deal with the incident.
- (4) To implement decisions regarding pay for staff.

Delegations to S151 Local Government Act 1972 Proper Officer

- (1) To issue instructions as to who may withdraw or deal with any of the Council's property or securities.
- (2) To issue instructions and sign any agreement with regard to the purchase or sale of foreign exchange and/or securities.
- (3) To sign the mandate to the Council's Bank for the signing of cheques by authorised facsimile signatories.
- (4) To sign the mandate to the Council's Bank for the use of codes by authorised officers in providing instructions to the Bank.
- (5) To make arrangements for the carrying out in his/her name of all or any of his/her powers referred to herein by such person or persons as he/she considers appropriate.

Delegations to Head of Community and Leisure Services

- (1) Day-to-day control and management of Council leisure facilities and associated activities and events provided by the Council.

- (2) In consultation with the Community, Leisure and Tourism Portfolio Holder, to allow the free use of the Council's outdoor leisure facilities for charitable and community use in accordance with the Council's policy.
- (3) In consultation with the Community, Leisure and Tourism Portfolio Holder, to allow concessionary use of the Council's leisure facilities in accordance with the Council's policy for support to elite athletes.
- (4) To appoint consultants to undertake professional services on schemes included in approved capital or revenue estimates.
- (5) To select contractors for invitation or tender on approved schemes.
- (6) To permit or organise special events on Council land in accordance with the Council's policy.
- (7) To set fees and charges for hiring sports fields and public open space in the ownership or control of the Council.
- (8) To enter into and approve terms of partnership statements in connection with community grants.
- (9) To take all necessary steps to implement projects approved by the Cabinet or Council.
- (10) In consultation with the Community, Leisure and Tourism Portfolio Holder, to allow fees and charges for events and commercial bookings to be agreed and/or waived (as the market will bear), including Artisan markets, and community events in the High Street and Council venues.
- (11) To make arrangements for the funeral of the deceased under Section 46 of the Public Health (Control of Disease) Act 1984.
- (12) As Registrar of Burials for the Andover, Charlton, Romsey and Woodley Cemeteries, to grant applications for exhumations subject to the payment of the appropriate fee and the applicant obtaining approval from the Secretary of State for Justice or their successor.
- (13) As Registrar of Burials for the Andover, Charlton, Romsey and Woodley Cemeteries, to grant applications for the Exclusive Right of Burial to grave spaces, subject to compliance with the Council's regulations.
- (14) Day to day control and management of all cemeteries in control of Council in accordance with the Council's Regulations.
- (15) That the holders of the following posts, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Head of Community and Leisure Services from time to time, be authorised to enter land or premises and to carry out any act included in the legislation and subordinate legislation made thereunder and any amendments thereto set out in the:

Environmental Protection Act 1990

Clean Neighbourhoods and Environment Act 2005 (insofar as they relate to fixed penalty notices and associated matters, pertaining to litter and dog fouling)

50361554	Head of Community and Leisure Services
50361012	Parks and Countryside Manager
50361015	Senior Countryside Officer
50361016	Countryside Officer
50361014	Green Space Officer
50360954	Sports Recreation Officer

- (16) That the Community Manager (post holder 50462608) be authorised to issue authorisations pursuant to the Regulation of Investigatory Powers Act 2000.
- (17) That the holders of the following posts, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Head of Community and Leisure Services from time to time, be authorised to enter land or premises and to carry out any act included in the legislation and subordinate legislation made thereunder and any amendments thereto set out in the:

Environmental Protection Act 1990

Refuse Disposal (Amenity) Act 1978 (Sections 2, 2B, 2C, 21A)

Anti-Social Behaviour Act 2003 (Section 43)

Clean Neighbourhoods and Environmental Act 2005 (insofar as they relate to fixed penalty notices and associated matters, pertaining to litter, dog fouling, fly posting and graffiti, and abandoned vehicles)

Anti-Social Behaviour, Crime and Policing Act 2014

50360905	Community Engagement Manager
50360906	Community Engagement Officer (Community Safety)
50360907	Community Engagement Officer (Community Safety)
50360910	Community Engagement Officer (Community Safety)

- (18) In consultation with the Community, Leisure and Tourism Portfolio Holder, to give the Council's representations to the Police to enable them to make a Dispersal Order or a Closure Order under the Anti-Social Behaviour, Crime and Policing Act 2014.
- (19) To determine all community grant applications in accordance with the approved criteria.
- (20) In consultation with the Community, Leisure and Tourism Portfolio Holder, to evaluate and approve grant applications from the Community Asset Fund, in accordance with the approved criteria.
- (21) To request reviews of licences and to make representations to review hearings, pursuant to the Gambling Act 2005 and any subordinate legislation made thereunder and any amendments hereto.

Delegations to Head of Environmental Services

- (1) To tender for individual contracts with other public bodies (being a body within the Local Government (Goods and Services) Act 1970) as follows:
- Up to £50,000 in consultation with the Head of Finance and Revenues;
 - Between £50,000 and £250,000 in consultation with the Chairman and Vice-Chairman of the Cabinet and the Head of Finance and Revenues; or
 - Above £250,000 and up to the maximum of £650,000 to be approved by the Cabinet.

Subject in each case to reporting back to Cabinet on successful tenders.

No contract shall have a term exceeding 5 years.

- (2) To serve notices in relation to contraventions of the legislation set out below and any regulations made thereunder and any amendments thereto:
- Anti-Social Behaviour Act 2003 Part 6 as amended by Clean Neighbourhoods and Environment Act 2005
 Anti-Social Behaviour, Crime and Policing Act 2014
 Clean Neighbourhoods and Environment Act 2005
 Control of Pollution Act 1974 and Control of Pollution (Amendment) Act 1989
 Environment Act 1995
 Parts II, III & IV and related schedules Environmental Protection Act 1990
 Environmental Protection Act 1990
 Licensing Act 2003
 Refuse Disposal (Amenity) Act 1978
 Regulation of Investigatory Powers Act 2000
 RIDDOR 2000
 Waste (England and Wales) Regulations 2011

- (3) To prepare reports for legal proceedings in the event of contravention of the legislation and any regulations made thereunder and any amendments thereto set out in (2) above and to issue instructions to the Council's Head of Legal and Democratic Services to take legal proceedings.
- (4) That the holders of the following posts, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Head of Environmental Services from time to time, be authorised to enter land or premises and to carry out any act included in the legislation and subordinate legislation made thereunder and any amendments thereto.

50360721	Environmental Services Manager – Operations - North
50360756	Environmental Services Manager – Operations - South
50360627	Environmental Services Manager - Technical

Limited powers Anti-Social Behaviour Act 2003 Part 6
 Anti-Social Behaviour, Crime and Policing Act 2014

Clean Neighbourhoods and Environment Act 2005 (insofar as they relate to fixed penalty notices and associated matters pertaining to graffiti, fly posting, litter, dog fouling and fly tipping)
Control of Pollution Act 1974 and Control of Pollution (Amendment) Act 1989
Environment Act 1995
Environmental Protection Act 1990 - All powers in relation to Part II, powers relating to Statutory Nuisance in Part III, and all powers in relation Part IV
Licensing Act 2003
All powers under the Refuse Disposal (Amenity) Act 1978
Regulation of Investigatory Powers Act 2000
RIDDOR 2000
Waste (England and Wales) Regulations 2011

50360708 Senior Environmental Services Officer

Limited powers Anti-Social Behaviour Act 2003 Part 6
Anti-Social Behaviour, Crime and Policing Act 2014
Clean Neighbourhoods and Environment Act 2005 (insofar as they relate to fixed penalty notices and associated matters pertaining to graffiti, fly posting, litter, dog fouling and fly tipping)
Limited powers Control of Pollution (Amendment) Act 1989
Environment Act 1995
Environmental Protection Act 1990 - All powers in relation to Part II, powers relating to Statutory Nuisance in Part III, and all powers in relation Part IV
Licensing Act 2003
All powers under the Refuse Disposal (Amenity) Act 1978
Regulation of Investigatory Powers Act 2000
Waste (England and Wales) Regulations 2011

50360629 Recycling Development Officer

Limited powers Anti-Social Behaviour Act 2003 Part 6
Clean Neighbourhoods and Environment Act 2005 (insofar as they relate to fixed penalty notices and associated matters pertaining to graffiti, fly posting, litter, dog fouling and fly tipping)
Limited powers Control of Pollution (Amendment) Act 1989
Environment Act 1995
Environmental Protection Act 1990 - All powers in relation to Part II, powers relating to Statutory Nuisance in Part III, and all powers in relation Part IV
All powers relating to abandoned vehicles under the Refuse Disposal (Amenity) Act 1978

50360630 Waste and Recycling Officer

Limited powers Anti-Social Behaviour Act 2003 Part 6
Clean Neighbourhoods and Environment Act 2005 (insofar as they relate to fixed penalty notices and associated matters pertaining to graffiti, fly posting, litter, dog fouling and fly tipping)
Environment Act 1995

Environmental Protection Act 1990 - All powers in relation to Part II, powers relating to Statutory Nuisance in Part III, and all powers in relation Part IV
 All powers relating to abandoned vehicles under the Refuse Disposal (Amenity) Act 1978

50360718 Environmental Services Officer
50360719 Environmental Services Officer

Limited powers Anti-Social Behaviour Act 2003 Part 6
 Anti-Social Behaviour, Crime and Policing Act 2014
 Clean Neighbourhoods and Environment Act 2005 (insofar as they relate to fixed penalty notices and associated matters pertaining to graffiti, fly posting, litter, dog fouling and fly tipping)
 Limited powers Control of Pollution (Amendment) Act 1989
 Environment Act 1995
 Environmental Protection Act 1990 - All powers in relation to Part II, powers relating to Statutory Nuisance in Part III, and all powers in relation Part IV
 All powers under the Refuse Disposal (Amenity) Act 1978
 Regulation of Investigatory Powers Act 2000
 Waste (England and Wales) Regulations 2011

- (5) To issue filled sand bags free of charge to households and commercial properties if in the Council's view they are at significant risk of flooding.

Delegation to Head of Finance and Revenues

- (1) To determine changes to the rate of interest on mortgage loans etc under Section 438 and Schedule 16 of the Housing Act 1985 and in accordance with those provisions.
- (2) To countersign payments and sign instructions to the Council's Bank.
- (3) To agree and sign any contract agreement or other document with the (1)Council's Bank for the provision of banking services involving the giving of instructions by the Council to the Bank by electronic or similar means (whether any such instruction and/or information relate to the making or authorisation of any payment or other order).
- (4) That the Accountancy Manager (post holder 50360822) be authorised to countersign payments and sign instructions to the Council's Bank.
- (5) To exercise borrowing powers contained in the Local Government Finance Act 2003 (as amended) in accordance with the prudential framework for local authority capital investment.
- (6) To enter into leasing arrangements on behalf of the Council for items with an approved budget.
- (7) To take all actions he/she considers appropriate for recovery of Council debts.

- (8) To take all necessary administrative action involving the Council on pension matters.
- (9) To make all payments within the Council's Financial Regulations and/or legally payable.
- (10) To grant loans for all salary-sacrifice schemes to persons coming within the Council's approved schemes.
- (11) To vary the Council's employee lease scheme to ensure compliance with HMRC rules.
- (12) To incur expenditure outside the provision of estimates in accordance with Financial Regulations.
- (13) To arrange all insurance policies (including maintaining a self-insurance reserve) and make payments in the settlement of any claim against the Council.
- (14) To deal with all matters connected with the administration of Council Tax, Business Rates, Housing and Council Tax Benefits, and Council Tax Support excepting such matters as are expressly reserved by legislation for the Council to determine.
- (15) In consultation with the Finance and Resources Portfolio Holder, to approve Discretionary Rate Relief.
- (16) To take all actions he/she considers appropriate for recovery of Council debts, Business Rates, BID and Housing Benefit Overpayment.
- (17) To impose a civil penalty.
- (18) To reject an individual's appeal against liability and to pass the appeal to the Valuation Tribunal.
- (19) To back date an application for Housing Benefit or Council Tax Support.
- (20) To grant discretionary housing payments to customers in receipt of Housing Benefit or Universal Credit.
- (21) To grant hardship relief.
- (22) To authorise an Administrative Penalty in cases of an apparent fraudulent claim for Housing and/or Council Tax Benefit.
- (23) To insert advertising materials with Council Tax demands at his/her discretion.
- (24) To set the Council Tax Base for the Test Valley area.
- (25) That the Head of Finance and Revenues be authorised to issue authorisations pursuant to the Regulation of Investigatory Powers Act 2000.
- (26) That the following officers be authorised under Section 223 Local Government Act 1972 to appear on behalf of the Authority before a Magistrates Court in connection with Rating and Council Tax matters:

50361481	Revenues & Welfare Manager
50361484	Revenues & Welfare Compliance Officer
50361485	Revenues & Welfare Compliance Officer
50361550	Revenues & Welfare Compliance Officer
50361536	Revenues & Welfare Team Leader
50361482	Revenues & Welfare Team Leader
50361268	Senior Revenues & Welfare Officer (Business Rates)

- (27) In consultation with the Finance and Resources Portfolio Holder, to approve the annual National Non Domestic Rates returns to Central Government.
- (28) In consultation with the Finance and Resources Portfolio Holder, to make routine amendments to the Local Council Tax Support Scheme where necessary in light of legislative change to Council Tax Support, welfare benefits and other related legislation.
- (29) In consultation with the Finance and Resources Portfolio Holder, to add new discretionary Rate Reliefs into the Discretionary Rate Relief Policy where (a) such new relief is fully funded by government (including any cost of implementation) and (b) there is clear guidance as to which businesses are eligible for the relief.

Delegations to Head of Housing and Environmental Health Services

- (1) In cases of emergency, the Head of Housing and Environmental Health Services be authorised to carry out the Council's function under Section 33 of the Local Government (Miscellaneous Provisions) Act 1976.
- (2) Discretionary decisions concerning the nomination of special cases from the Housing Register be delegated to the Head of Housing and Environmental Health Services, subject to informing the Housing and Environmental Health (including Diversity and Inclusion) Portfolio Holder prior to notifying the applicant.
- (3) To grant Street Trading Consents in respect of street trading activities where those activities are taking place on land under their management.
- (4) To sign notices to quit in respect of temporary accommodation occupied by the homeless.
- (5) To review homeless decisions under Section 202 of the Housing Act 1996 (as amended), and in view of likely media interest, to inform the Housing and Environmental Health (including Diversity and Inclusion) Portfolio Holder of the decisions that have been taken.
- (6) To determine homeless applications under Part VII of the Housing Act 1996 (as amended).
- (7) To conduct, jointly or severally with the Housing Manager, reviews of adverse decisions relating to registration on the Housing Register.

- (8) To determine any matter relating to:
 - (a) transfer of accommodation;
 - (b) nominations to Registered Providers of Social Housing;
 - (c) allocation of temporary accommodation for homeless applicants;
 - (d) payment of removal expenses in appropriate cases; or
 - (e) emergency arrangements.
- (9) To deal with applications under the Rent (Agriculture) Act 1976.
- (10) To enter into leases of individual properties with private owners in order to secure temporary accommodation for homeless households.
- (11) To consult with tenants under the Housing Act 1985.
- (12) To agree transfers of tenants on management grounds as proposed by Registered Providers of Social Housing.
- (13) To approve home loss payments, removal and relocation allowances in accordance with any scheme approved by the Council.
- (14) To investigate allegations of harassment and threats by any illegal evictions.
- (15) To review and determine appeals lodged by Housing Register applicants under Section 164 of the Housing Act 1996.
- (16) In consultation with the Head of Legal and Democratic Services, to enter into short term leases as they consider appropriate on terms to be agreed by them and to administer the short term letting scheme to accommodate homeless persons.
- (17) To transfer funding between schemes and programmes within the approved Housing Investment Programme, subject to reporting such changes to the next appropriate meeting of the Cabinet.
- (18) That the Environmental Health Manager (post holder 50360920) be authorised to issue authorisations pursuant to the Regulation of Investigatory Powers Act 2000.
- (19) That the Housing Manager (post holder 50360864) be authorised to conduct homelessness reviews under Section 202 of the Housing Act 1996 (as amended).
- (20) That the Housing Development and Standards Manager (post holder 50360894) be authorised to agree the payment of discretionary grants and loans above the limits set out in the Private Sector Housing Renewal Policy in appropriate circumstances, in consultation with the Housing and Environmental Health (including Diversity and Inclusion) Portfolio Holder.
- (21) To approve grant funding in accordance with the Affordable Housing Grants Policy.

- (22) That the Environmental Health Manager (post holder 50360920) shall be authorised to advise upon compliance with the legislation set out in (k) below, and regulations and other subordinate legislation made thereunder and any amendments thereto, to formally notify contraventions of the legislation etc. as necessary, and to exercise all powers provided under such legislation, including issuing and serving Notices relating to contraventions of the legislation etc. or Notices seeking information relating to such contraventions and to carry out the activities in (a) to (k) below.
- (a) To make charges, agree contracts, make expenditure, authorise work in default, and allocate grant aid as permitted within approved budgets and environmental health legislation.
 - (b) To respond to consultations relating to technical and legal matters which are delegated.
 - (c) To promote and publicise compliance with legislation, good health and good environmental practice.
 - (d) To provide services relating to Environmental Health matters, as permitted under the relevant legislation set out in (k) below.
 - (e) To grant, with or without conditions, or to refuse applications for and to revoke street trading licences or consents. To make charges for such grants up to the limit stipulated in the Council's budget.
 - (f) To carry out investigations and to obtain, issue, give or publish notices or orders for the control of infectious disease as permitted under the relevant legislation.
 - (g) To make, refuse, or vary such registrations as are applied for, or requested, under the legislation set out in (k) below and to maintain appropriate registers.
 - (h) To grant, refuse, or vary permits and licences as are applied for under the legislation set out in (k) below.
 - (i) In consultation with the Housing and Environmental Health (including Diversity and Inclusion) Portfolio Holder, to agree the payment of discretionary grants and loans above the limits set out in the Private Sector Housing Renewal Policy in appropriate circumstances.
 - (j) To prepare reports for legal proceedings in the event of contravention of legislation set out in (k) below and in the event of contraventions of the Health & Safety at Work etc. Act 1974, subordinate legislation made thereunder or any amendments thereto, to issue instructions to the Council's Solicitors to take legal proceedings.
 - (k) That the holders of the posts below be authorised to enter land or premises, to exercise all available powers of investigation and inspection, to carry out any act included in, to advise upon compliance with, and to formally notify contraventions of the legislation and subordinate legislation made there under and any amendments thereto, as set out below.

50360919	Principal Environmental Health Officer (Health Protection)
50360918	Principal Environmental Health Officer (Environmental Protection)
50360922	(Senior) Environmental Health Officer (Environmental Protection)
50360923	(Senior) Environmental Health Officer or (Senior) Environmental Protection Officer
50360927	(Senior) Environmental Health Officer (Health Protection)
50360930	(Senior) Environmental Health Officer (Health Protection)
50360931	(Senior) Environmental Health Officer (Health Protection)
50360928	(Senior) Environmental Health Officer or (Senior) Health Protection Officer

Animal Boarding Establishments Act 1963
 Animal By-Products (Enforcement) (England) Regulations 2013
 Animal Health Act 1981
 Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
 Animal Welfare Act 2006
 Anti-Social Behaviour Act 2003 Part 6 as amended by the Clean Neighbourhoods and Environment Act 2005
 Anti-Social Behaviour, Crime and Policing Act 2014
 Building Act 1984
 Caravan Sites and Control of Development Act 1960
 Clean Air Act 1993
 Clean Neighbourhoods and Environment Act 2005
 Contaminants in Food (England) Regulations 2013
 Control of Asbestos Regulations 2012
 Control of Pollution Act 1974
 Crime and Disorder Act 1998
 Criminal Justice and Public Order Act 1994
 Dangerous Dogs Act 1991
 Dangerous Wild Animals Act 1976
 Environment Act 1995
 Environmental Protection Act 1990
 Environmental Permitting (England and Wales) Regulations 2016 (as amended)
 European Union (Withdrawal) Act 2018 (as amended by The European Union (Withdrawal Agreement) Act 2020) Factories Act 1961
 Food and Environment Protection Act 1985
 Food Information Regulations 2014
 Food Safety Act 1990 (as amended) and any Orders or Regulations or other statutory instruments made thereunder, or relating thereto, or having effect by virtue of the European Union (Withdrawal) Act 2018 (as amended by The European Union (Withdrawal Agreement) Act 2020) and relating to food safety, and any modification or re-enactment of such provisions, including: Regulation (EC) 852/2004, 853/2004, 1169/2011 and 178/2002
 Food Safety and Hygiene (England) Regulations 2013 (as amended).
 General Food Regulations 2004
 Hampshire Act 1983

Health Act 2006 Part 1 Chapter 1
 Health and Safety (Enforcing Authority) Regulations 1998
 Health Protection (Local Authority Powers) Regulations 2010
 Health Protection (Part 2A Orders) Regulations 2010
 Home Energy Conservation Act 1995
 Housing Acts 1957 to 2004
 Housing Grants, Construction and Regeneration Act 1996 as amended by
 the Local Democracy, Economic Development and Construction Act 2009
 Imported Food Regulations 1997
 Licensing Act 2003
 Litter Act 1993
 Local Government and Housing Act 1989
 Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 Meat (Enhanced Enforcement Powers) (England) Regulations 2000
 National Assistance Act 1948
 Natural Mineral Water, Spring Water & Bottled Drinking Water Regulations
 2007 (as amended)
 Noise Act 1996
 Noise and Statutory Nuisance Act 1993
 Offices, Shops and Railway Premises Act 1963
 Official Feed and Food Controls (England) Regulations 2009 (as amended).
 Open Spaces Act 1906
 Pet Animals Act 1951
 Police and Criminal Evidence Act 1984
 Pollution Prevention and Control Act 1999
 Prevention of Damage by Pests Act 1949
 Private Water Supplies (England) Regulations 2016 (as amended)
 Public Health Acts 1875, 1936 to 1961
 Public Health (Control of Disease) Act 1984
 Quick-frozen Foodstuffs (England) Regulations 2007 Redress Schemes for
 Letting Agency Work and Property Management work (Requirements to
 Belong to a Scheme etc.) (England) Order 2014
 Refuse Disposal (Amenity) Act 1978
 Regulation of Investigatory Powers Act 2000
 Riding Establishments Act 1964 and 1970
 Shops Act 1950
 Smoke and Carbon Monoxide Alarm (England) Regulations 2015
 Sunbeds (Regulation) Act 2010
 Sunday Trading Act 1994
 Trade in Animals and Related Products Regulations 2011
 Transmissible Spongiform Encephalopathies (England) Regulations 2018
 Water Industry Act 1991
 Zoo Licensing Act 1981

50360894 Housing Development and Standards Manager
50360868 Principal Environmental Health Officer (Housing)
50360932 (Senior) Environmental Health Officer (Housing)

Anti-social Behaviour Act 2003 Part 6 as amended by the Clean
 Neighbourhoods and Environment Act 2005

Building Act 1984
 Caravan Sites and Control of Development Act 1960
 Clean Air Act 1993
 Clean Neighbourhoods and Environment Act 2005
 Control of Pollution Act 1974
 Crime and Disorder Act 1998
 Criminal Justice and Public Order Act 1994
 Energy Efficiency (Private Rented Sector) (England and Wales) Regulations 2015 (as amended)
 Environment Act 1995
 Environmental Protection Act 1990
 European Union (Withdrawal) Act 2018 (as amended by The European Union (Withdrawal Agreement) Act 2020) Hampshire Act 1983
 Health Act 2006 Part 1 Chapter 1
 Home Energy Conservation Act 1995
 Housing Acts 1957 to 2004
 Housing and Planning Act 2016
 Housing Grants, Construction and Regeneration Act 1996
 Litter Act 1993
 Local Government and Housing Act 1989
 Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 Mobile Homes Act 2013
 National Assistance Act 1948
 Noise Act 1996
 Noise and Statutory Nuisance Act 1993
 Open Spaces Act 1906
 Police and Criminal Evidence Act 1984
 Prevention of Damage by Pests Act 1949
 Protection from Eviction Act 1977
 Public Health Acts 1875, 1936 to 1961
 Public Health (Control of Disease) Act 1984
 Redress Schemes for Letting Agency Work and Property Management work (Requirements to Belong to a Scheme etc.) (England) Order 2014
 Refuse Disposal (Amenity) Act 1978
 Regulation of Investigatory Powers Act 2000
 Smoke and Carbon Monoxide Alarm (England) Regulations 2015
 Water Industry Act 1991

50360869 Senior Private Sector Housing Officer
50360870 Senior Private Sector Housing Officer
50360871 Senior Private Sector Housing Officer

Building Act 1984
 Caravan Sites and Control of Development Act 1960
 Clean Neighbourhoods and Environment Act 2005
 Energy Efficiency (Private Rented Sector) (England and Wales) Regulations 2015 (as amended)
 Environmental Protection Act 1990 - all powers under Section 79 (1) a and h
 Housing Acts 1957 to 2004
 Housing and Planning Act 2016

Housing Grants, Construction and Regeneration Act 1996
 Licensing Act 2003
 Local Government and Housing Act 1989
 Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 Mobile Homes Act 2013
 Protection from Eviction Act 1977
 Redress Schemes for Letting Agency Work and Property Management work
 (Requirements to Belong to a Scheme etc.) (England) Order 2014
 RIDDOR 2000
 Smoke and Carbon Monoxide Alarm (England) Regulations 2015

50360925 Environmental Protection Officer
50360924 Scientific Officer

Anti-social Behaviour Act 2003 Part 6 as amended by the Clean
 Neighbourhoods and Environment Act 2005
 Anti-Social Behaviour, Crime and Policing Act 2014
 Building Act 1984
 Clean Air Act 1993
 Clean Neighbourhoods and Environment Act 2005
 Control of Pollution Act 1974
 Crime and Disorder Act 1998
 Environment Act 1995
 Environmental Protection Act 1990
 Environmental Permitting (England and Wales) Regulations 2016 (as
 amended)
 Health Act 2006 Part 1 Chapter 1
 Licensing Act 2003
 Local Government (Misc. provisions) Acts 1976-1982
 National Assistance Act 1943
 Noise Act 1996
 Noise and Statutory Nuisance Act 1993
 Pollution Prevention and Control Act 1999
 Prevention of Damage by Pests Act 1949
 Private Water Supplies (England) Regulations 2016 (as amended)
 Public Health Acts 1875, 1936 to 1961
 Water Industry Act 1991

50360921 Animal Welfare Officer

Animal Boarding Establishments Act 1963
 Animal Health Act 1981
 Animal Welfare (Licensing of Activities Involving Animals) (England)
 Regulations 2018
 Animal Welfare Act 2006
 Anti-Social Behaviour, Crime and Policing Act 2014
 Clean Neighbourhoods and Environment Act 2005
 Dangerous Dogs Act 1991
 Dangerous Wild Animals Act 1976
 Environmental Protection Act 1990
 Local Government (Misc. Provisions) Acts 1976 and 1982

Microchipping of Dogs (England) Regulations 2015
 Noise and Statutory Nuisance Act 1993
 Pet Animals Act 1951
 Riding Establishments Act 1964 and 1970
 Zoo Licensing Act 1981

- (l) That the holders of the posts below be authorised to enter land or premises and to carry out any act included in the Prevention of Damage by Pests Act 1949:

50360854 Area Pest Control Officer
50360855 Area Pest Control Officer

- (m) That the holders of the posts below may issue and serve Notices in respect of the legislation set out below.

50360919 Principal Environmental Health Officer (Health Protection)
50360918 Principal Environmental Health Officer (Environmental Protection)

Animal Boarding Establishments Act 1963
 Animal By-Products (Enforcement) (England) Regulations 2013
 Animal Health Act 1981
 Animal Welfare Act 2006
 Anti-Social Behaviour Act 2003 Part 6 as amended by the Clean Neighbourhoods and Environment Act 2005
 Anti-Social Behaviour, Crime and Policing Act 2014
 Building Act 1984
 Caravan Sites and Control of Development Act 1960
 Clean Air Act 1993
 Clean Neighbourhoods and Environment Act 2005
 Contaminants in Food (England) Regulations 2013
 Control of Asbestos Regulations 2012
 Control of Pollution Act 1974
 Crime and Disorder Act 1998
 Criminal Justice and Public Order Act 1994
 Dangerous Dogs Act 1991
 Dangerous Wild Animals Act 1976
 Environment Act 1995
 Environmental Protection Act 1990
 Environmental Permitting (England and Wales) Regulations 2016 (as amended)
 European Union (Withdrawal) Act 2018 (as amended by The European Union (Withdrawal Agreement) Act 2020) Factories Act 1961
 Food and Environment Protection Act 1985
 Food Information Regulations 2014
 Regulation (EC) 852/2004, 853/2004, 178/2002 – Food Hygiene (England) Regulations 2006
 Food Safety Act 1990 (as amended) and any Orders or Regulations or other statutory instruments made thereunder, or relating thereto, or having effect by virtue of the European Union (Withdrawal) Act 2018 (as amended by The

European Union (Withdrawal Agreement) Act 2020) and relating to food safety, and any modification or re-enactment of such provisions, including: Regulation (EC) 852/2004, 853/2004, 1169/2011 and 178/2002
Food Safety and Hygiene (England) Regulations 2013 (as amended).
General Food Regulations 2004
Hampshire Act 1983
Health Act 2006 Part 1 Chapter 1
Health and Safety Enforcement (Enforcing Authority) Regulations 1998
Health Protection (Local Authority Powers) Regulations 2010
Health Protection (Part2A Orders) Regulations 2010
Home Energy Conservation Act 1995
Housing Acts 1957 to 2004
Housing Grants, Construction and Regeneration Act 1996 as amended by the Local Democracy, Economic Development and Construction Act 2009
Imported Food Regulations 1997
Licensing Act 2003
Litter Act 1993
Local Government and Housing Act 1989
Local Government (Miscellaneous Provisions) Acts 1976 and 1982
Meat (Enhanced Enforcement Powers) (England) Regulations 2000
National Assistance Act 1948
Natural Mineral Water, Spring Water & Bottled Drinking Water Regulations 2007 (as amended)
Noise Act 1996
Noise and Statutory Nuisance Act 1993
Offices, Shops and Railway Premises Act 1963
Official Feed and Food Controls (England) Regulations 2009 (as amended).
Open Spaces Act 1906
Pet Animals Act 1951
Police and Criminal Evidence Act 1984
Pollution Prevention and Control Act 1999
Prevention of Damage by Pests Act 1949
Private Water Supplies (England) Regulations 2016 (as amended)
Public Health Acts 1875, 1936 to 1961
Public Health (Control of Disease) Act 1984
Quick-frozen Foodstuffs (England) Regulations 2007 Redress Schemes for Letting Agency Work and Property Management work (Requirements to Belong to a Scheme etc.) (England) Order 2014
Refuse Disposal (Amenity) Act 1978
Regulation of Investigatory Powers Act 2000
Riding Establishments Act 1964 and 1970
Smoke and Carbon Monoxide Alarm (England) Regulations 2015
Sunbeds (Regulation) Act 2010
Sunday Trading Act 1994
Trade in Animals and Related Products Regulations 2011
Transmissible Spongiform Encephalopathies (England) Regulations 2018
Water Industry Act 1991
Zoo Licensing Act 1981

50360894 Housing Development and Standards Manager
50360868 Principal Environmental Health Officer (Housing)

Anti-social Behaviour Act 2003 Part 6 as amended by the Clean Neighbourhoods and Environment Act 2005
 Building Act 1984
 Caravan Sites and Control of Development Act 1960
 Clean Air Act 1993
 Clean Neighbourhoods and Environment Act 2005
 Control of Pollution Act 1974
 Crime and Disorder Act 1998
 Criminal Justice and Public Order Act 1994
 Energy Efficiency (Private Rented Sector) (England and Wales) Regulations 2015 (as amended)
 Environment Act 1995
 Environmental Protection Act 1990
 Hampshire Act 1983
 Health Act 2006 Part 1 Chapter 1
 Home Energy Conservation Act 1995
 Housing Acts 1957 to 2004
 Housing and Planning Act 2016
 Housing Grants, Construction and Regeneration Act 1996
 Litter Act 1993
 Local Government and Housing Act 1989
 Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 Mobile Homes Act 2013
 National Assistance Act 1948
 Noise Act 1996
 Noise and Statutory Nuisance Act 1993
 Open Spaces Act 1906
 Police and Criminal Evidence Act 1984
 Prevention of Damage by Pests Act 1949
 Protection from Eviction Act 1977
 Public Health Acts 1875, 1936 to 1961
 Public Health (Control of Disease) Act 1984
 Redress Schemes for Letting Agency Work and Property Management work (Requirements to Belong to a Scheme etc.) (England) Order 2014
 Refuse Disposal (Amenity) Act 1978
 Regulation of Investigatory Powers Act 2000
 Smoke and Carbon Monoxide Alarm (England) Regulations 2015
 Water Industry Act 1991

50360922 (Senior) Environmental Health Officer (Environmental Protection)

50360923 (Senior) Environmental Health Officer or (Senior) Environmental Protection Officer

50360927 (Senior) Environmental Health Officer (Health Protection)

50360930 (Senior) Environmental Health Officer (Health Protection)

50360931 (Senior) Environmental Health Officer (Health Protection)

50360928 (Senior) Environmental Health Officer or (Senior) Health Protection Officer

Animal By-Products (Enforcement)(England) Regulations 2013
 Contaminants in Food (England) Regulations 2013
 Food Safety Act 1990 (as amended) and any Orders or Regulations or other statutory instruments made thereunder, or relating thereto, or having effect by virtue of the European Union (Withdrawal) Act 2018 (as amended by The European Union (Withdrawal Agreement) Act 2020) and relating to food safety, and any modification or re-enactment of such provisions, including: Regulation (EC) 852/2004, 853/2004, 1169/2011 and 178/2002
 Food Information Regulations 2014
 Food Safety and Hygiene (England) Regulations 2013 (as amended).
 General Food Regulations 2004
 Meat (Enhanced Enforcement Powers) (England) Regulations 2000
 Natural Mineral Water, Spring Water & Bottled Drinking Water Regulations 2007 (as amended)
 Official Feed and Food Controls (England) Regulations 2009
 Quick-frozen Foodstuffs (England) Regulations 2007 Trade in Animals and Related Products Regulations 2011
 Transmissible Spongiform Encephalopathies (England) Regulations 2018

50360922 (Senior) Environmental Health Officer (Environmental Protection)**50360923 (Senior) Environmental Health Officer or (Senior) Environmental Protection Officer****50360927 (Senior) Environmental Health Officer (Health Protection)****50360930 (Senior) Environmental Health Officer (Health Protection)****50360931 (Senior) Environmental Health Officer (Health Protection)****50360925 Environmental Protection Officer****50360924 Scientific Officer****50360932 (Senior) Environmental Health Officer (Housing)****50360928 (Senior) Environmental Health Officer or (Senior) Health Protection Officer**

Control of Pollution Act 1974 - Section 60 only

Environmental Protection Act 1990 – Part 3 only

Clean Neighbourhoods and Environment Act 2005 – Sections 77- 79 only

Public Health Act 1936 - Section 50 only

- (23) That the following post holders, who are qualified in accordance with the legislation, be appointed as Health and Safety Inspectors under Section 19 of the Health and Safety at Work etc Act 1974 and any other relevant statutory provisions.

50360920 Environmental Health Manager**50360918 Principal Environmental Health Officer (Environmental Protection)****50360919 Principal Environmental Health Officer (Health Protection)****50360927 (Senior) Environmental Health Officer (Health Protection)****50360930 (Senior) Environmental Health Officer (Health Protection)****50360931 (Senior) Environmental Health Officer (Health Protection)**

50360922	(Senior) Environmental Health Officer (Environmental Protection)
50360923	(Senior) Environmental Health Officer or (Senior) Environmental Protection Officer
50360928	(Senior) Environmental Health Officer or (Senior) Health Protection Officer (Health Protection)

And that they be authorised to advise upon compliance with the legislation set out in the Health and Safety at Work etc. Act 1974 and subordinate legislation made there under and any amendments thereto, to formally notify contraventions of the legislation etc. as necessary, and to issue and serve Notices relating to contraventions of the legislation etc. or Notices seeking information relating to such contraventions, to bring proceedings [or lay information] in accordance with Section 38 of the Health and Safety at Work etc. Act 1974 and to exercise all available powers, including those listed in (a) to (e) below.

- (a) To carry out inspections, investigations and interviews as permitted under the relevant legislation.
 - (b) To exercise the rights of entry permitted under the relevant legislation.
 - (c) To undertake sampling, detection and seizure of goods and materials as permitted under the relevant legislation.
 - (d) To inspect and obtain records as appropriate under the relevant legislation.
 - (e) To make such records, sketches, and to take such photographs as are permitted under the legislation.
 - (f) To issue certificates of registration under provisions of Part VIII of the Local Government (Miscellaneous Provisions) Act 1982 for acupuncture, tattooing, ear-piercing and electrolysis, and certificates of registration for hairdressers and barbers under provisions of Section 4 of the Hampshire Act 1983.
- (24) That the holders of the following posts who are qualified in accordance with the legislation be appointed as inspectors under the Animal Welfare Act 2006 and any other relevant statutory provisions.

50360920	Environmental Health Manager
50360918	Principal Environmental Health Officer (Environmental Protection)
50360919	Principal Environmental Health Officer (Health Protection)
50360921	Animal Welfare Officer
50360922	(Senior) Environmental Health Officer (Environmental protection)
50360923	(Senior) Environmental Health Officer or (Senior) Environmental Protection Officer
50360927	(Senior) Environmental Health Officer (Health Protection)
50360928	(Senior) Environmental Health Officer or (Senior) Health Protection Officer
50360930	(Senior) Environmental Health Officer (Health Protection)
50360931	(Senior) Environmental Health Officer (Health Protection)

- (25) That the Environmental Health Manager (post holder 50360920) be authorised to request reviews of licences and certificates and to make representations to review hearings, pursuant to the Licensing Act 2003 and any subordinate legislation made thereunder and any amendments thereto.
- (26) That the Principal Environmental Health Officer (Health Protection) (post holder 50360919) be appointed as lead officer under and in accordance with the Food Law Code of Practice (England) 2021 and any amendment thereto.
- (27) That the Housing Development and Standards Manager (post holder 50360894), the Environmental Health Manager (post holder 50360920) and the Principal Environmental Health Officer (Housing), post holder 50360868, be authorised to grant, vary, refuse and revoke licences under the Caravan Sites and Control of Development Act 1960 and the Housing Act 2004, including appropriate licence conditions, and to authorise the necessary enforcement action under the Mobile Homes Act 2013.
- (28) That the holders of the following posts be nominated as appointed officers in respect of the statutory provisions set out below.

50360920	Environmental Health Manager
50360918	Principal Environmental Health Officer (Environmental Protection)
50360921	Animal Welfare Officer
50360928	(Senior) Environmental Health Officer or (Senior) Health Protection Officer

Section 149(1) of the Environmental Protection Act 1990

Regulation 11(2) of the Microchipping of Dogs (England) Regulations 2015.

- (29) That the Head of Housing and Environmental Health (where required, in consultation with the Portfolio Holder for Housing and Environmental Health (including Diversity and Inclusion)) be authorised to approve requests for Designated Protection Area waivers in the circumstances set out in the table below:

Delegation Framework for formal support for DPA Waiver			
Type of Scheme	Decision	Reason	Delegated to
HARAH and Rural Exception Sites	Refuse	COM8 seeks affordable homes in perpetuity.	Head of Housing and Environmental Health
COM 9 sites (Community Led Development)	Refuse save in exceptional circumstances where it can be agreed SUBJECT TO inclusion of rural buy back clause upon stair-casing to 100% to the Council or its nominated provider.	COM9 seeks affordable homes in perpetuity but consideration to be given to availability of mortgage funding and viability of scheme	Head of Housing and Environmental Health in consultation with Portfolio Holder and Parish Council

MDA sites and Planned Urban Extension (e.g. Picket Twenty, Smannell) [previously designated as rural and included in DPA but now classed as urban where these restrictions would not apply]	Agreed	Planned urban extension – proposed development indicates shared ownership could be re-provided.	Head of Housing and Environmental Health
Permitted development sites in Rural Villages	Review on a site by site basis	COM7 – no requirement for perpetuity but consideration to be given to availability of further affordable homes, availability of mortgage funding and viability of scheme.	Head of Housing and Environmental Health in consultation with the Portfolio Holder and Parish Council
Resale of existing restricted shared ownership home	Review on case by case basis	Ability of shared owners to sell the property at the restricted percentage and availability of mortgage funding	Head of Housing and Environmental Health in consultation with the Portfolio Holder and Parish Council
Any other requests for exemptions other than above	Review on a site by site basis	Consideration to be given for the reason for the request, availability of future affordable homes, mortgage funding and viability of scheme	Head of Housing and Environmental Health in consultation with the Portfolio Holder and Parish Council

- (30) That the Principal Environmental Health Officer (Housing), post holder 50360868, the Housing Development and Standards Manager (post holder 50360894) and the Environmental Health Manager (post holder 50360920) be authorised to grant, vary, refuse and revoke licences in respect of Houses in Multiple Occupation under the Housing Act 2004 and also grant, vary and transfer licences in respect of the Caravan Sites and Control of Development Act 1960.
- (31) That the Head of Housing & Environmental Health, in consultation with the Portfolio Holder for Housing & Environmental Health and the Head of Finance & Revenues, be given delegated authority to draw from ear-marked grant reserves for homelessness to support the delivery of effective TVBC housing services.
- (32) That the Head of Housing & Environmental Health, in consultation with the Portfolio Holder for Housing & Environmental Health, the Portfolio Holder for Finance & Resources, and the Head of Finance & Revenues, be given delegated authority to draw monies received from central government that are ring fenced for homelessness that may, from time to time, be provided to meet identifiable homelessness pressures, for purposes that meet the terms of those grants.

Delegation to Head of Legal and Democratic Services

Legal and Other Proceedings

- (1) The institution, prosecution, amendment or termination of any proceedings, which the Council is empowered to undertake, in or before any court, tribunal or inquiry.
- (2) The defence or settlement of any proceedings brought against the Council.
- (3) The taking of any action incidental or conducive to or which would facilitate any action under (1) or (2) above.
- (4) The obtaining of Counsel's opinion on any matter.

Notices

- (1) The issue of Notices on behalf of the Council under Section 112 of the Road Traffic Regulation Act 1984, requiring information to be given as to the identity of a driver alleged to be guilty of an offence.
- (2) The issue of Notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 330 of the Town and Country Planning Act 1990 where he/she deems it necessary to secure information about land to enable the Council to exercise its functions.

Miscellaneous

- (1) In all cases where a mortgagor is three months in arrears with payments under the mortgage, to obtain possession of the property and arrange for its sale and the recovery of all monies owed to the Council.
- (2) To give approval to the carrying out of all works to properties which are the subject of small dwellings mortgages or housing act advances provided the security of the Council is not thereby adversely affected.
- (3) To sign releases of mortgages granted by the Council provided such repayment has been made.
- (4) To make applications under Section 47 of the National Assistance Act 1948 and Section 1 of the National Assistance (Amendment) Act 1951 upon receiving representations from the Proper Officer.
- (5) To recover the cost of works in default under Section 193 and Schedule 10 of the Housing Act 1985 relating to repairs to privately rented dwellings.
- (6) To sign a waiver relating to House Renovation Grants limiting repayment to the nominal sum of 5p in the event of the lender having to exercise its power of sale subject to the payment to the Council of any proceeds of sale held by the lender after full repayment of outstanding mortgage debt and proper costs to a maximum of the grant repayment.
- (7) To transfer open space, landscaping and recreational facilities on private residential developments by way of adoption subject to the developer paying a capital sum for

maintenance calculated by the Head of Community and Leisure Services and to the landscaping, open space or recreational facilities being completed to the satisfaction of the Head of Community and Leisure Services.

- (8) To enter into agreements in respect of applications to retain and maintain trees, shrubs, plants or grass in part of a highway verge.
- (9) To sign notices, orders or other documents made or issued by the Council.
- (10) To close streets for public processions, rejoicings or illuminations under Section 21 of the Town Police Clauses Act 1847.
- (11) After consultation with the Chairman of the appropriate Development Control Committee, to lodge an objection or representation as to the imposition of conditions on an application for an Operator's Licence in those cases where the operating centre would be unsuitable for use as such on environmental grounds in accordance with the provisions of the Goods Vehicles (Licensing of Operators) Act 1995.
- (12) To authorise the postponement of the Council's discount charge relating to former Council houses.
- (13) To complete legal agreements or legal charges pursuant to the Private Sector Housing Renewal Policy and to register such documents as appropriate at HM Land Registry.
- (14) To authorise the postponement of a legal charge created pursuant to the Private Sector Housing Renewal Policy.
- (15) To amend the listings of the Council's Publication Scheme produced in accordance with the Freedom of Information Act 2000, within the existing Information Classes.
- (16) To update the Data Protection Policy (DPP) as and when required.
- (17) To make minor amendments to the Corporate Surveillance Policy where they relate to changes in the legislation, directions or recommendations from an inspector appointed by the Office of the Surveillance Commissioner, or guidance from the Home Office.
- (18) To authorise Authorising Officers pursuant to the Corporate Surveillance Policy.
- (19) To establish an Independent Review Panel for a period of four years to review Members' Allowances and to pay consultancy fees to the Chairman of the Panel.
- (20) To authorise reimbursement of the cost of accommodation booked directly by Members in excess of the approved allowance in exceptional circumstances pursuant to the Members' Allowance Scheme.
- (21) To approve payments to co-opted Members pursuant to the Members' Allowance Scheme.
- (22) In consultation with the Chairman of General Purposes Committee, to grant dispensations to Members of Test Valley Borough Council in respect of Personal Interests in accordance with General Purposes Committee 6 January 2014 Minute

221 and to report such dispensations to the next meeting of the General Purposes Committee.

- (23) The holders of the following posts be authorised to grant dispensations to Members of Test Valley Borough Council pursuant to section 33(2)(a), (b) and (d) of the Localism Act 2011.
- 50361323 Head of Legal and Democratic Services**
50361465 Legal Services Manager (Corporate)
50361468 Legal Services Manager (Planning)
50361467 Principal Solicitor
- (24) To convene meetings of working parties, panels and other meetings in which members are involved.
- (25) To make alterations to the calendar of meetings in consultation with the Democratic and Governance Portfolio Holder to ensure the efficient process for the democratic process.
- (26) Following consultation with the Leader, to approve the attendance of Members at conferences and meetings including the payment of travelling and subsistence allowances.
- (27) In consultation with the Democracy and Governance Portfolio Holder, to appoint individuals to parish, town and community councils should circumstances mean that they are no longer quorate.
- (28) In consultation with the Portfolio Holder for Democracy and Governance, to take all necessary steps to amend polling places where there are no suitable premises available in the designated polling place to serve as a polling station.
- (29) To amend the Licensing Committee and Sub-Committee Procedure Rules to give effect to legislative changes.
- (30) To determine all applications and decide all other matters in relation to the licensing functions set out in the Licensing Act 2003 and any amending legislation, save for those applications and matters expressly excluded from delegation to officers by that legislation.
- (31) To determine applications made pursuant to the Licensing Act 2003 and any amending legislation where the holding of a hearing has been dispensed with in accordance with Regulations made thereunder.
- (32) To reject representations under the Licensing Act 2003 or Gambling Act 2005 which he/she considers to be vexatious, frivolous or repetitious.
- (33) To make recommendations under the Licensing Act 2003 as to the restriction of admission of children to non-classified films, or a particular classified film, save always to his/her discretion to refer a film to a Licensing Sub-Committee for determination of the appropriate recommendation.
- (34) To serve Closure Notices under Section 19 of the Criminal Justice and Police Act 2001 in respect of premises used for the unlicensed sale of alcohol and to take

action for the enforcement, cancellation and termination of such notices pursuant to Sections 19-28 of that Act.

- (35) To determine all applications and decide all other matters in relation to the licensing functions set out in the Gambling Act 2005 and any amending legislation, save for those applications and matters expressly excluded from delegation to officers by that legislation.
- (36) To determine applications made pursuant to the Gambling Act 2005 and any amending legislation where the holding of a hearing has been dispensed with in accordance with Regulations made thereunder.
- (37) To determine applications for Licensed Premises Gaming Machine Permits; Club Gaming Permits, Club Machine Permits, Prize Gaming Permits, and Small Lottery Registrations.
- (38) To cancel or vary Licensed Premises Gaming Machine Permits.
- (39) To revoke a Small Lottery Registration.
- (40) To remove automatic entitlement to gaming and/or to two gaming machines on alcohol licensed premises.
- (41) To administer the Hypnotism Act 1952 including the institution of proceedings for breaches of the Act and Section 12 of the Local Government (Miscellaneous Provisions) Act 1982.
- (42) To issue licences under Section 2 of the House-to-House Collections Act 1939, as amended after suitable attempts at liaison and after making such enquiries as may be necessary.
- (43) To allocate street collections.
- (44) To determine applications for sex establishment licences save for where objections to the grant, transfer or renewal of a licence have been received.
- (45) To grant, with or without conditions, or refuse applications for a licence to place tables and chairs on the highway in accordance with the Highways Act 1980, including the suspension of such licences.
- (46) To amend the scheme for the Licensing of Tables and Chairs on the highway, save for any significant amendments which shall be referred to the Cabinet.
- (47) In consultation with the Democracy and Governance Portfolio Holder, to approve increases in Hackney Carriage fares.
- (48) To issue, suspend, revoke or refuse hackney carriage and private hire licences under the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and to issue notices exempting private hire vehicles from displaying the private hire vehicle plate under the provision of Section 75(3) of the Act.
- (49) To depart from Standard Private Hire Vehicle Licence Conditions regarding vehicle signage upon grant or renewal of a licence in any individual case where he/she considers it appropriate to do so.

- (50) To determine all applications and decide all other matters in relation to the licensing functions set out in the Scrap Metal Dealers Act 2013 and any amending legislation, save for the hearing of representations in cases involving the refusal, revocation or variation of a licence.
- (51) That the holders of the following posts be authorised to enter land or premises and to carry out any act included in the legislation and subordinate legislation made thereunder and any amendments thereto set out in the:
- Gambling Act 2005
 - Health Act 2006 Part 1 Chapter 1 (insofar as they relate to fixed penalty notices and associated matters pertaining to the smoke free requirements)
 - House to House Collections Act 1939
 - Hypnotism Act 1952
 - Licensing Act 2003
 - Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 - Police, Factories Etc. (Miscellaneous Provisions) Act 1916
 - Public Health Acts 1875 and 1936
 - Scrap Metal Dealers Act 2013
 - Town Police Clauses Acts 1847 and 1889
- | | |
|-----------------|--|
| 50361447 | Licensing Manager |
| 50361451 | Senior Licensing and Local Land Charges Officer |
| 50361449 | Licensing and Local Land Charges Assistant |
| 50361452 | Licensing and Local Land Charges Assistant |
| 50876924 | Licensing and Local Land Charges Assistant |
- (52) To update the use of IT and Social Media Policy as and when required.

Delegation to Head of Planning and Building Services

- (1) To make decisions on all applications, notifications, consultations, negotiations, serving of notices, and other activities carried out under Town and Country Planning legislation, which are delegated to Head of Planning and Building Services, except as follows:-
- (a) Applications which are contrary to the provisions of an approved or draft development plan or other statement of approved planning policy where adverse representations have been received and which is recommended for approval.
 - (b) Applications (excluding notifications and applications under s191 and s192, Town and Country Planning Act 1990) where a Member requests in writing, with reasons and within the Application Publicity Expiry Date, that they be submitted to Committee. A Member can withdraw this request at any time prior to the determination of the application to enable its determination under delegated powers.

- (c) Applications submitted by or on behalf of the Council, or any company in which the Council holds an interest, for its own developments except for the approval of minor developments.
- (d) Applications where the Head of Planning and Building Services recommends refusal of an application solely on the basis of failure to achieve nutrient neutrality where a Ward Member requests in writing, with reasons, within 72 hours of notification of the recommendation for refusal that they be submitted to Committee for determination. A Member can withdraw this request at any time prior to the determination of the application to enable its determination under delegated powers.
- (2) To determine applications (excluding applications for advertisement consent, certificates of lawfulness, listed building consent, and applications resulting from the withdrawal by condition of domestic permitted development rights; Schedule 2, Part 1, Classes B, C, D, E, F, G, and H of the Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended) on which a material planning objection(s) has been received within the Application Publicity Expiry Date and which cannot be resolved by negotiation or through the imposition of conditions and where the officer's recommendation is for approval, following consultation with the Ward Members, the latter having the right to request that the application be reported to Committee for decision.
- (3) To allocate and release Section 106 developer contributions for external projects up to a maximum of £25,000.00 per project, following consultation with the relevant Ward Members, Portfolio Holder and Head of Finance and Revenues.
- (4) That the holders of the following posts, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Head of Planning and Building from time to time, be authorised to enter land or premises and to carry out any act included in the legislation and subordinate legislation made thereunder and any amendments thereto, as set out in the:

Anti-Social Behaviour Act 2003, Part 8
 Environment Act 1995
 Forestry Act 1967
 Planning (Hazardous Substances) Act 1990
 Planning (Listed Building and Conservation Areas) Act 1990
 Town and Country Planning Act 1990

50361136 Head of Planning and Building Services
50361139 Development Manager
50361140 Development Manager
50361200 Principal Planning Officer
50361216 Principal Planning Officer
50361212 Senior Planning Officer
50361213 Senior Planning Officer
50361217 Senior Planning Officer
50361218 Senior Planning Officer
50649303 Senior Planning Officer
50649304 Senior Planning Officer

50361330	Senior Planning Officer
50361204	Planning Officer
50361219	Planning Officer
50361220	Planning Officer
50360949	Planning Officer
50361201	Planning Assistant
50361202	Planning Assistant
50361203	Planning Assistant
50361222	Planning Assistant
50361226	Planning Assistant
50361246	Planning Enforcement Manager
50381163	Enforcement Officer
50361248	Enforcement Officer
50361249	Enforcement Officer
50361250	Enforcement Officer
50361063	Team Leader (Trees)
50361064	Arboricultural Officer
50361065	Arboricultural Officer
50361020	Team Leader (Design and Conservation)
50361022	Conservation Officer
50361066	Senior Landscape Architect
50361067	Landscape Officer

(5) To issue notices pursuant to Sections 171C (Planning Contravention Notices) and 330 (Power to require information as to interests in land) of the Town and Country Planning Act 1990 (as amended).

(6) That the following postholders, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Head of Planning and Building from time to time, be authorised to issue authorisations pursuant to the Regulation of Investigatory Powers Act 2000.

50361139	Development Manager
50361140	Development Manager

(7) To discharge any of the Council's functions pursuant to the Anti-Social Behaviour Act 2003 Part 6 as amended by the Clean Neighbourhoods and Environment Act 2005 insofar as it relates to graffiti and fly posting.

(8) To discharge any of the Council's functions pursuant to the Clean Neighbourhoods and Environment Act 2005 Part 2 insofar as it relates to nuisance parking and Part 4 insofar as it relates to graffiti, fly posting and advertisements.

(9) That the holders of the following posts, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Head of Planning and Building from time to time, be authorised:

- (a) To give fixed penalty notices pursuant to the legislation set out below and any subordinate legislation made thereunder and any amendments thereto.
- (b) To enter land or premises and to carry out any act included in the legislation set out below and any subordinate legislation made thereunto and any amendments thereto.

Anti-social Behaviour Act 2003 Part 6 (insofar as it relates to graffiti and fly posting)

Clean Neighbourhoods and Environment Act 2005 Part 2 (insofar as it relates to nuisance parking) and Part 4 (insofar as it relates to graffiti and fly posting and advertisements).

50361246 Planning Enforcement Manager
50381163 Enforcement Officer
50361248 Enforcement Officer
50361249 Enforcement Officer
50361250 Enforcement Officer

- (10) To approve with or without conditions, or to reject, plans under Building Regulations.
- (11) To serve notices in respect of demolitions and dangerous structures.
- (12) To determine applications for relaxation of Building Regulations and, subject to being satisfied, to issue approval and report thereon to the next meeting of the relevant Development Control Committee.
- (13) To serve notices under Section 25 of the Land Drainage Act 1991.
- (14) To authorise proceedings under Sections 35 and 35A of the Building Act 1984.
- (15) To serve notices in connection with building works requiring either removal or alteration in accordance with Section 36 of the Building Act 1984.
- (16) To appoint consultants to undertake professional services on schemes included in approved capital or revenue estimates.
- (17) To be designated the "Appointing Officer" in accordance with Section 30 of the Party Wall etc. Act 1996.
- (18) In consultation with the Head of Finance and Revenues, to set the levels of charges for building regulation applications.
- (19) That the holders of the following posts, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Head of Planning and Building from time to time, who are qualified in accordance with the legislation are authorised to enter land or premises and to carry out any act included in the Building Act 1984 and the Land Drainage Act 1991 and subordinate legislation made thereunder and any amendments thereto:

50361232 Building Control Manager
50361234 Area Building Control Surveyor
50361235 Area Building Control Surveyor
50361236 Area Building Control Surveyor
50361233 Area Building Control Surveyor
50361237 Area Building Control Surveyor
50361238 Technical Assistant
- (20) That the holders of the following posts, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Head of Planning and

Building from time to time, be authorised to enter land or premises and to carry out any act included in the legislation and subordinate legislation made thereunder and any amendments thereto:

Fire Safety and Safety of Places of Sport Act 1987

Hypnotism Act 1952

Licensing Act 2003

Local Government (Miscellaneous Provisions) Acts 1976 and 1982

Town Police Clauses Acts 1847 and 1889

Public Health Acts 1875 and 1936

50361232 Building Control Manager
50361233 Area Building Control Surveyor
50361234 Area Building Control Surveyor
50361235 Area Building Control Surveyor
50361236 Area Building Control Surveyor
50361237 Area Building Control Surveyor
50361238 Technical Assistant

- (21) To adjust and change charges for pre-application advice should the need arise including taking account of any changes in fee regulations or other legislation and the need for charging not to exceed the cost of service provision.
- (22) To issue updates of the Local Information Requirements Descriptions document as and when appropriate.
- (23) To make decisions on:
- (a) The making of provisional tree preservation orders; and to vary, modify or revoke such orders.
 - (b) The confirmation (with or without modifications) of tree preservation orders where no objections have been received or all objections which may have been received have been withdrawn.
 - (c) Decisions on action to be taken following service of notice on the Council under Section 211 of the Town and Country Planning Act 1990.
 - (d) All related applications, notices and matters under the Town and Country Planning Act 1990 as amended and regulations made thereunder.
 - (e) Matters and activities under relevant sections of the Environment Act 1995 and the Forestry Act 1967 and regulations made thereunder.
 - (f) All notifications, consultations, negotiations, serving of Notices, and other activities under the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations made thereunder.
- (24) To determine what action should be taken, if any, in relation to notices received pursuant to Section 23 Local Government (Miscellaneous Provisions) Act 1976 (power of local authorities to deal with dangerous trees) and to instruct the Head of Legal and Democratic Services to take such steps as he/she (Head of Planning and Building Services) considers appropriate in cases where, in the opinion of the Head of Planning and Building Services, significant public benefit furthering the Council's corporate objectives and priorities would result from such steps.
- (25) That the holders of the following posts, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Head of Planning and

Building from time to time, be authorised to enter land or premises and to carry out any act included in the legislation and subordinate legislation made thereunder and any amendments thereto as set out in the:

Local Government (Miscellaneous Provisions) Act 1976

50361063 **Team Leader (Trees)**
50361064 **Arboricultural Officer**
50361065 **Arboricultural Officer**

- (26) To deal with and determine all complaints and issue any notices in relation to high hedges pursuant to Part 8 of the Anti-Social Behaviour Act 2003.
- (27) To conclude agreements under s106 of the Town and Country Planning Act 1990 in relation to mitigation land within its administrative area required by other local planning authorities as listed below.
- (i) Basingstoke and Deane Borough Council;
 - (ii) BCP (Bournemouth Christchurch Poole) Council;
 - (iii) Dorset Council;
 - (iv) East Hampshire District Council;
 - (v) Eastleigh Borough Council;
 - (vi) New Forest District Council;
 - (vii) New Forest National Park Authority;
 - (viii) South Downs National Park Authority;
 - (ix) Southampton City Council;
 - (x) West Berkshire Council;
 - (xi) Wiltshire Council; and
 - (xii) Winchester City Council.
- (28) To conclude agreements under s106 of the Town and Country Planning Act 1990 in relation to nutrient mitigation land required by the Council outside its administrative area and to exercise monitoring and enforcement functions under s106 where such functions have been properly delegated to the Council by the relevant local authority.
- (29) To conclude agreements under s33 Local Government (Miscellaneous Provisions) Act 1982 and in particular to enter into such agreements in relation to nutrient mitigation land required by the Council outside its administrative area and to exercise monitoring and enforcement functions under s33 in relation to such land.

Delegations to Head of Planning Policy and Economic Development

- (1) That the holders of the following posts, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Chief Executive from

time to time, be authorised to enter land or premises and to carry out any act included in the legislation and subordinate legislation made thereunder and any amendments thereto, as set out in the:

Planning (Listed Building and Conservation Areas) Act 1990
Town and Country Planning Act 1990

50361050 Head of Planning Policy and Economic Development
50361059 Principal Planning Officer (Strategy)
50361056 Principal Planning Officer (Delivery)
50361062 Senior Planning Officer
50361061 Planning Officer
50813751 Planning Officer (Delivery and Neighbourhood Planning)
50895958 Planning Officer (Delivery)

- (2) In consultation with the Finance and Resources Portfolio Holder and the Recycling, Environmental Services and Parking Portfolio Holder, to apply for other Community Transport Schemes to be encompassed within the Concessionary Travel Scheme including Dial-a-Ride Service.
- (3) In respect of Neighbourhood Plans (including proposals for such plans):-
- (a) To determine all matters relevant to the publication, designation and amendment of the Neighbourhood Area pursuant to Part 2 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”);
 - (b) In consultation with the Planning Portfolio Holder, to submit the Local Planning Authority’s pre-submission consultation response;
 - (c) Upon receipt of the draft Neighbourhood Plan, to check the submitted Plan meets the legislative requirements, secure the publication of the Neighbourhood Plan proposal;
 - (d) In consultation with the Planning Portfolio Holder, to submit the Local Planning Authority’s submission consultation response ;
 - (e) Appoint a person to carry out an examination of the Neighbourhood Plan and submit the Plan for examination pursuant to the Regulations;
 - (f) In consultation with the Planning Portfolio Holder, to determine what action to take following receipt of the Examiners Report (including what modifications, if any, are to be made to the Plan and whether to allow the Plan to proceed to a referendum in accordance with the Regulations);
 - (g) To publish the Examiner’s report and the Council’s decision statement in accordance with the Regulations;
 - (h) Where appropriate, to arrange a referendum to consider the Neighbourhood Plan;
 - (i) If approved by the referendum, to make the Neighbourhood Plan, Issue the decision statement and publicise the Neighbourhood Plan in accordance with the Regulations.
- (4) To monitor and review the Council’s commitments under the Climate Local Scheme.
- (5) In consultation with the Finance and Resources Portfolio Holder and the Head of Finance and Revenues, to have authority to issue Business Incentive Grants of £500 to each qualifying persons.

- (6) Day-to-day control and management of Council tourism facilities and associated activities and events provided by the Council.
- (7) In consultation with the Finance and Resources Portfolio Holder, to award grants from the £500,000 Section 106 contribution obtained from the developer of Andover Business Park.

Head of Property and Asset Management Service

- (1) To enter into licences for the assignment of leases and for sub-letting or under letting.*
- (2) To grant consent for the change of use of Council premises where such consent is necessary under the provisions of the lease and appropriate.*
- (3) In consultation with the Head of Finance and Revenues, to authorise the lettings of Council property where the rent does not exceed £150,000 per annum.*
- (4) To authorise rent reviews and renewals of leases.
- (5) To be responsible for all aspects of overall Estate Management in relation to Council-owned properties, including the authorisation of proceedings against Council tenants for rent arrears or any other breach of lease covenants including forfeiture.
- (6) To be responsible for conducting negotiations on the Council's behalf in relation to the sale or acquisition of any property.
- (7) To select tenants for the Walworth Enterprise Centre and to grant them licences to occupy and to terminate their occupations if they do not prove suitable and to manage the Centre including contract cleaning, repairs/maintenance/alteration up to a value laid down by the Council from time to time, and the collection of rent/rate and gas/electricity bills.
- (8) To grant consent for alterations and additions to premises to tenants of Council sites and buildings.*
- (9) To authorise variations to the terms of leases, licences, easements, wayleaves, covenants, acceptance of surrenders and any other legal arrangement where the consideration for the variation does not exceed £50,000.00 per annum or a premium payment of £150,000.00 and where the Council's economic or financial interest is not harmed or disadvantaged.*
- (10) To give approval to applications from firms on the industrial estates to sublet, for periods of 21 years or less, small parts of their sites to electricity suppliers for substation sites to serve the firm's premises.
- (11) To agree the siting of electricity substations and gas governors with the appropriate authorities subject to the usual rent terms and, if necessary, contributions payable either in respect of screening and/or fencing, and to grant the relevant leases.

- (12) To sell sites to electricity suppliers for use as electricity substation sites.
 - (13) To grant wayleaves to statutory undertakers and other third parties over and under land owned by the Council.*
 - (14) To invite and accept tenders and negotiate suitable terms for the temporary use of any suitable area of land for hay crops and arable land and grant suitable short term licences and Farm Business Tenancies.
 - (15) To review mowing, grazing licences, agricultural tenancies and farm business tenancies for further temporary periods.
 - (16) To grant easements in, over or through Council land on terms to be agreed by the officers subject to consultation with other departments where appropriate.*
 - (17) To let market pitches (save those administered by the Head of Community and Leisure) in accordance with the Council's policy, and the administration of markets, including the application process, setting of fees and granting of concessions, and the termination and determination of the conditions to be attached to lettings.
 - (18) To serve Notice to Quit on market stallholders if they are not conforming with the terms of their Agreement.
 - (19) To be the Authorised Market Officer for the purposes of the Food and Environment Act 1985 and any statutory enactment and to be responsible for all aspects of administering markets in Andover.
 - (20) In consultation with the Finance and Resources Portfolio Holder and the Head of Finance and Revenues, to dispose of land where the consideration is £75,000.00 or less.*
 - (21) In consultation with the Finance and Resources Portfolio Holder and the Head of Finance and Revenues, to authorise the acquisition or taking the letting of land and/or premises subject to the purchase price or annual rent per annum not exceeding £75,000.00.
 - (22) To grant licences for temporary/short-term works on Council-owned land.*
 - (23) In consultation with the Head of Finance and Revenues, to approve appropriations between relevant function areas and statutory holding powers, except where public notice of the proposed appropriation is required and objections are received.
- * In the case of delegations (1), (2), (3), (8), (9), (13), (16), (20), and (23) above, any transaction involving the possible installation of one or more telecommunications masts and/or associated ancillary equipment on Council-owned land or buildings shall be referred to the Council's Cabinet for consideration and approval.
- (24) To exercise the powers and duties of the Council under the Landlord and Tenant (Covenants) Act 1995.
 - (25) In consultation with the Head of Legal and Democratic Services, to approve occupation of Council-owned premises by a third party in the absence of completed formal documentation in cases of emergency.

- (26) Subject to the Council's Financial Regulations and Contract Standing Orders, to be responsible for the appointment of external consultants to advise and/or act for the Council in negotiations and/or transactions relating to any of the above matters.
- (27) In consultation with the Head of Planning and Building Services, to give consent to advertise on Council-owned property on such terms as he/she considers appropriate provided there is no cost to the Council and that the Head of Planning and Building Services be consulted before any advertisement is displayed by the Council.
- (28) In consultation with the Head of Community and Leisure Services, to issue licences for temporary buildings.
- (29) To permit the display of banners on Council buildings.
- (30) To let the Crosfield Hall, Romsey; Rendezvous, Andover; Upper Guildhall, Andover; and meeting rooms at Beech Hurst, Andover in accordance with the Council's booking policy.
- (31) In conjunction with the Human Resources Manager, to employ Premises Management staff on appropriate contracts up to a maximum of 2600 hours per annum in the north and 3000 hours per annum in the south.
- (32) To approve monuments and statues on highway land, after appropriate consultations and subject to the approval of the Highway Authority.
- (33) To buy electric, gas and water from the most competitive provider for the sites we own and operate.
- (34) In consultation with a panel of Members (appointed by Council, consisting of 5 Members, with a quorum of 3 Members for each decision), to consider property investments and authorise expenditure from a pre-approved capital budget allocation.
- (35) That the holders of the following posts, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Head of Property and Asset Management Services from time to time, be authorised to enter land or premises and to carry out any act included in the legislation and subordinate legislation made thereunder and any amendments thereto, as set out in the:
 - Planning (Listed Building and Conservation Areas) Act 1990
 - Town and Country Planning Act 1990
 - 50361073 Engineering and Transport Manager**
 - 50361127 Senior Transport Engineer**
 - 50361129 Transport Engineer**
 - 50361130 Transport Engineer**
- (36) To implement transport capital programmes.
- (37) General day-to-day operation of the Transport Services.

- (38) To issue temporary parking permits for a duration of up to 6 months to third parties.
- (39) In consultation with the with the Finance and Resources and the Recycling, Environmental Services, and Car Parks and Strategic Regeneration (South) Portfolio Holders, to issue temporary parking permits for a duration longer than 6 months.
- (40) To install refuse or storage bins in streets under Section 185 of the Highways Act 1980.
- (41) To appoint consultants to undertake professional services on schemes included in approved capital or revenue estimates.
- (42) To select contractors for invitation to tender for approved schemes including those for principal authorities for which the Council acts as an agent in accordance with the Council's or the principal authority's procedures or Standing Orders as appropriate.
- (43) In consultation with the Head of Legal and Democratic Services, to enter into Agreements under Section 278 of the Highways Act 1980 with the Highway Authority to allow Test Valley Borough Council Capital Programme schemes on the Highway to be constructed.
- (44) To operate the Hampshire County Council/Test Valley Borough Council Agency Agreement for the enforcement of parking control.
- (45) To permit the use of car parks during charging hours for events of a charitable or non-profit making nature subject to consultation with the Finance and Resources and Recycling, Environmental Services and Parking Portfolio Holders.
- (46) To permit the use of the car parks outside the charging hours for events of a charitable or non-profit making nature.
- (47) To allow space within a car park to be used for the convenience of the public at large on such terms and conditions as he/she considers appropriate including the making of an appropriate charge and requiring suitable indemnity.
- (48) To negotiate agreements for advertising on car park tickets, ticket machine shelters and bus shelters on terms and conditions as he/she considers appropriate.
- (49) In consultation with the Head of Community and Leisure Services, to set an appropriate maximum duration of stay for non-permit holders using Leisure Centre Car Parks.
- (50) To authorise persons to act as Civil Enforcement Officers (Parking Attendants) under the Traffic Management Act 2004 and Section 63A of the Road Traffic Regulation Act 1984 and to undertake the functions of a Civil Enforcement Officer (Parking Attendant) under the provisions of those Acts together with the Road Traffic Act 1991 and any other enactment and any subordinate legislation made thereunder and amendments thereto.

- (51) To request information as to the identity of a driver of a vehicle where there is an alleged offence committed in relation to an Off Street Parking Places Order or Traffic Regulation Order pursuant to Section 112 of the Road Traffic Regulation Act 1984.
- (52) To instruct enforcement agents in connection with the recovery of unpaid parking debts.
- (53) To make changes to the Parking Enforcement Policy and Guidance in response to changes in legislation or operational procedures.
- (54) To determine Penalty Charge Notice appeals including appeal decisions, resetting of 14 day discount rates and/or removal of surcharges.
- (55) To determine if a penalty charge or parking permit debt is uncollectible and to write off such debts.
- (56) To discharge the functions given under the Traffic Management, Development Management and Capital Schemes Agency Agreement including the making and confirmation as appropriate of temporary and permanent Traffic Regulation Orders.
- (57) In consultation with the Recycling, Environmental Services and Parking Portfolio Holder, to make amendments to Off Street Parking Places orders by the making of a new order or the suspension of an old order in response to changes in legislation, guidance or operational reason other than changes to parking tariffs and maximum stay limits.
- (58) In consultation with the Recycling, Environmental Services and Parking Portfolio Holder, to consider objections to Traffic Regulation Orders and to decide whether the Order, as advertised or with amendments, be made/confirmed.
- (59) In consultation with the Head of Finance and Revenues, to set the levels of charges for Traffic Regulation Orders with the objective of recovering the costs of making the Order.
- (60) To consider and implement the renumbering of houses and the naming and renaming of streets in accordance with the Council's policy.

ITEM 15

Project Enterprise Outturn 2022/23

Report of the Finance and Resources Portfolio Holder

Recommended:

That the outturn position for Project Enterprise investments in 2022/23 be noted.

SUMMARY:

- The Council has a workstream, known as Project Enterprise, that was established to generate income and reduce reliance on external government funding.
- This report summarises the return on investment made during the 2022/23 financial year from Project Enterprise projects and compares the results with the original business case for each project.

1 Introduction

- 1.1 Project Enterprise (PE) is the workstream through which the Council has made property investments to increase its income generation capacity and sustain delivery of frontline services.
- 1.2 On 16 November 2022, Council approved the Medium-Term Financial Strategy (MTFS) for 2023/24-2025/26. This strategy set out that the Council will continue to seek new investment opportunities through Project Enterprise to achieve its objectives.
- 1.3 This report summarises the 2022/23 outturn position of projects completed as part of PE.

2 Background

- 2.1 Since 2014, the Council has invested in a number of projects that have sought to generate additional revenue income. This additional income has been generated by investing the reserves held by the Council in projects that will yield greater returns than the cash investment portfolio.
- 2.2 This report examines the amount of investment that has been made in PE projects and reviews the results achieved by them in 2022/23.
- 2.3 The amount of investment in completed PE acquisitions at 31 March 2023 was £36.833M, of which £7.231M related to projects that were completed in 2022/23.

- 2.4 The performance of PE projects can usefully be compared with the results of the Council's treasury management function. The Treasury Management Review is presented elsewhere on this agenda.
- 2.5 The purpose of this report is to account, in the public domain, for the Council's expenditure insofar as this can be done without breaching commercial confidences or impeding projects which have not yet been completed. These latter considerations necessitate a confidential Annex.
- 2.6 Inevitably, over time, information will move from the confidential Annex into the public report as transactions are completed.

3 Corporate Objectives and Priorities

- 3.1 The MTFs sets out that the Council will continue to seek out new investment opportunities through Project Enterprise, making better use of cash resources to enhance revenue returns.

4 Project Enterprise Investments

- 4.1 The following table shows a summary of the total cost of properties purchased by the Council as part of PE up to 31 March 2023.
- 4.2 Overall rental income figures and returns on investment are included in the Resource Implications section below.

	Total cost £'000
Investment properties held throughout the year	
Sopwith Park, Portway Business Park	912
Imperial Court, Walworth Business Park	696
Plot 88, Walworth Business Park	4,587
Shirley Road, Southampton	5,773
Bitterne Road, Southampton	4,952
Hambridge Lane, Newbury	1,670
Andover Trade Park	6,738
Solar panels at Portway depot	51
Housing purchases / development (14 houses)	2,630
Retail property in Andover	1,338
Redevelopment of seven residential properties in Romsey	255
Sub-Total	29,602
Investment properties completed during the year	
Walworth Business Park development *	7,231
Total expenditure on investment property	36,833

*This represents the total project cost, covering 2020/21 to 2022/23, not just the expenditure incurred in the last financial year.

- 4.3 Further information, including the rental income achieved from each investment and the asset valuations as at 31 March 2023 (which are commercially confidential information) and explanations of movement from the original business cases, are shown in the confidential annex.
- 4.4 In addition to the investments listed above that have been purchased and retained by the Council, two regeneration projects have been completed in previous years and then sold to generate a one-off capital receipt. The details of those transactions are commercially sensitive and are discussed in more detail in the confidential annex.
- 4.5 Net rental income from PE properties held by the Council throughout 2022/23 was £2.235M.
- 4.6 This was £148,000 more than the £2.087M that was forecast in the approved business cases and is expected to grow in future years as rent reviews increase annual turnover. The main reasons for the variance are discussed in the confidential Annex.
- 4.7 The average return on investment achieved in the year was 7.4%.

5 Risk Management

- 5.1 This report is for information purposes, so the Council's Risk management process does not need to be applied.

6 Resource Implications

Capital Reserves

- 6.1 All completed PE property investments have been financed from the Capital Receipts Reserve.
- 6.2 The actual expenditure for PE property acquisitions is now in excess of £36M. To ensure the long-term sustainability of the Capital Receipts Reserve, some of the rental income earned each year is used to repay the reserve.
- 6.3 This is by way of a transfer equivalent to 2% of the capital expenditure, ensuring that the full capital cost is repaid over the life of the investments.
- 6.4 More information on the forecast balance of the Capital Receipts Reserve is included in the Capital Outturn report elsewhere on this agenda. This identifies £3M of approved funding for Project Enterprise projects for 2023/24.

Revenue Implications

- 6.5 The properties purchased above all form part of the corporate property portfolio that is managed by the Property & Asset Management Service.

- 6.6 PE properties generated £2.235M in income at an average return on investment of 7.4%. There were rent arrears relating to four tenants, totalling £53,000, for the 2022/23 financial year at the time of writing this report.
- 6.7 By comparison, the Council's cash investment portfolio generated an average return of 1.86% in the year.
- 6.8 Overall, this equates to an additional income for the Council of £1.68M as a result of the PE investments held throughout the year.
- 6.9 The additional income of £1.68M identified above adds to the £10.38M of additional income that has been generated in previous years through Project Enterprise investments.
- 6.10 This means that Project Enterprise has now generated more than £12M in additional income for the Council than would have been earned had funds been retained as cash balances.

Forecast for 2023/24

- 6.11 The most significant change the coming year will be the introduction on new rental income from the Walworth Business Park once initial incentive periods have ended.
- 6.12 Interest rates have increased steadily over the past year and continue to rise. This will reduce the net benefit of Project Enterprise investments when compared to holding cash balances; however, it is expected that the 2023/24 outturn will report a significant gain when compared to the cash portfolio.

7 Future Investment Opportunities

- 7.1 Project Enterprise has been a combination of developing / enhancing the Council's own property portfolio and making purchases of investment property for a purely commercial return.
- 7.2 Changes to the Prudential Code in December 2021 mean that there are new implications for access to Public Works Loan Board loan financing where a Council has approval in its capital programme for capital expenditure of a primarily investment nature.
- 7.3 This, together with the increased cost of borrowing at the present time, means that any future decisions to approve Project Enterprise investments will need to have regard to the wider capital expenditure plans and potential need for external borrowing. This may be particularly relevant as regeneration projects move towards implementation.
- 7.4 The implications of any decision will be explained more fully when future investments are identified and brought forward for consideration.

8 Conclusion and reasons for recommendation

- 8.1 This report reviews the performance of the investments made under the Project Enterprise programme in the 2022/23 financial year.

Background Papers (Local Government Act 1972 Section 100D)

None

Confidentiality

Report - 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.

Annex - It is considered that the annex to this report contains exempt information within the meaning of paragraph 3 of Schedule 12A of the Local Government Act 1972, as amended. It is further considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information because the information relates to the financial or business affairs of both the Council and third parties.

No of Annexes:	1	File Ref:	N/A
(Portfolio: Finance and Resources) Councillor M Flood			
Officer:	Carl Whatley	Ext:	8540
Report to:	Cabinet	Date:	7 June 2023

ITEM 16

Exclusion of the Public

Recommended:

That, pursuant to Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting for the consideration of the following Annex on the following matters on the grounds that they involve the likely disclosure of exempt information as defined in the following Paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972, as amended, indicated below. The public interest in maintaining the exemption outweighs the public interest in disclosing the information for the reason given below:

Project Enterprise Outturn – Annex to item 15

Paragraph 3

It is considered that this report contains exempt information within the meaning of paragraph 3 of Schedule 12A of the Local Government Act 1972, as amended. It is further considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information because the information relates to the financial or business affairs of both the Council and third parties.